



**Waltham Conservation Commission
August 18, 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 (arrived at 7:06 p.m.)

Public Hearing (Continued from 7-21-2016)

Notice of Intent (DEP File #316-0717)

Applicant: City of Waltham

Property Location: Graverson Playground: 16 Pine Vale Road

Project Description: Improvements to the existing playground.

Ben Gary represented the applicant. He noted that ConCom members, the city's tree warden and neighbors attended the site visit. It was decided that the proposed sugar maple trees will be replaced with red maples, and the flowering pear trees will be replaced with common cherry trees. There is an existing chain-link fence along the baseball field which is in good condition, but covered with vines. They are proposing that the contractor remove the vegetation from the fence, cut it off, and clean up the area. They will remove deadwood near the wetlands. The bioretention areas may have invasives, therefore they are submitting a maintenance plan for removal of the invasives in the fall. Mr. Baker asked if there is knotweed in the wetland area. (No.) Mr. Moser stated that cutting back the knotweed in other areas on the property in the fall won't get rid of it. He would like a more robust removal procedure. Mr. Gill-Austern recommended that Mr. Baker look at the O and M plan asking him to rewrite it with recommendations on how to treat the invasives. Mr. Baker stated that many of the invasives cannot be removed and killed. They can only be smothered over the course of time, or pull them out if they are babies. Cutting the knotweed in the fall is not the time to cut it. It needs to be done in the spring and summer in order to stress it. CPW Dept. is responsible for maintaining the city's parks. Mr. Baker asked that the removal of kudzu vine and poison ivy also be addressed. Mr. Moser feels all of the invasives are covered under the commission's conditions.

Mr. Baker would like the commission to consult with the tree warden to determine the best way to help him do the tree identification and how to water the trees, especially during a drought.

Mr. Dufromont asked about removing trees and dead limbs in the wetlands. Mr. Gary noted that they will not go into the wetlands for any of the removal.

Mr. Gill-Austern asked about trash removal. Jimmy LaCrosse, Planning Dept., stated they will be setting up Bigbelly trash compactors. The receptacles will have monitors to let CPW know when they need to be emptied.

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

Motion made by Mr. Moser to close the public hearing, seconded by Mr. Baker. **Motion passed.**

Discussion: Mr. Gill-Austern asked about the accumulation of sediment and if there is a proposed action for it. Mr. Gary feels that a small sediment will occur in the trench drains and they can have them cleaned out. Mr. Gill-Austern asked that #2 under catch basins be added to #4 under bioretention areas in the O & M plan.

Motion made by Mr. Moser to issue a positive order of Conditions with the following site-specific conditions: 1) All areas of disturbance should be kept clear of invasives for a minimum of two years following completion; 2) The O & M plan must be updated to include emptying the trash monthly or when receptacles are full, whichever occurs sooner; 3) The maintenance of the bioretention areas be updated to include a requirement to clean them out similar to the language in bullet 2 of the catch basin section. Motion seconded by Mr. Gill-Austern. **Motion passed.**

Approved 9-8-2016

Public Meeting

Request for Determination of Applicability

Applicant: Judith Kellstein Kellam

Property Location: 11 Stanley Road

Project Description: Rebuild deck.

Jim Moparts represented the applicant. They will be taking down two old decks and putting up one new deck. The house is 30 ft. wide and they are adding a 12 ft. deck. The deck will be 48 ft. from Chester Brook. It will be the standard pressure-treated deck held up on 4 x 4s with no roof. There is a garage between the deck and the brook. They won't be doing any work under the deck, and they won't be removing any dirt. There will be six footings that are four feet deep.

Motion made by Mr. Gill-Austern to issue a negative Determination of Applicability, seconded by Mr. Moser. Mr. Doyle requested before and after pictures of the project to be placed in the file. Discussion of the motion: Mr. Keleher asked about protecting the brook from dirt going into it. Mr. Gill-Austern asked that the project be completed within a two-week period. Any stockpiled material will be set up against the house. **Motion passed.**

Public Hearing

Notice of Intent (not yet assigned)

Applicant: City of Waltham

Property Location: Elsie Turner Field: 385 Trapelo Road

Project Description: Improvements to the existing softball field.

Ben Gary, landscape architect, represented the applicant. Part of the land was recently acquired, and they worked with Waltham Land Trust to come up with a plan for the new land. The main need is parking. There will be a children's play area, picnic tables, and an exercise area for all ages. They will add lights to the softball field. There will be new covered dugouts, bleachers, benches, bike racks, and a five foot wide paved walking trail. They will be adding a building in the future that will have restrooms and storage. Engineers have looked at the property and recommended having detention areas. The main one is along Trapelo Road and it connects the water from the parking and goes to a treatment area. There are four shallow areas that will take the runoff.

Mr. Moser asked where the wetlands are located. Mr. Gary replied that there are bordering vegetated wetlands located near the softball field and on the newly acquired land where parking will be added. Mr. Moser clarified that most of the buffer zone is becoming a parking lot (Yes.). Mr. Dufromont stated that since the property was purchased with CPC funds, they may not be able to build parking on it. He will follow up on this. Mr. Lacrosse stated that the Waltham Land Trust was brought in by the CPC board to help with the conservation restrictions. The Waltham Land Trust and Waltham Softball League met at a site visit to work out their discrepancies. Marc Rudnick came up with the current design which was tweaked by Mr. Gary.

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

A site visit is schedule for Fri., Aug. 26th at 9:30 a.m.

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

Public Hearing

Request for Amendment to Order of Conditions: DEP File #316-0705

Applicant: Storage Development Partners, LLC

Property Location: 96 Linden Street

Atty. Michael Connors represented the applicant. An Order of Conditions was issued by the Conservation Commission on Dec. 23, 2015. The proposed self-storage facility was approved by the Zoning Board and City Council over the summer. There have been a few minor changes to the plans. Beaver Brook follows the property line in the back.

Andy Graves, BL Companies, stated that they will be adding compensatory storage due to the concern about flooding. They added holes in the foundation walls so that the area can accept flood water. Previously, there had been a requirement to provide 33,000 cu. ft. of compensatory storage. Now that the water will be able to flow through the area, they are only required to provide 22,000 cu. ft. of compensatory storage because their footprint became much smaller. The second change to the project is the petitioner will hire a contractor to clean the debris and sediment from Beaver Brook and the bank on the property one time to acquire a temporary Certificate of Occupancy. The city will be granted permission for removal after the first year. Mr. Doyle asked how the applicant will be granting access to the city to clean out the stream. Atty. Connors noted that there wasn't a lot of discussion re: this because City Council goes on break for

the summer. Right now they are calling it an "access agreement". That could mean a permit rather than an easement. Mr. Dufromont asked who requested the permission for the city to clean out the brook. Atty. Connors stated it was CPW Director, Mike Chiasson, who made the request. Mr. Dufromont noted that the city has a plan awaiting the mayor's approval for cleaning out the brook.

Mr. Doyle stated that re: dredging out the stream and building a berm, the Conservation Commission is responsible for ensuring that the applicant shall not fill, alter or dredge the brook, however City Council is asking the applicant to do so. The commission cannot give permission to do this without an engineer-designed plan to remove sediment because it will be dredging the area. The applicant's plan complied with the Wetlands Protection Act prior to going before City Council. Mr. Gill-Austern asked that the applicant look at the city's proposed plan for cleaning parts of the brook. Mr. Dufromont recommended that the applicant see Steve Casazza, the city's Engineering Director, for a copy. Mr. Doyle stated that this is not a minor change. It is a new NOI filing.

Mr. Keleher asked for the condition that is stated in the special permit. Mr. Graves read: "The petitioner shall hire a contractor to clean the debris and sediment from Beaver Brook to the bank within the property line one time prior to issuance of a temporary Certificate of Occupancy".

Mr. Keleher recommended that they go back to City Council to say that the Conservation Commission denied their request to clean out the brook. He feels the applicant should not be responsible for the dredging. He suggested they make a financial donation toward it. Mr. Doyle stated that there shall be no dredging of the brook without a further permitting process. Atty. Connors asked for a letter from ConCom to give to City Council. Mr. Doyle will write it.

Motion made by Mr. Gill-Austern to amend the Order of Conditions to include the allowance for compensatory storage under the mezzanine through drilling, to allow for the additional invasive species removal, to allow cleaning of invasives and loose materials outside the river. They will not allow them to drain, dredge or pull up any component below the water without further permitting which could be done through an NOI process and likely Army Corp involvement. Motion seconded by Mr. Moser. Discussion of the motion: Mr. Moser asked Mr. Graves to show on the map where the changes will take place. Mr. Keleher asked that it be added that they can remove human-made materials, debris and fallen dead trees that impede the riverfront from the stream channel. (Mr. Dufromont opposed the motion). **Motion passed.**

Public Meeting

Request for Certificate of Compliance: DEP File #316-0713

Applicant: Bentley University

Property Location: 400 Beaver Street

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

Arsen Hambardzumian represented the applicant. The only change to the original plan is that the fence was going to be straightened out and a landscape island put in the area, however the school decided to keep the landscaping where it had already existed. They left the fence as is, and decreased the encroachment on the wetlands.

Motion made by Mr. Keleher to issue a Certificate of Compliance, seconded by Mr. Gill-Austern. **Motion passed.**

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

Informal Discussion

- 20 Lauricella Lane

Scott Henderson, licensed professional civil engineer, was hired by the homeowner. There is a conservation restriction that covers the vast majority of the property. They are looking for advice on permitting the project. They would like to do some grading to level off the yard to make it more usable. The entire lot is within the 100 ft. buffer zone, but it's not in a flood zone. For the second phase, they would like to build a small addition on the house, put in some hardscaping and a pool just behind the house. Mr. Doyle asked if DEP's superseding Order of Conditions has been closed. Mr. Henderson replied that a Certificate of Compliance has been issued. Mr. Doyle stated that this project would be a new Notice of Intent filing. Mr. Henderson asked if the commission would like two separate filings for each phase or could they do all of the work in one filing. The commission stated they could do either. It would be less work to have both phases listed in one NOI.

Mr. Dufromont asked if they have contacted DEP about the proposed project. Mr. Henderson responded that they have not. Mr. Doyle stated that this will be part of their submittal.

Commission Business

- Motion made by Mr. Moser to approve the meeting minutes from 7-21-2016, seconded by Mr. Dufromont.
Motion passed.

Mr. Gill-Austern left the meeting at 8:58 p.m.

Correspondence

- **42 Felton Street:** ConCom will send a note to Steve Casazza confirming the receipt of the information, and asking if he needs anything from the commission. He will be thanked for keeping ConCom in the loop.
- **1265 Main Street:** The former Polaroid property is going through the MEPA process re: major changes to transportation in the area. MEPA thresholds are triggered by major infrastructure projects. Public meetings are held and one is scheduled for 10:00 a.m. on Thurs., Aug. 25th at the Flank Steakhouse Community Room, 74 Tower Road, Waltham.
- **New high school:** Ann Clifford forwarded a letter to the Commission re: one of the proposed sites for the new high school. There is a concern that if the new school is built at the current site, it will encroach on the Storer conservation land. If they build a new school, the athletic fields will move to the Stygmatine property. They want to build a road coming down the road behind Kennedy. The Commission will ask Ann to notify them of any project that happens within 25 ft. of the property line.

Old Business

Mr. Doyle

- No updates

Mr. Baker

- No updates

Mr. Dufromont

- No updates

Mr. Gill-Austern

- No updates

Mr. Keleher

- No updates

Mr. Moser

- No updates

Committee Reports

- No updates

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

Meeting adjourned at 9:07 p.m.