



Waltham Conservation Commission
August 13, 2026
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 7:02 PM.

Attendees: Chair Bill Doyle, Vice Chair Lisa Limonciello, Gerard Dufromont, Michael Donovan, Anja Shafer. Conservation Agent Julia Abbott.

Absent: Frank Fitzgerald.

Development Prospectus Sign Off

- 51 Bacon Street. Bret Francis appeared on behalf of the petitioner. He briefly summarized the project. This location is out of jurisdiction for the Conservation Commission, so this is simply a sign-off required for the city council special permit process. Mr. Donovan moved to authorize the conservation agent to sign on behalf of the commission. Mr. Dufromont seconded. In favor: Doyle, Limonciello, Donovan, Shafer, Dufromont. **Motion passed.**

Public Meeting

Request for Determination of Applicability (Continued from 6/18/2026)

Applicant: Aaron Hall

Property Location: 153 Second Ave

Project Description: Installation of an underground stormwater management system and associated structures and piping within the buffer zone. The work also includes minor grading and repaving of a portion of the existing parking area. All work will take place within impervious and previously disturbed area. No increase in impervious area or vegetation removal is proposed.

Molly Obendorf from Bohler Engineering represented the applicant. Ms. Obendorf summarized the discussions on this application so far. There were issues with Cambridge Water Department, as this area is Zone A to the Hobbs Brook Reservoir. CWD has made comments which the applicant has addressed. There is now more pre-treatment in the plan and additional soil testing has been done to confirm details of the groundwater. CWD is satisfied. Ms. Abbott confirmed that Waltham ConCom has received confirmation from CWD. She recommended adding a condition to the determination that would require the applicant to record the O&M plan at the registry of deeds. The applicant agreed to this condition. Discussion. Ms. Abbott recommended a Positive 2B / Negative 3 determination. Ms. Shafer moved to issue, seconded by Ms. Limonciello. Discussion. Ms. Shafer amended the motion to include recording the O&M at the registry; Ms. Limonciello agreed to the amendment. In favor: Doyle, Limonciello, Donovan, Shafer, Dufromont. **Motion passed.** Mr. Doyle asked Ms. Obendorf to notify the commission when work is ready to begin, and to provide the recording receipt to the office.

Commission Business

- Approval of meeting minutes from 7-16-2026. Brief discussion prompted by Ms. Shafer regarding a condition of the 200 Trapelo Road (Fernald) golf facility permit [316-0854]. This calls for the city to provide the commission with the justification for not placing a conservation restriction (CR) on this parcel prior to doing work, including work that has already been done such as the playground. It was confirmed that this is correctly noted in the minutes. Ms. Abbott confirmed that the commission office has asked for this from the city and not yet received a response. Mr. Doyle noted that this CR condition is a condition of the permit, so they can't start work without responding; response is the condition. Mr. Doyle asked if the minutes needed adjustment based on Mr. Moser's email [see "Correspondence" below]. Mr. Moser's correspondence was sent after the 7/16 meeting and discusses that meeting, so it will be discussed as an addition to this current meeting. Motion to approve the minutes by Ms. Shafer, seconded by Mr. Donovan. In favor: Doyle, Limonciello, Donovan, Shafer. Mr. Dufromont abstained as he was not present at the previous meeting. **Motion passed.**

Correspondence

- NOTED: National Grid planned line replacement in the vicinity of Newton Street. A small portion on Amory Road is in Riverfront Area, but is exempt maintenance.
- NOTED: SOLitude Lake Management planned to inspect conditions at Hardy Pond on 8/11 to determine if treatment is needed under the ongoing invasive management program (DEP 316-0837). Mr. Dufromont asked if there had been follow-up. The commission office confirmed there has not been. Something is expected later this month.
- NOTED: As of August 7, MA DEP Northeast Region (including Waltham) remains in drought. Drought status has stepped down from Level 3 to "Level 2 – Significant Drought."
- Philip Moser's email of 11 August 2026 ("correcting the record re: Fernald conservation restriction"). The commission agreed to include the full text in the minutes.

Message to the Conservation email address, received Tuesday 8/11/2026 10:29 PM.

Good evening Conservation commissioners and staff,
After reading the Waltham Times article about the Fernald golf facility discussion at the 7/16/2026 meeting, and watching the recording, I'm reaching out with a clarification about the conservation restriction.

In 2023 after several public hearings to discuss the NOI, the commission voted to issue an OOC requiring a CR before the start of construction. The applicant raised objections after the final public hearing where the OOC had been voted on, filed an appeal to DEP, and then tried really hard to get the Commission to undo its own work and revise the OOC. When the commission didn't back down, the applicant abandoned its appeal; one can reasonably infer this was because the applicant didn't expect to prevail, and/or didn't wish to draw state regulatory attention to its non-compliance with the state's requirement for a CR. The Commission's OOC was never overruled - neither DEP nor the courts ever issued a determination one way or the other. The only party that objected to the OOC was the 2023 applicant themselves, although the applicant's new representative on 7/16/2026 specifically offered to include such a condition this time around. But through inaccurate recollection, the Commission inexplicably declined that offer, and has created a public record conflating the 2023 applicant's position with an DEP determination that never actually occurred, and now seems to be constraining current and future decisions.

In the interest of public decision making processes being based on accurate facts, I respectfully request that Conservation staff check their records, and advise the full commission of the facts at its next public meeting, at which time the record can be corrected publicly and recorded in the meeting minutes.

Sincerely,
Phil Moser

Specifics are below, for those who are interested:

During the 7/16/2026 meeting, in response to a request from one commission member about whether it's appropriate to delay the conservation restriction until after construction, another commission member replied "that question had come up on the original application for this, and it was determined that it could happen outside of the Wetlands Protection Act filing that they had before us, but that it does need to happen... we went legal with this, we went to DEP, there was [an] appeal and everything else, and it was determined that that can happen, but it wouldn't hold this up (the approval of this), and that's how we were able to issue the order of conditions on this area... That was what happened before, we did hold it up for that, and the determination came down from DEP and the state... that we could issue an order of conditions on it, but that that would eventually have to happen. We did try to stop it before for that reason."

After discussion between 3 commission members, the applicant's representative proposed a work-around "that the project could be approved but there could be a condition, whether it's that construction can't start, or it can't be opened to the public, until the conservation restriction is in place."

That's what happened before - We conditioned it on the approval of the conservation restriction and a couple of other things, and that was the appeal, you can't condition it on the approval of the conservation restriction, and that's where that legal discussion happened, and we were educated... and I think it was eventually kicked back to us and we took out that condition... We did this before, and we tried to condition the project to not happen until the conservation restriction and we were overruled by the state and everyone else that overruled us... It was approved to go ahead, and we tried to condition it that it couldn't happen until the conservation restriction was in place, and we got denied."

The Waltham Times reasonably summarized this discussion as follows: in the permitting for the previous iteration of the project, "the commission had tried to condition its approval on the conservation restriction being completed first. The city then appealed that call to the state Department of Environmental Protection. DEP ultimately sided with the city, overruling the commission on the grounds that it lacked authority to require the restriction."

While this recounting of events is partially correct (i.e., the description of the original conditions and the applicant filing an appeal), its description of the outcome is completely incorrect, so the take-away is dead wrong. During the meeting, Commissioner Dononvan tried to correct the record on this but his corrections didn't seem to get much traction. A staff member correctly stated that the original OOC "was not officially overturned by anyone" but incorrectly stated that "it was determined that the Commission did not have the power to require that conservation restriction".

As someone who was deeply involved (as conservation commission chairman at the time), I can tell you unequivocally, the facts are as follows:

After several permitting hearings, the commission issued an OOC requiring, among other things, that a CR be in place before the start of construction.

2023-03-16 the applicant sent a letter asserting that the CR condition was problematic
The applicant appealed to DEP

2023-06-20 the applicant (via outside counsel) sent another letter asserting that the CR condition was problematic

2023-06-22 public meeting the applicant (via outside counsel) asserted that the CR condition was problematic, but upon pushback from commission members, was unable to answer the question of why development should be allowed to proceed before the CR is in place. The recording is no longer on WCAC website, but if the commission wishes to obtain a DVD and view it, Fernald was discussed for approximately 17 minutes near the end of the meeting, from 1:52 to 2:08:50.

After the commission didn't back down at the 6/22 meeting, on 2023-06-26 the applicant sent a letter to DEP (with copy to the commission) formally withdrawing its appeal.

Site Visit Reports

- Ms. Abbott noted two uses of the new tree removal policy.
 - 125 Marlborough Road: a dead tree will be removed and replaced with two native shrubs.
 - 98 Lakeview Terrace: four invasive Ailanthus will be removed and replaced with four native trees.

Committee Reports

- Paine Estate Forest Management Plan subcommittee. Mr. Dufromont noted that they (Mr. Dufromont, Mr. Doyle, Ms. Shafer) met with Mr. Moser, who was involved with the original grant application. They focused on putting the work out to bid. Mr. Dufromont had a health issue, and has not been able to take additional action, but will now be moving ahead. Mr. Doyle asked to confirm that the CPC is aware that the commission plans to use this grant. This has been done. Ms. Limonciello asked if there is a time frame and if the grant would be lost. This is so far not a problem, but the commission has not acted on the grant since it was awarded five years ago. Mr. Donovan clarified that the grant is to put together a forestry management plan and invasive management plan. The grant is to create the plan, not fund the work itself. Mr. Doyle suggested working with the city's purchasing department. Mr. Donovan agreed that this is the next step.
- **CPC:** No report. Next meeting is scheduled for September 22, 2026.

New Business

- 404 Wyman Street [DEP 316-0839]. Mr. Donovan has been in the area recently and noticed that most of the work has been completed. The commission should expect an RCOC soon.

Old Business

- Discussion of the 200 Trapelo Road CR condition. Mr. Doyle asked if Ms. Shafer was content with the current status. Ms. Shafer noted some confusion in how it was publicly reported. Mr. Daly confirmed that he had sent an email on the commission's behalf to the mayor's office, city clerk, and law department referencing the CR condition, and asked if he should send a reminder. Discussion. Mr. Doyle suggested phrasing to point out that 'this is a condition, and make sure it happens before major work starts.' The city has agreed to this condition, filed the order, and is on the hook for it. Mr. Doyle would like to see something official from the city and have it on file. This is a fairly benign condition. The official appeal period has passed. Mr. Dufromont noted this CR has been discussed on earlier projects and has been a known issue with the CPC since at least 2018. Mr. Doyle agreed that this [the CR] is state law. The city is in violation. The

commission can't be the police on that, but can raise the question. Mr. Donovan noted other work ongoing at the site (outside of commission jurisdiction).

Motion to adjourn by Mr. Donovan, seconded by Ms. Shafer. All present in favor. **Motion passed.**

Meeting adjourned at 7:30 PM.