



**Waltham Conservation Commission
August 17, 2017
Meeting Minutes**

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

Attendees: Chairman Bill Doyle, Vice Chairman Philip Moser, Brad Baker, Mike Donovan, Gerard Dufromont
Absent: Tali Gill-Austern

Public Meeting (Continued from 7-20-2017)
Request for Certificate of Compliance (DEP File # 316-0689)
Applicant: Robert Farrington/Windsor Village at Waltham Co.
Property Location: 976 Lexington Street

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

Public Meeting (Continued from 7-20-2017)
Request for Determination of Applicability
Applicant: Helen Spillert
Property Location: 56 Mallard Way
Project Description: Removal of tree.

Alan Spillert represented his mother. At the site visit a few weeks ago, the commission members suggested the tree in question be pruned, rather than cut down. Mr. Spillert would like to take the whole tree down since it is rotting at the base. The stump would remain in place. They also discussed the removal of three small Norway maples and trimming of a couple of large trees that are on the left side of the backyard. Mr. Spillert would also like to plant two new native maples in the spring. His arborist would like to come in when the ground is frozen or close to being frozen in December with a bucket truck to remove the trees then plant the new trees in the spring. Mr. Baker noted that cutting the stump down to the ground without removing it, and putting up two new trees is a favorable solution. He would like to see ¾" plywood put down for the truck to drive onto to protect the ground.

Motion made by Mr. Moser to issue a negative Determination of Applicability with the following conditions: 1) The ground shall be protected prior to and during work and any ruts shall be repaired. 2) The rotting tree shall be cut off above the ground: stump and roots will remain. 3) Three Norway maples shall be removed; 4) The trees extending over the house may be pruned; 5) Two new native trees shall be planted. Motion seconded by Mr. Baker. **Motion passed.**

Public Hearing (Continued from 7-20-2017)
Notice of Intent (DEP File # 316-0728)
Applicant: Abad Surichaqui
Property Location: 1106 Trapelo Road
Project Description: Extend dining area.

Pery Huam represented the applicant. They have contacted three landscaping companies for ideas on how to protect the ground and build up the stone wall in the back. They are also thinking about doing more work in the backyard by digging down into the rock and making it a flat surface. They are waiting for estimates on everything including the cost for planting trees. Mr. Moser stated that the commission will wait for the outcome of the additional work before approving the dining room addition. Mr. Huam replied that they are hoping to have the answers by the next meeting.

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

Approved 9-7-2017

Public Hearing (Continued from 7-20-2017)

Notice of Intent (DEP File # 316-0729)

Applicant: Sunny Patel

Property Location: 148 Lakeview Avenue

Project Description: Demolish existing house and add a new two-story house on existing foundation.

Ketan Patel represented the applicant. He noted that at the site visit, they spoke about preventative measures for potential rainwaters and how to protect the site with hay bales. They are going to stick with the parking that is there since that was what was proposed to the Building Department. They will put in hay bales that are staked to the ground.

Motion made by Mr. Moser to issue a positive Order of Conditions with DEP standard conditions and Waltham's Conservation Commission's standard special conditions, seconded by Mr. Dufromont. **Motion passed.**

Public Meeting

Request for Insignificant Change (DEP File # 316-0727)

Applicant: John & Theresa Busconi

Property Location: 40 Sanderson Road

Mr. Busconi noted that they have a current Building permit for a new garage. He has a dead elm tree and he would like to take it down now while they are under construction. Mr. Donovan agreed that the tree is dead and needs to come down. Mr. Moser asked if Mr. Busconi would be willing to plant a native sapling of his choice. He agreed to do so.

Motion made by Mr. Moser to grant the insignificant change with the condition that the existing root ball will be left in place and a new native tree of the owner's choosing be planted. Motion seconded by Mr. Donovan. **Motion passed.**

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0581)

Applicant: Kevin Duffy for Duffy Bros. Construction Co., Inc. (Duffy Associates, LLC)

Property Location: 411 Waverley Oaks Road

Motion made by Mr. Moser to table the item, seconded by Mr. Donovan. **Motion passed.**

Public Meeting

Request for Determination of Applicability

Applicant: Bishops Forest Condominium Trust

Property Location: 181-182 Bishops Forest Drive

Project Description: Clearing of three trees and high grass

John Scarpaci, Bishops Forest Property Manager, represented the applicant. He is requesting to remove some saplings, trees and poison ivy along the wetlands to clean up the area.

Mr. Moser noted that the commission was out to the property ~2 years ago re: pesticides used for lawn care and chemical paint strippers being used on the decks. He asked that Mr. Scarpaci mark the trees that they want to take down before the site visit.

A site visit has been scheduled for Tuesday, August 22nd at 8:30 a.m.

Motion made by Mr. Baker to continue until the next meeting, seconded by Mr. Donovan. **Motion passed.**

Public Hearing

Notice of Intent (DEP File # Not yet assigned)

Applicant: Rosemary Maynes

Property Location: 201 Mokema Avenue

Project Description: Basement waterproofing

Rosemary Maynes represented herself. She hired someone to do the French drains around her basement. She had a

finished basement but whenever there's a heavy rain, she gets water in the basement and now it's ruined. They had heavy equipment in there. They also took the built-in swimming pool out of the backyard. There were no erosion controls put in place since she is now learning the process. Ms. Maynes hired an architect, Joe Fornier, to help her work through the process. She is asking for a continuance until she can give the commission a package to review. Mr. Doyle stated that this came to the commission because she is in the buffer zone and they have to react (to the work she was having done). Mr. Moser noted that he stopped by the property and he didn't see any immediate erosion concerns and that's why they didn't shut the project down. He feels it is now an administrative compliance at this point: getting the permit after the fact. He said it was unclear if there was any regrading or not.

Ms. Maynes noted that her front stairwell was removed when they were putting in the French drains. She asked if they could pour new concrete steps and get a new walkway from the front door to the sidewalk. Mr. Doyle replied that she can rebuild as long as it's on the existing concrete pad. He suggested she add all of the work she wants to get done in this filing to get one approval. Ms. Maynes would like to put the sprinklers back and plant some grass in the front yard now. The commission is fine with this request.

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

Commission Business

- **Meeting Minutes:** Motion made by Mr. Moser to approve the meeting minutes from 7-20-2017, seconded by Mr. Donovan. **Motion passed.**
- **Approval of 2018 meeting dates:** Motion made by Mr. Donovan, seconded by Mr. Dufromont. **Motion passed.**
- **Emergency Certifications:** What is the protocol for filing after the fact? DEP's paperwork states that a Notice of Intent is not needed after the work has been completed for an Emergency Certification unless the work done deviates from the work described in the Emergency Certification. Mr. Doyle asked Julie to look up the procedure to share with the commission members.

Correspondence

- **Algonquin Gas:** They are performing testing in the right-of-way. They are exempt from the Wetlands Protection Act.
- **MBTA:** They are installing towers to monitor the train tracks.
- **National Grid:** They are doing work within the paved portion of the road and are exempt from the Wetlands Protection Act.
- **Briar Glen Village:** Mr. Moser stated that the commission reached out to them because there was culvert testing done showing that the culvert draining from this property had ridiculous levels of phosphorus and nitrogen coming from a professionally landscaped lawn. The Order of Conditions limits their pesticide and fertilizer use. In their response, they included their lawn care which shows they are in violation of the Order of Conditions. They will be asked to attend the next meeting.

Motion to untable 411 Waverley Oaks Road made by Mr. Dufromont, seconded by Mr. Moser. **Motion passed.**

Public Meeting

Request for Certificate of Compliance (DEP File # 316-0581)

Applicant: Kevin Duffy for Duffy Bros. Construction Co., Inc. (Duffy Associates, LLC)

Property Location: 411 Waverley Oaks Road

Patrick Sheehan represented the applicant. The work was largely done in 2008 and they would like to close out the Order of Conditions. There was no development done on this. There was a small building addition put on the house for treatment equipment. One condition was to put in a wildlife planting area in a small wetland area. They are asking to remove that from the Order of Conditions for now. There is testing that is going on there now. If they plant there now, it will get destroyed. They are requesting a Certificate of Compliance for this open OOC, but mentioned there is a continued open OOC for pilot testing. Mr. Doyle stated that the applicant could request a minor plan change to not do the work (wildlife planting) and that strikes it from the OOC, or a partial COC could be issued, which leaves the two orders open on the property. He also suggested making two minor plan changes: one amending the OOC by taking out the condition and amending the other Order of Conditions to put it in. A fourth option is to leave the unfinished condition as an ongoing condition. Mr. Duffy chose to submit the minor plan changes to remove the plantings from 316-0581 and add it to 316-0606.

Informal Discussion

- 123 Moody Street

Bob Bibbo noted that in 2006 a Certificate of Compliance was issued. The original is lost and was never filed. They need to get an updated date on it to file with the Registry of Deeds to close out the open Order of Conditions. It has a clouded title on the property. Mr. Doyle stated that the commission can sign the form stating that the Certificate of Compliance we have on file is an original copy of what was issued to the applicant. Motion made by Mr. Moser to sign the form indicating that the document is real, seconded by Mr. Baker. **Motion passed.**

Old Business

Mr. Doyle

- No updates

Mr. Baker

- **Paine Estate planting:** The Meadowsaping for Biodiversity group planted a new meadow garden there. The big tank was filled up by the fire department and it's already watered things a couple of times.
- **Paine Estate trees:** Mr. Baker stated that there are machines that can take an entire tree and put it through a chipper and it's done in half a day. He noted that the commission has money for infrastructure development. He asked if we should have the city's one tree crew continue to cut down 50 trees little-by-little or do we spend money to have the right equipment come in to do it quickly. Mr. Doyle stated that he needs to sit down with Mr. Baker to plow through an RFP for it.
- **Poison Ivy at Paine Estate:** Mr. Baker checked under the tarps today and the poison ivy is looking withered. He asked who in the city has the approved seed mixture. Mr. Doyle replied that the city doesn't keep it on hand, but the commission can expense it.

Mr. Dufromont

- No updates

Mr. Moser

- **Bishops Forest:** Mr. Moser noted that the old issue will be discussed with them at the site visit.

Mr. Donovan

- **Totten Pond Road Emergency Certification:** Mr. Doyle would like a site visit with the city to wrap it up. Julie will ask for the as-built of the work that was done and request the site visit.

Committee Reports

- **Trust Fund:** Mr. Dufromont needs to present a request in September to Joe Vizard in the City Clerk's office who will then bring to the City Council to hopefully free up the commission's trust fund money.

Site visit reports

- **336 Lexington Street:** Mr. Moser noted that he and Mr. Doyle received an e-mail request from a City Councilor to look at some dumping near the Chesterbrook. He met with the homeowner. There wasn't a huge amount of material but the homeowner wasn't particularly cooperative in wanting to clean up the debris. Mr. Moser invited him to attend this meeting to discuss it, but the homeowner didn't have time. A letter will be sent to the homeowner requesting that the debris be cleaned up.

New Business

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

Meeting adjourned at 8:42 p.m.