



Waltham Conservation Commission
June 9, 2016
Meeting Minutes

Meeting called to order at 7:02 p.m.

Attendees: Chairman Bill Doyle, Vice Chairman Philip Moser, Brad Baker, Gerard Dufromont, Tali Gill-Austern, Daniel Keleher, Maureen Fowler (arrived at 7:38 p.m.)

Informal Discussion

- Waltham Public Library: Story Walk

Maureen McEaney, Waltham Public Library, stated that pages from the book Mowgli's Rainy Day have been blown up and will be placed on oak stakes around Paine Estate. Parents can go on walks with their children and read the book. The program will run from the end of June through the end of August. Once the program ends, the signs will be taken down. A vote was taken for those in favor for the activity to occur and all Commission members were in favor.

Motion passed.

Informal Discussion

- 1106 Trapelo Road

Pery Huam represented the applicant. They received a letter from the Commission re: work done on the outside of their house near the wetlands without Commission approval. They are planning on putting an addition on the house. A survey has been completed by Bibbo Brothers. They loamed the yard outside the 100 ft. buffer. Mr. Moser asked if this is the house with a gravel parking lot in the backyard. Mr. Huam replied that it is and that they are working on the backyard to turn it into grass and to fix the drainage so that the water no longer goes into the street. The water was going towards his neighbor's house, but after they put down the gravel, the water no longer drains to the neighbor, and instead it sinks into the ground. Mr. Moser stated that it was reported to the Commission that it appeared like the backyard had been filled in. Also, an aerial photo from a few years ago show that the whole back yard had a lot of trees and now they are gone. Mr. Pham stated that one of the trees was rotted and fell onto a second tree, which almost hit the house. They decided to clean up the backyard to get rid of the old trees. The property sits on solid rock, therefore the tree roots aren't very deep or stable. Mr. Doyle noted that the addition they are putting on the house will need to come before the Commission. He would suggest the owners talk with Bibbo Brothers to determine what steps they need to take to go through the permitting process. Mr. Doyle asked the Commission if there is a hazard. Mr. Moser doesn't feel it is an immediate concern. The property owners need to talk with their consultant to address the concerns the Commission has raised.

Public Hearing (Continued from 5-26-2016)

Notice of Intent: DEP File # 316-0715

Applicant: City of Waltham

Property Location: 203 Prospect Street

Project Type: Expansion of Mt. Feake Cemetery.

Arsen Hambardzumian represented the applicant. At the site visit, the main area of concern was in the wooded southeast corner of the project near the wetlands. They are planning on putting in a road where the trees are. They would like to keep the plots on the other side of the road. There are several large oaks that should be preserved. This will eliminate a total of 94 plots out of the proposed 2400. They will be planting several trees along the perimeter per the Commission's request. Mr. Dufromont asked about the area for the people who are cremated. Mr. Hambardzumian stated that they removed that area. Stew LaCrosse had the City's tree warden look at the trees on site. The tree warden recommended picking some small trees to save them, and work around them. There are ~20 trees they could save in that area. They are not looking to clear cut land, they are trying to provide a need for the city that is very necessary. They will be planting ~100 trees overall.

Approved 6-23-2016

Mr. Doyle recapped: There will be the development of roads, and augmenting of the soils to clean them up so they are excavatable in the future. The Wetlands Protection Act states there is to be no adverse impacts within the 200 ft. buffer zone (i.e., no stormwater runoff affecting the river).

Mr. Moser feels that the naturally forested part of the riverbank does contribute value to the resource area in terms of the trees stabilizing the soil, as well as wildlife habitat.

The Commission worked out at compromise of disturbed area with the Applicant.

Mr. Doyle opened up comments from the public. There were none.

Mr. Keleher asked if they could eliminate one of the roads. Mr. LaCrosse stated that they need to keep that road to help with the flow during a funeral. Mr. Gill-Austern noted that it was discussed at the site visit and they agreed it won't work.

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

Motion made by Mr. Gill-Austern to issue a positive Order of Conditions, with the special condition that a new plan will be drawn up indicating the agreed-upon changes. Motion seconded by Mr. Dufromont. **Motion passed.**

Mrs. Fowler arrived at the meeting (7:38 p.m.).

Public Hearing (Continued from 5-26-2016)

Notice of Intent: DEP File # 316-0716

Applicant: Bentley University

Property Location: 400 Beaver Street

Project Type: Construction of a 48,200 sq. ft. arena.

Mr. Doyle and Mr. Moser recused themselves due to potential conflicts of interest.

Mr. Gill-Austern noted that they want to issue the Commission's updated Order of Conditions, but they are not finished. Stephen Garvin represented the applicant. He stated that he would like to provide updated plans showing where the plaza becomes pervious pavement, landscape plans illustrating the wetlands plantings recommended by their wetlands scientist, and Bentley's plan to stockpile the snow in an area outside the buffer zone.

Mr. Keleher wanted to know what type of windows will be used in the arena that will overlook the pond. Eric Hubert, CSL Consulting, noted that it's not recommended to use too much glass in a hockey arena in the concourse. They do have windows in the non-arena area, but not very many and they do not look over the wetlands.

Mrs. Fowler asked if they are recreating the tennis courts that will be taken down for the arena. Mr. Shepardson stated that they will be placed somewhere else on campus, but the location hasn't been decided on yet.

Mrs. Fowler also asked how they will cross over to the athletic facility from the parking lot. Mr. Shepardson said there is an existing walkway which will prevent pedestrians from cutting through the grass.

Mrs. Fowler opened up comments from the public.

Councilor George Darcy noted that the stream that runs through the property is a perennial stream. It is a state-protected area. He asked that the existing protected areas in the inner riparian zone be protected as they are.

Mr. Garvin noted that prior to the NOI filing, there was an ANRAD filing that received an ORAD from the Commission. It was determined that the area is not riverfront.

Mr. Darcy noted that the DEP representative who issued the superseding Order of Conditions is Rachel Freed.

Mr. Gill-Austern noted that when he was on site for the ANRAD, he did not realize there was an existing perennial stream.

Mr. Dufromont asked Julie to contact Rachel Freed to see if there have been changes to area.

Mr. Garvin stated that an ANRAD was filed and DEP did not appeal it. This NOI filing is based on the ANRAD findings.

Mr. Darcy noted that Bentley had appealed the Conservation Commission's decision, that it was not a perennial stream. DEP ruled in the Commission's favor. He would like to ask the Commission to wait one more meeting before issuing an Order of Conditions to research if the river is still deemed a perennial stream or not.

Mr. Garvin stated that from a flooding perspective, they took an extremely large area of the plaza and turned it from concrete to a pervious paver and did not change the infrastructure. In addition to meeting the standards previously, there will be less water that will end up in the stormwater management system.

Mrs. Fowler noted that the arena is going on top of the already paved tennis courts, with a small amount of increased pavement.

Motion made by Mr. Keleher to continue to the next meeting, seconded by Mr. Gill-Austern. **Motion passed.**

Mr. Doyle and Mr. Moser returned to the meeting.

Public Meeting

Request for Determination of Applicability

Applicant: City of Waltham

Property Location: Bear Hill Road & Second Avenue Right-of-Way

Project Type: Water main replacement.

Steve Casazza, City Engineer, stated that they are proposing an 8,000 ft. water main project. They want to replace the existing pipe with a bigger one.

Sue Harrington, GCG Associates, represented the City of Waltham. There will be two phases: Phase I is Bear Hill Road from Main Street to Second Avenue (being done at the end of the summer and fall), and Phase II is from the intersection of Bear Hill Road north to Winter Street (which will be completed next spring). Phase II has six identified wetlands resource areas, which all are outside of the right-of-way.

They plan to use straw wattles and catch basin silt sacks as erosion controls. All of the work is in the roadway right-of-way. The existing pipe is a 10 in. cast iron and they want to upgrade to a 12 in. ductile iron. Mr. Keleher asked if the work is also in the roadway. Ms. Harrington confirmed that it is.

Mr. Doyle noted this project falls under a limited project and is a maintenance plan. He noted that they may hit ground water and there may be a need for dewatering.

Ms. Harrington stated that they notified the Cambridge Water Shed of the proposed project and CWD imposed two conditions: 1) There will be daily street sweeping; 2) dechlorination will take place before discharging after chlorinating and cleaning the pipes. Mr. Doyle asked that they provide the Commission with a copy of the letter, and to show how they are following those conditions throughout the course of the project.

Mr. Keleher asked to what extent is the roadway curbed. Mr. Casazza noted it is mostly vertical granite curbing, which will be replaced with a lateral in the areas that are disturbed.

Mr. Dufromont would like wattles put wherever there is water on that road because that area does flood.

Mr. Moser asked if they plan on staking the straw wattles. Ms. Harrington noted that they do not attach it to the pavement. They would stake it into the ground closer to the resource area, behind the back of the sidewalk.

Motion made by Mr. Moser to issue a negative Determination of Applicability with the three conditions as discussed, seconded by Mr. Dufromont. **Motion passed.**

Public Meeting

Request for Partial Certificate of Compliance: DEP File # 316-0653

Applicant: Boston Properties

Property Location: 470, 484, and 504 Totten Pond Road

Phil Moser recused himself due to a potential conflict of interest.

Giuliana DiMambro represented the applicant. They have completed Phase I which is the building at 500 Totten Pond Road and the first piece of the garage. They have done all of the stormwater and infrastructure improvements that were required. They would like to request a partial Certificate of Compliance so they can receive their Certificate of Occupancy for the Phase I project. Phase II will be started sometime in the future, and they will apply for a full Certificate of Compliance once it is completed. There is one area of invasives that they agreed to clean up. They received permission from the property owner (460 Totten Pond Road) last week and will start that soon.

Chris Lovett, VHB, explained the work that was done. The extension to the parking garage will be completed once the second building goes up.

Motion made by Mr. Gill-Austern to issue a partial Certificate of Compliance for the main building (Building A: 500 Totten Pond Road) and the parking garage (494 Totten Pond Road) as it is today, seconded by Mr. Dufromont. **Motion passed.**

Mr. Moser returned to the meeting.

Public Meeting

Order of Conditions Extension Request: DEP File # 316-0565

Applicant: Peter Basile

Property Location: 61 Crescent Street

Atty. Philip McCourt represented the applicant. This is an older Order of Conditions granted by the Commission, but is subject to DCR's input. The current order is extended until August 2016, but they would like to extend it for another two years. It's an existing 14-unit building which was built in 1967. There is a wall in the rear along the river that is deteriorating. They hope to stage the wall so there is some landscaping, with DCR's approval.

Motion made by Mr. Gill-Austern to issue a two-year extension, seconded by Mr. Baker. **Motion passed.**

Public Meeting

Request for Certificate of Compliance: DEP File # 316-0525

Applicant: Bruce and Diane Milman

Property Location: 16 Hardy Pond Road

Atty. David Lebwith represented the applicant. The Order of Conditions was issued for a new garage, but the work was never done.

Motion made by Mr. Dufromont to issue a Certificate of Compliance indicating this is an Invalid Order of Conditions because the work never commenced. Motion seconded by Mr. Keleher. **Motion passed.**

Public Meeting

Request for Certificate of Compliance: DEP File # 316-0449

Applicant: John Dunton

Property Location: 796 Beaver Street

Bob Bibbo, Bibbo Brothers, represented the applicant. Work has been completed for an addition to the house as well as work on the backyard. He is requesting a Certificate of Compliance for the project.

A site visit has been scheduled for Wednesday, June 15th at 8:00 a.m.

Motion made by Mr. Moser to continue to the next meeting, seconded by Mr. Dufromont. **Motion passed.**

Public Meeting

Request for Certificate of Compliance: DEP File # 316-0699

Applicant: Eric and Salpi Markarian

Property Location: 57 Leitha Drive

Bob Bibbo, Bibbo Brothers, represented the applicants. A second-story addition and one-car garage were added to the existing house. He is requesting a Certificate of Compliance for the project.

A site visit has been scheduled for Wednesday, June 15th at 8:30 a.m.

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

Commission Business

- The Commission recognized that tonight's meeting was commission member, Maureen Fowler's final Conservation meeting. She has retired from the commission after nine years of service.
- Motion made by Mr. Gill-Austern to approve the meeting minutes from 5-26-2016, seconded by Mrs. Fowler. **Motion passed.**
- **Election of Officers:**
Mr. Keleher was nominated by Mr. Gill-Austern as Secretary, seconded by Mr. Moser.
Mr. Doyle was nominated as Chairman by Mr. Moser, seconded by Mr. Gill-Austern.
Mr. Moser was nominated as Vice-Chairman by Mrs. Fowler, seconded by Mr. Gill-Austern.
Nominations were closed. Motion made by Mrs. Fowler to have the slate of officers appointed for the next calendar year. Motion seconded by Mr. Dufromont. **Motion passed.**
Mr. Dufromont was nominated as the representative to the CPC by Mr. Moser, seconded by Mr. Keleher.
Nominations were closed. **Motion passed.**

Motion made by Mrs. Fowler to take the Trust Fund meeting out of order, seconded by Mr. Baker. **Motion passed.**

Roll call for Trust Fund Meeting: William Doyle, Brad Baker, Gerard Dufromont, Maureen Fowler, Tali Gill-Austern, Daniel Keleher, Philip Moser. All were present.

Mr. Dufromont stated that there are two Trust Funds for the Conservation Commission. One fund is an expendable account, which has \$40,681. It requires City Council and the Treasurer's approval to spend money from it. The other fund is a non-expendable account, which has \$36,383. It needs to be spent on the purchase of conservation land. City Council put the money in this fund. The Commission also has \$10,000 set aside for capital improvement. It can be used to hire a land surveyor at Paine Estate.

Motion made by Mrs. Fowler to close the Trust Fund meeting, seconded by Mr. Gill-Austern. **Motion passed.**

Correspondence

- **88 Hardy Pond Road:** Atty. Joseph M. Connors, Jr. sent a letter to the Commission stating that his client, Te Te Li, understands that he needs to come before the Commission prior to having any work done on his lot, and that Atty. Connors will be reviewing the MGL requirements for having a pier on his client's property.
- **511 Lexington Street:** A complaint was sent to the Commission re: trash blowing into the Chester Brook from this property. Mr. Baker will drive by the property and report back at the next meeting.
- **Clark's Pond:** Mayor McCarthy asked for information re: the open Order of Conditions on this property. Julie and Mr. Doyle will put together information for the mayor.
- **Garden Crest:** A complaint was sent to the Commission re: pipes leading into Lyman Pond from their property. Julie will contact their management company and ask them for information.
- **Lazzero Playground:** Sandra Tomasello responded to the Commission's letter asking her to attend this meeting to discuss invasives growing on the property that haven't been removed as requested in the OOC (DEP File # 316-0635), plus the issue of clay being dumped in the buffer zone to the resource areas adjacent to Hardy Pond. Ms. Tomasello was unable to attend tonight's meeting but she is following-up with CPW Director, Mike Chiasson.
- **99 Linden Street:** An e-mail was received from the residents at 99 – 109 Linden Street. They would like to oppose the construction of a new Public Storage facility at 96 Linden Street. They wanted to make the Commission aware of this and asked that their e-mail be forwarded to City Council.
- **Conservation Commission t-shirts:** New t-shirts purchased by the Commission cannot use the City of Waltham seal.

Motion made by Mr. Keleher to suspend Commission business until the next meeting, seconded by Mr. Gill Austern. **Motion passed.**

Meeting adjourned at 9:15 p.m.