



Waltham Conservation Commission
May 12, 2016
Meeting Minutes

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

Attendees: Chairman Bill Doyle, Brad Baker, Gerard Dufromont, Maureen Fowler, Daniel Keleher, Co-Chairman Philip Moser (7:01 p.m.), Tali Gill-Austern (7:03 p.m.)

Informal Discussion (Continued from 4-28-2016)

- 88 Hardy Pond Road

Atty. Joseph Connors represented the property owner, Te Te Li. Atty. Connors handed out pictures of the retaining wall on the property from when the house was for sale in 2011, prior to the purchase by the current owner. The wall looks the same now as in the pictures from 2011.

Mr. Moser noted there were four items of concern: 1) the fence; 2) the pipe that looks like it's from a sump pump from the basement; 3) the dock; and 4) the wall. He stated that all of those were there in 2011 and all are there now. There would be potential violations if the Commission knew they were built after the Wetlands Protection Act, but the Commission doesn't know when they were built. Mr. Doyle suggested that Atty. Connors look into filing a MGL, Chapter 91 for a permit for the dock. Mr. Baker asked if the fence is 6 inches above the ground. Atty. Connors replied that it isn't. Mr. Gill-Austern recommended not enforcing the height requirement for the fence, otherwise the commission will need to enforce it for all of Hardy Pond. Mr. Dufromont asked if Mr. Li uses the dock and he does. Mr. Moser asked that no additional materials be added around the waterfront (i.e., stones or cement). Mr. Dufromont asked if the fence can be raised 6 inches. Mr. Gill-Austern moves to not make that request. The Commission contacted the homeowner for a specific potential violation (retaining wall). The Commission should not add to it. Mr. Dufromont noted that usually when they go on a site visit, it is the Commission's opportunity to find other problems. He doesn't feel it is asking too much to lift the fence. Mr. Moser pointed out that the Commission does not have the authority to change any of those unless information arose that they were installed after the Wetlands Protection Act went into effect. Mr. Doyle stated that there is no specific regulation in the City of Waltham or in the Wetlands Protection Act that states that the fence must be 6 inches above the ground. It is a request, not a regulation. He feels the fence is grandfathered in.

Public Meeting (Continued from 4-28-2016)

Request for Determination of Applicability

Applicant: Vincent Mula

Property Location: 7 Forester Road (aka 0 Old County Road)

Project Type: Construction of a single family home.

Bob Bibbo represented the applicant. They filed an NOI with the Town of Lincoln, because the wetlands are located in Lincoln. The town line goes through the property. The house, onsite septic system and all of the drainage will be in Waltham, away from the Bordering Vegetated Wetlands. There will be monuments installed with a "Do not cross" line. No activity will be in that area. Lincoln's ConCom director contacted Waltham's ConCom office to state that they expect to issue an Order of Conditions next week. Lincoln does a site view before the meeting and they approved everything except for taking down some of the trees. Mr. Doyle noted that the Wetlands Protection Act is applicable. Mr. Keleher asked Mrs. Fowler to read Item #3 on the Determination of Applicability form.

Motion made by Mr. Keleher to issue a negative Determination of Applicability based on Item #3 with the condition that the applicant files a Notice of Intent with the Town of Lincoln, and that they comply with any conditions that the Town of Lincoln imposes on them. Motion seconded by Mr. Moser. Discussion of the motion made by Mr. Doyle: He asked that Waltham's ConCom receive a copy of the Order of Conditions issued by the Town of Lincoln. **Motion passed.**

Approved 5-26-2016

Public Meeting

Request for Insignificant Change

Applicant: Second Avenue Hotel, LLC

Property Location: 230, 244, and 256 Second Avenue

Project Type: Construction of a 190 room hotel with parking lot.

Paul Finger represented the applicant. After he appeared before the Commission a couple of months ago, the Building Inspector had questions re: the setbacks that were originally approved for the structure. The Building Inspector reversed his decision. Mr. Finger handed out a revised sketch. The red line shows what was originally approved. Mr. Finger is requesting an Insignificant Change because they are moving the building further from the wetlands, creating more open space, and not increasing any encroachments.

The building has shifted to the south and further to the west. All utilities and drainage remain the same.

Motion made by Mr. Keleher to find the change insignificant. Motion seconded by Mr. Dufromont. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: City of Waltham

Property Location: Falzone Field, 901 Trapelo Road

Project Type: Installation of a Rectangular Rapid Flashing Beacon (RRFB) pedestrian crosswalk light and 12' of PVC conduit.

Tim Kelly, City of Waltham, stated that the city would like to install a 12" deep trench along the sidewalk, all on city property. The city has an agreement with Our Lady's Parish which allows cars for Falzone Field to park in the church's parking lot, and Our Lady's Academy is allowed to use the soccer fields at Falzone.

Mr. Doyle noted that the major excavation will be the 6' deep hole for the crosswalk pole and that the work will be done by noontime.

Mrs. Fowler would like plans, rather than just photographs. Mr. Keleher and Mr. Gill-Austern are satisfied with the pictures. Mr. Gill-Austern noted that due to the guardrail there will be no encroachment of the wetlands. Mr. Doyle asked for a plan view on GIS where the crosswalk comes across as well as the two handicap ramps. Mr. Moser asked if the trench will go onto the sidewalk or if the dirt will be placed off to the side. Mr. Kelly replied that all of the excavation will go onto the sidewalk.

Motion made by Mr. Keleher to issue a negative Determination of Applicability on the basis that the work is under Wetlands Protection Act jurisdiction but that the impact will be negligible, as long as the following conditions are met:

- 1) Provide a plan before the work begins, and an as-built plan after the work is done;
- 2) Install a silt sock along the edge;
- 3) Notify the Commission before construction;
- 4) Backfill the trench the same day.

Motion seconded by Mr. Baker. **Motion passed.**

Public Hearing (Continued from 4-28-2016)

Notice of Intent: DEP File # 316-0714

Applicant: MMS Winter Street, LLC (Massachusetts Medical Society)

Property Location: 860 Winter Street

Project Type: Construction of a new surface parking area.

Scott Doty, John Crowe Associates, represented the applicant. They have provided the Cambridge Water Department and the Conservation Commission with their phosphorus calculations. Mr. Doyle asked about the process for stabilizing the slope. Mr. Doty stated that the entire area will have erosion control fencing which will be backed with staked straw bales. The site was constructed from excess materials from Polaroid's original development. The fill will consist of extra rock-blasting material and miscellaneous till soils. In order to construct the parking lot, they need to bring in good, drainable material and place it on top to build up the fill to ensure they have good, stabilized swale and pavement conditions so they don't have deterioration over the years.

Mr. Doyle noted from the site visit that there are a lot of pot holes where the soil has settled. It is being looked at and treated by a specialist.

Mr. Doty pointed out that there are two other programmatic items on the ball field plateau: one is an existing organic gardening area that employees utilize to grow vegetables and the materials that are grown are donated to a shelter in Waltham. The other program is a daycare playground for employees' children.

Mr. Dufromont noted that the wetlands are at the bottom of the hill and is quite an incline before one reaches the wetlands. He asked if Mr. Doty found out what the pipe was that was discovered during the site visit. Mr. Doty stated it was leftover from the old irrigation system. He said they will most likely leave it there. They plan to cut it at grade and cap it. Mr. Doyle noted from the site visit that there is a vast amount of invasives. He would like to have the applicant remove the invasives up to the fence line and around the significant trees just past the fence line. He would also like to give the applicant the opportunity within this Notice of Intent to go down the slope beyond the riprap to remove those invasives.

Mrs. Fowler asked about the ball field which they want to turn into the parking lot. Mr. Dufromont stated it was an old lot that was used by the former Polaroid employees. It is part of their property and they can do what they want with it. Mrs. Fowler stated that she still has opposition to taking earth and turning it into a parking lot.

There were no comments from the public.

Motion made by Mr. Gill-Austern to close the public hearing, seconded by Mr. Dufromont. **Motion passed.**

Motion made by Mr. Keleher to issue an Order of Conditions with the following special conditions: 1) Applicant is granted permission to go outside the work zone to manually manage invasives. 2) The O&M plan will incorporate phosphorus-free fertilizer in the buffer zone. Motion seconded by Mr. Moser. **Motion passed.**

Public Hearing

Notice of Intent: DEP File # 316-0715

Applicant: City of Waltham

Property Location: 203 Prospect Street

Project Type: Expansion of Mt. Feake Cemetery.

Stewart LaCrosse, City of Waltham, introduced Arsen Hambardzumian who explained the proposed expansion of 8 ½ acres of Mt. Feake Cemetery. There is a 50 ft. buffer, 100 ft. inner riparian zone, and 200 ft. outer riparian zone. They will remove most of the vegetation, but plan to leave two pine trees. They will construct an access road and provide erosion controls. They are proposing to increase the drain line from 12 inches to 18 inches. The pipe outlets to a swale leading to the river. Mr. Doyle asked where the water goes now from the site. Mr. Hambardzumian stated that half the site comes down off the entrance with a slight swale to a catch basin, then outlets from the northeast corner of the site. The rest of the water sheet flows into the river. The only difference is they added a detention area. They are adding a road which connects all of the access roads. There is no work proposed within the 50 ft. buffer.

They plan on screening the top six feet of soil so that it eliminates the operational end of things for the city. When they dig on the site, they screen it, then put back the soil. They will be prescreening the entire site. Mr. Doyle clarified that they are raising the entire area (8 acres) six feet down rather than doing it piecemeal. Mr. Gill-Austern asked where they will store the soil during excavation. It will be placed beyond the 200 ft. outer riparian zone then put back after it has been screened. There will be three covered bins for storage for additional sand and materials. Mr. Dufromont asked what would be stored there. Mr. LaCrosse stated it would be soil and loam. Mr. Hambardzumian noted that the planting plan includes street trees and plants to break up the space. There will be some plantings nearby, but not within the 50 ft. buffer. Mrs. Fowler asked where they put the snow. Mr. LaCrosse replied that it goes off to the side of the road; they don't stockpile it. Mrs. Fowler asked if they have an O & M Plan for the entire cemetery. Mr. Hambardzumian will send the Commission a copy of it.

There were no comments from the public.

Mr. Moser noted that there is a bald eagle nest at the cemetery and they are endangered in MA. Charlie Bastarache, Assistant Superintendent of Mt. Feake Cemetery, stated that he knows where the nest is and that it's not near the proposed construction.

Mr. Moser asked about the expansion of the pipe. He wanted to know if it meant that there will be more stormwater leaving the site than there is currently. Mr. Hambardzumian replied that the two nearby catch basins both flood (they pull up and create pressure). With the larger pipe, they are trying to keep all of the flooding within grate so that it doesn't overflow. The volume is reduced.

Mr. Moser asked if there is any precedent for burial plots in the riparian zone and does it affect the permeability of the soil. Is there any risk of contaminants getting into the groundwater or the river? Mr. Bastarache stated that there is a law now that whenever there is a burial at any cemetery a cement liner must be placed in the ground first. There is no way of anything leaking out. Mr. Moser asked about the spacing between the plots. Mr. Hambardzumian stated that there is ½ foot wide spacing. Mr. Moser asked if any of the plots are in the flood zone. Mr. Hambardzumian replied that none are. A site visit has been scheduled for Wed., May 18th at 8:00 a.m.

Motion made by Mr. Dufromont to continue until the next meeting, seconded by Mrs. Fowler. **Motion passed.**

Commission Business

- Motion made by Mrs. Fowler to approve the meeting minutes from 4-14-2016, seconded by Mr. Moser.
Motion passed.
- Motion made by Mrs. Fowler to approve the meeting minutes from 4-28-2016, seconded by Mr. Dufromont.
Motion passed.

Mr. Keleher left the meeting at 8:40 p.m.

Correspondence

- Ecology research at the Storer Estate: The Commission approved the request. They would like to ask that the researcher put up a sign stating that the Conservation Commission has approved the research, and that he list his contact information.

Old Business

Mr. Doyle

- No updates

Mr. Baker

- Signage: Mr. Baker stated that he was told that the Commission needs to spend the money this fiscal year on the signs for the walking trails in the city. Mr. Doyle noted that Mr. Dufromont is working on it.

Mr. Dufromont

- No updates

Mrs. Fowler

- No updates

Mr. Gill-Austern

- No updates

Mr. Keleher

- No updates

Mr. Moser

- Mr. Moser requested that the first four items on his list be removed as the items have been resolved.

Motion made by Mrs. Fowler to adjourn, seconded by Mr. Dufromont. **Motion passed.**

Motion adjourned at 8:47 p.m.