****

**Waltham Conservation Commission**

**February 12, 2015**

**Meeting Minutes**

Meeting called to order at 7:00 p.m.

**Attendees**: Bill Doyle, Gerard Dufromont, Maureen Fowler, Daniel Keleher (7:10 p.m.)

**Prospectus Sign Off**

**Project Location**: 256 Second Avenue

**Applicant**: Atty. Michael Connors

Property located at 256 Second Avenue is vacant land (former MA Association of REALTORS®). Demo permit was sought in 2012. Proposed 100 bedroom Residence Inn by Marriott. Atty. Connors is requesting an affirmative vote approving sign-off of Development Prospectus by Mr. Doyle.

Atty. Keleher: Motion to approve Chairman Doyle’s signing of Development Prospectus. Seconded by Mrs. Fowler. **Motion passed**.

**Demo Permit Sign off**

**Project Location**: 83 Oak Street

Committee confirmed property is not located near water. Chairman Doyle signed the paperwork.

**Demo Permit Sign Off**

**Property Location**: 44 Murray Street

Property is located 2 blocks up from Plympton School, which is in a flood zone, but property is not. Chairman Doyle signed the paperwork.

**Public Meeting**

**Request for Certificate of Compliance:** DEP File Number: 316-660

**Project Location**: 85 Knollwood Drive

Robert Bibbo (Licensed Surveyor): presented pictures and map

Mr. Dufromont: Concerned about clearing of the trees and how far is water from property line? Unable to get out to property as had hoped due to weather.

Mr. Bibbo: Water is more than 100 feet. Unsure, but believes only clearing of some rocks was done, and no livestock trees were taken down.

Atty. Keleher: Motion to issue Certificate of Compliance. Seconded by Mr. Dufromont. **Motion passed**.

**Public Hearing**

**Notice of Intent:** DEP File Number: 316-689

**Applicant:** Robert Farrington

**Project Location**: 976 Lexington Street

**Project Type**: Site improvements

Mr. Farrington: Unable to attend the meeting.

Mrs. Fowler: Motion to hear at next meeting. Seconded by Atty. Keleher. **Motion passed.**

**Public Meeting**

**Request for Determination of Applicability**

**Applicant:** Eric Markarian

**Project Location**: 57 Leitha Drive

**Project Type**: Addition to home

Mr. Markarian (Homeowner): Added on 11 years ago. Would like to add a second story addition as well as a garage. 160+ ft. to stream in back of property.

Atty. Keleher: Right now there is a paved driveway. Is proposed garage going over pavement?

Mr. Markarian: The addition will be developed on partial pavement and grass. 20% is not on pavement.

Mrs. Fowler: Requested homeowner come before board because there was no office staff. Typically, staff can look it up.

Chairman Doyle and Mr. Dufromont: Confirmed where property line is in comparison of the river (175 ft. away).

Mr. Dufromont: Asked about drainage. Mr. Markarian: Drainage was put in when last addition was done.

Chairman Doyle: Does Wetlands Protection Act apply? Committee: Yes.

Mr. Dufromont: Asked if homeowner is putting another top floor house and if there is a septic tank.

Mr. Markarian: Yes, he is adding a second story on existing house. No, there is not a septic tank.

Atty. Keleher: Only concern is drainage.

Chairman Doyle: Wetlands Protection Act does apply. Fee is associated. Not a lot of work. Homeowner can do the work, but 3 -4 finite things need to be done first. Could have been done if staff were here but did what they could due to situation they had. Need to file Notice of Intent. Need to notify the abutters. Present back to committee. Homeowner advised to work with Building Department to get drainage calculations together.

Mrs. Fowler: Motion to issue positive Determination of Applicability. Seconded by Mr. Dufromont.

**Motion passed.**

**Public Meeting**

**Request for Determination of Applicability**

**Applicant**: Lenny Gauvan

**Project Location**: 44 Kingston Road

**Project Type**: Build a 3-season porch on existing deck

Lenny Gauvan (Contractor): Unable to attend the meeting.

Mrs Fowler: Contractor e-mailed plans on 2/3/2015. We need an RDA. Motion to continue public meeting. Seconded by Atty. Keleher. **Motion passed**.

Steve Glowachi (Civil Engineer): Representing Costco at 71 Second Avenue

Mr. Glowachi: proposed project to retrofit existing sites at Costco with gasoline stations (9 stations, 18 pumps). Successful projects in Danvers and Dedham, completed 4 – 5 months ago. Members-only fuel stations. Constructed over pavement. Building built June 1992. Existing order from 1992 that states two main fuel-related conditions: 1 – construction-related condition: no storage of fuel on site; and 2 - cannot have underground storage tanks within 100 ft. buffer. There is a wetland, but no potential for contaminants. There is a natural drainage easement which is draining through the culvert.

Chairman Doyle: Who has privilege to the easement? Can City of Waltham go in and fix the pipe? Cambridge Water Shed needs to understand everything: operation and maintenance of the channel and culvert. It needs to understand how to maintain and fix three pipes. The Goose Pond cured everything to alleviate flooding. Does easement give rights from Costco to the City of Waltham? Need easement language/document. When drainage fails, Goose Pond fails, and we can’t have that fail.

Mr. Glowachi: several years ago, Costco got permit from Building Department to understand what is going on with drainage system. Full video was taken. Sanitary lines were cut back.

Mrs. Fowler: What is old file number? Mr. Glowachi: 316-257. Mrs. Fowler: File is not open anymore, as far as she can tell.

Chairman Doyle: received an e-mail from Lisa in the Engineering Dept. that was forwarded from Dave Kaplan of Cambridge Water Department stating that they couldn’t get into the stream; the channel was filled with snow. Clear violation of Wetlands Protection Act and could cause drainage issues for the town and abutting properties.

Atty. Keleher: Dumping snow is a clear violation of the Wetlands Protection Act.

Mr. Glowachi: Blockages are causing flooding?

Chairman Doyle: If the water elevation here, causes flooding over here (pointing to map).

Mr. Glowachi: Cleaning company jetted out the line. Debris has been cleaned around grate, but they were reluctant to clear out vegetated debris because it is a wetland. Would that be something the Commission would encourage to continue with the project?

Chairman Doyle: We need to look at how it functions, how it acts, and make sure flow keeps going.

Mrs. Fowler: Who owns wetlands located between Costco and hotel?

Chairman Doyle: Nobody knows who can go in there and do anything to it. Cure: Easement throughout full property that gives the City and DPW the ability to maintain the drainage system to respect the wetland and allow drainage to flow properly. Additional drainage issue coming from higher up. Drains open flow. Would be in favor of opening it up to a well thought-out drainage component. Parties involved: City, DPW, Cambridge Water Shed, Costco, hotel. Drainage comes from Duck Pond.

Mr. Dufromont: Has been to Costco in Danvers and they have much more space. Concerned with space at Waltham site and closeness to reservoir.

Mr. Glowachi: Costco uses a specific construction company (Graham) that has a very good understanding of how to do this. Costco has bird bath drainage system to shut off drainage. Costco takes their fuel safety beyond serious. Semi that fuels the station would pull in through the exit of the hotel during off-hours of hotel functions, but would have signage to make it no connection to hotel.

Mr. Dufromont: There would be no additional entrances or exits? When Costco was approved, X amount of parking spaces were approved. Will this impact the proposed project?

Mr. Glowachi: Studies have been done on parking and traffic. Gas station can be accommodated.

Chairman Doyle: Two paths to take; 1 - get variance and get rid of parking; or 2- create deal to do the swinging of the peaks (peak times for Costco and hotel).

Mr. Glowachi: Costco is last to want deficient parking issues.

Chairman Doyle: Clarifying – you came to get the commission’s opinion on the development of a gas station?

Mr. Glowachi: Yes, and I want an understanding of Condition #43 which states no storage of petroleum products shall be allowed on site at any time. One previous condition that should survive perpetuity is no underground storage within 100 ft. of the wetland. Means to him that there should be no underground fuel storage during construction.

Mrs. Fowler: I said “Don’t bother coming because we don’t have staff because we can’t look at the paperwork”. I’m not going to comment on conditions from 20 years ago.

Chairman Doyle: This is related to fuel-storage permit. You can’t park cars under Costco without permit. It is *not* just for construction.

Atty. Keleher: Condition #34 - You’re telling me this is more than 100 ft. outside a buffer zone? Doesn’t seem debatable to me.

Mr. Glowachi: It’s better than 200 ft. past the buffer zone. Costco wants to move forward and make a deal with the hotel. Costco’s legal team may see a condition that there is no fuel.

Chairman Doyle: That was a condition for compliance of previous work. New work is to install underground fuel tanks. This is a new job that needs by-laws or ordinances to be looked at.

Atty. Keleher: If we review this, and concluded it prohibited anything, we can revisit it.

Chairman Doyle: Put together a submission. Include all the paperwork you have on it. Give Commission a month to review it. Mr. Glowachi should contact Dave Kaplan at Cambridge Water. There is nothing in our ordinance, by-laws or Wetlands Protection Act that prohibits the request. I consider this a new project and it will be issued a new Order of Conditions.

Mrs. Fowler: We are allowed to start from scratch.

Chairman Doyle: We need a high level of understanding of the drainage system. There are potential problems on property. Need to come up with a plan to fix them.

**Commission Business**

* Approval of meeting minutes 1/8/2015 – Daniel Keleher took minutes at this meeting and needs to finalize.

**Correspondence**

Mrs. Fowler: Now that we have a new staff person, these documents can be pulled. Julie needs to read through e-mails and process requests.

* Document request for 260 Lexington Street
* Document request for 1265 Main Street
* Document request for 160-200 Smith Street
* Invoice from MACC – need to pay. Julie to handle
* Report received regarding Lakes District water chestnut harvesting

**Old Business**

**Maureen Fowler** – no updates

**Jerry Dufromont** – Beaver St. update: National Grid is in process of abandoning their pipe at Beaver St. bridge. Should be completed by end of next week. Prerequisite to Culvert project. Culvert work can then begin. 4 ft. of snow is there and water level is high. Original installation date was March 15th. Looking for a delay due to water pressure it’s at right now. Culvert installation will be at least end of March/mid-April.

Chairman Doyle: Should not do stream work at high tide of the stream.

Mr. Dufromont: Will meet with Steve once National Grid completes their work.

Chairman Doyle: We should write a letter now. Advise that water will be too high in March. Need to put in motion now so that Commission doesn’t stop project when it’s about to start (due to water level). Mr. Dufromont will draft a letter, send it to Julie, and Julie types it up and puts it on letterhead.

**Daniel Keleher** – no updates

**Bill Doyle**

Mrs. Fowler: 3 new potential Conservation Commission Committee members are going in front of City Council on Monday for approval. If approved, need to order new iPads. Confirmed that there is 1 additional iPad in Conservation Office. Julie to order 2 new ones before meeting on 2/26.

Clerk position status – Julie Toole has been hired.

**New Business**

Mrs. Fowler: Julie to order 2 new iPads and set up them (plus spare in office). Fix Drop Box.

Snow dumping. City wants to dump snow in river in Waltham *with Conservation permission*. City is dumping snow in wetlands protection areas (at MacArthur School).

Mrs. Fowler: City should know better. Mr. Dufromont: Did the city receive permission? Mrs. Fowler: No, they did not.

Chairman Doyle: DPW needs to consult with Conservation Commission before dumping. We know that it’s happening. Need to write a letter (not a violation) to DPW director that it is a violation to dump snow without Conservation Commission’s approval. Could even be put in an e-mail, with a cc to the mayor.

Mrs. Fowler: Motion to adjourn. Seconded by Mr. Dufromont.

**Meeting adjourned at 8:25 p.m.**