



**Waltham Conservation Commission
February 15, 2024
Meeting Minutes**

Meeting took place via public Zoom call with participation information posted at City Hall, Government Center, and on the Commission's page of the city web site. Zoom information was circulated directly to all applicants and others on the public agenda.

Meeting called to order at 7:04 PM.

Attendees: Chair Philip Moser, Vice Chair Bill Doyle, Michael Donovan, Louis Andrews, Alexander Sbordone, Gloria Champion. Conservation Agent Meghan Sullivan.

Absent: Gerard Dufromont.

Public Meeting

Request for Determination of Applicability

Applicant: Patricia McGinnis

Property Location: 73 Copeland Street

Project Description: Cut remnants of white pine to roughly 20-foot stump.

Ms. McGinnis was present and summarized the application. This request relates to a tree which was irreparably damaged by the neighbor at 77 Copeland Street. The replacement for this tree will be part of the restoration plan for that property which is being handled separately. [They are scheduled to appear before the commission at the 7 March meeting.] Ms. Champion inquired about recognized exempt minor activities. Ms. McGinnis asked about replacement expectations on her. It was noted that this situation is an exception. It is being reviewed as an RDA without the normal replacement requirement due to the situation with the abutter, which is being resolved through enforcement and an NOI. Mr. Doyle moved to issue a negative determination, and to include in the file a note explaining the special circumstances. Seconded by Mr. Sbordone. Aye: Andrews, Sbordone, Doyle, Moser, Donovan. Nay: none. [Ms. Champion abstained on votes during this meeting, as the paperwork finalizing her appointment has not been completely processed by the city HR department.] **Motion passed.**

Mr. Moser thanked the applicant for making the effort of going through the proper DEP process with this application, especially under unusual and stressful circumstances.

Public Meeting

Request for Determination of Applicability

Applicant: Gail Jordan

Property Location: 44 Lauricella Lane

Project Description: Removal of an existing shed and construction of a pool and terrace with a retaining wall in the rear yard lawn.

Paul Finger represented the applicant. He summarized the site conditions and the project. He stated that this is a minor project but does not meet the standards for exemption because it is not 50' from

the resource area. He believed that it could be approved as an RDA because it meets all other standards. Ms. Sullivan pointed out the 50' standard of the exemptions. Because the commission does not have the authority to approve this work through an RDA, an NOI will be necessary. The DEP circuit rider has confirmed this. Mr. Finger stated that the submitted plans would meet the standards and that no changes would be needed if this came before the commission as an NOI. He maintained that the commission has the authority to approve this via an RDA at their discretion. Ms. Sullivan reiterated that DEP has told the commission that this is not discretionary. Discussion. Mr. Moser pointed out grading and fill in the filing, as well as the removal of 3 trees in the jurisdictional area, which are all alteration activities which require an NOI filing. Mr. Finger stated that if the commission required an NOI, the applicant will file one, but that the content of the filing will be the same. Mr. Moser agreed that the contents would be nearly identical, but that the filing requirement is not discretionary. He also noted a similar recent successful project by a neighbor which followed the NOI process. Based on the regulations, DEP guidance, and previous precedent this project should as well. The other commissioners agreed that this should be an NOI, especially for consistency. Ms. Champion declined comment as she has not visited the site. Mr. Moser noted that some version of this project might qualify through an RDA, but this specific design requires an NOI. Mr. Finger said that he will resubmit this as an NOI. Motion to issue a positive determination by Mr. Sbordone, seconded by Mr. Doyle. Aye: Andrews, Sbordone, Moser, Donovan, Doyle. Abstain: Champion. **Motion passed.**

Commission Business

- Approval of meeting minutes from 02-01-2024. Motion to approve by Mr. Donovan, seconded by Mr. Sbordone. **Motion passed.**
- Approval of executive session minutes from 02-01-2024. Motion to approve by Mr. Sbordone, seconded by Mr. Andrews. **Motion passed.**
- MassDEP has released proposed regulatory updates to WPA, Waterways Regulation, 401 Water Quality Certification, and an entirely new Stormwater Management Handbook. Comment period closes April 30, 2024. Discussion. Ms. Sullivan noted that much of this involves coastal regulation, plus a new stormwater handbook. Mr. Moser noted changes to the phosphorus regulations. These have already been a focus of EPA and MA DEP attention, but local ConComs would now also have to review and approve compliance of each project. This is important in Waltham because of drainage to the Charles River. He does not think any other change would directly impact the commission. Mr. Donovan asked if this affects small residential as well as commercial projects; the answer was not known. Mr. Moser pointed to a project Mr. Finger was involved in at 200 Smith Street which provided these calculations, even though they were not yet required.
- Quote received for replacement of Hardy Pond Conservation Area signs, per a City Council sign naming ordinance from June 2023. Discussion. Review of sign proof. Question of including a date on the sign or not, and which date. Ms. Sullivan will confirm the design with Jimmy LaCrosse in Planning and send a final notification to the mayor's office before submitting the order. Motion to approve this expense by Mr. Sbordone, seconded by Mr. Doyle. Aye: Andrews, Sbordone, Moser, Donovan, Doyle. Abstain: Champion. **Motion passed.**

Correspondence

- Discussion of request by a city resident to site a telescope on the lawn of the Paine Estate. Discussion. Mr. Moser suggested that the Paine Estate curator and the events coordinator should be given the opportunity to review or have input. Discussion of the specifics of commission jurisdiction as documented when the land was deeded to the city, versus speculation, plans, and customary practice. The deed gives exclusive control to the commission,

although a 6-acre core containing the house and landscaped grounds has been recognized as historically significant and is in practice administered and maintained by the historical commission. Mr. Doyle suggested that the “Storer [Stonehurst] Use Request Form” be used and should cover this request. Discussion of specific concerns of use at night. Question of liability waiver or release. Motion by Mr. Sbordone to authorize the commission to approve this request, conditioned on approval by the other stakeholders listed on the form. Seconded by Mr. Doyle. Aye: Andrews, Sbordone, Moser, Doyle. Nay: Donovan. **Motion passed.** The office will work with the resident to have them fill out the use request form as a first step.

- INFORMATIONAL: Ms. Sullivan noted receipt of the City CPW’s 2024 Yearly Operational Plan detailing integrated vegetation management along the town’s public ways.

Old Business

- Mr. Moser noted that he has been asked to appear before the city council finance committee regarding the requested release of conservation trust fund monies for the Paine Estate invasive management project. Mr. Donovan asked into the status of a forestry management plan at the estate. Discussion. Ms. Champion inquired into the city tree warden’s role in work at the estate, if any, and if the commission has consulted with him or asked his advice. Mr. Moser explained that while the commission has kept the tree warden notified of activities, he usually does not have the resources to perform additional work at the estate. The city park ranger provided assistance on one project. Mr. Moser and Mr. Donovan noted several recent and historical efforts at the estate and at Hardy Pond.
- Hardy Pond Conservation Area: Ms. Sullivan reported that Wetland Seed Mix that the Commission purchased in January has been spread. The commission hopes for positive results and noted the anticipated increase in biodiversity, with 50-60 native species planted.

Site Visit Reports

- 38 Wimbledon Circle - Wimbledon Pump Station. Ms. Sullivan was called in by Cambridge Water Department. City CPW encroached onto Cambridge property, and also during dewatering a filter bag broke and caused a washout. The city plans to reseed the area and possibly plant some additional shrubs or groundcover. CWD and Ms. Sullivan will monitor the situation.

Committee Reports

- **CPC:** February 13 meeting cancelled. Next meeting March 19, 2024.

New Business

- Election of Commission officers for 2025 budget year. Discussion. Mr. Moser was willing, if necessary, to serve for an additional 6 months, to bring the commission through the upcoming budget process, but not beyond. Mr. Sbordone suggested working alongside Mr. Moser to learn the budget process. Discussion of Mr. Doyle remaining as Vice Chair or stepping down in favor of Mr. Sbordone. Discussion. Motion by Mr. Doyle to renominate and reinstall the current officers for re-election. Seconded by Mr. Sbordone. Aye: Donovan, Doyle, Moser, Sbordone, Andrews. Ms. Champion abstained. **Motion passed.** Commission officers for FY 2025 will be: Chair—Philip Moser, Vice Chair—William Doyle, Clerk—Gerald Dufromont, CPC Representative—William Doyle.

Motion to adjourn by Mr. Donovan, seconded by Mr. Doyle. Mr. Moser noted that the MACC conference is March 1. Commissioners should check their email for information. He recommends the conference but will not be able to attend this year. All present in favor of adjournment. **Motion passed.**

Meeting adjourned at 8:32 PM.

Ms. Champion asked if the city tree warden's