

MEETING MINUTES
Belmont Conservation Commission
June 22, 2023
Virtual Meeting
7:00 pm

Attendees:

Members: Mark Smith; Prassede Vella; Dan Nolan (Acting Chairperson); Margaret Velie

Others: Mary Trudeau; Martin Kockx; Bill Lovello; Sarah Mooney; Sean Mooney

Call to Order:

The Meeting was Called to Order at 7:05 pm by Dan Nolan, Acting Chairperson

Approval of Minutes:

Based on a motion duly made and seconded, the Commission

VOTED to approve the minutes of the June 6, 2023 meeting, as amended

Enforcement Action: 49 Brookside Avenue

Mary Trudeau noted that a site inspection had been conducted on June 13, 2023 by several members of the Commission. At least four of the members were present, or had the opportunity to view the recent alterations at the 49 Brookside Avenue property. It was agreed that recent activity had intruded into jurisdictional Bordering Vegetated Wetlands, and violated the Commission's policy of protecting the 0-25 foot jurisdictional buffer zone. Specific violations included the placement of tree trunks within wetland and buffer zone areas; removal of vegetation; construction of raised garden beds; and construction of a temporary structure (a greenhouse atop cinderblocks) within the jurisdictional buffer zone.

The Commissioners noted that the raised garden beds are atop a former garden area, and while they are jurisdictional, did not intrude closer to the wetlands than the original garden. The Commission indicated a willingness to allow the containers/structures to remain, with the understanding that the structures containing the new soils are a temporary alteration, and that if the structures are abandoned, the soils cannot be spread within jurisdictional areas without additional permitting. The Commission agreed that the structures, as exist today, do not pose a hazard to the downgradient wetland.

The Commission noted that the greenhouse had been constructed/installed without a permit from the Conservation Commission. The Commission agreed that if a permit had been requested for the work to site the greenhouse, it likely would have been approved by the Commission. The greenhouse is located outside of Bordering Vegetated Wetlands, atop a pre existing lawn area.

The Commission noted that much of the alteration to vegetation had occurred through the homeowners efforts to control Japanese Knotweed (*Polygonum cuspidatum*). There were troubling aspects to the efforts, including disturbance of the substrate, and a failure to replace the removed vegetation with native seed mix or plants. Mr Kockx noted that a replanting plan was submitted as part of the restoration plan.

The Commission was most concerned with the deposition of logs and tree trunks within Bordering Vegetated Wetlands. Mr. Kockx noted that they were agreeable to removing this woody material, and restoring the surface of the wetland with seed mix or planting, as needed.

The Commission reviewed the restoration plan, noting that it addressed the concerns of the Commission, and proposed a robust planting of native vegetation on the property, in addition to addressing the concerns of the Commission with respect to the planting containers; disturbances to the 0-25 foot buffer zone and Bordering Vegetated Wetlands; the removal of the woody tree trunks from the Bordering Vegetated Wetlands; and the continued work to control the spread of non native and invasive plant materials.

Based on a motion duly made and seconded, the Commission

VOTED amend the enforcement action taken at 49 Brookside Avenue to include the restoration plan, dated June 15, 2023, as submitted by the homeowner. The Commission noted that the raised beds are to be considered a temporary structure, and that any soils contained in the structures are not to be spread within jurisdictional areas, should the containers be abandoned or require augmentation. Removal, expansion or alteration of the raised garden beds will require the filing of a permit from the Conservation Commission. No expansion of the gardens is permitted without the filing of a permit application (Notice of Intent) and the homeowner shall replace the wetland flags at the edge of the Bordering Vegetated Wetlands.

Clay Pit Pond: Intergenerational Walking Path Alternatives on High School Property

Bill Lovello, Chairperson of the Belmont School Building Committer for the Town of Belmont, discussed the proposed (2) connections, at two separate locations, between the existing Intergenerational Walking Path and the new permeable paver fire road at the High School. The Commission expressed concern with the grading proposed, noting that the connections did not appear to provide ADA compliant access points, nor did they accurately reflect traffic patterns on the property. Margaret Velie noted that the Belmont High School Cross Country Team has previously used the footprint of the Intergenerational Walking Path (and the fire road) as part of their running course.

The Commission noted that the path connections must consider handicap accessibility to adequately service the town residents. The Commission noted that the two sketches provided by Mr. Gatzunis did not appear to meet the interests of the Commission with respect to accessibility. It was also noted that separation and safety between pedestrians and bicyclists has not been addressed in the proposed solutions. Grading issues appear difficult to resolve without construction of stairs and remedial grading of the walking path.

Mr. Lovello noted that the designs were conceptual, and that site engineering would need to be done to accurately depict the layout and grades of the path connections. Margaret Velie noted

that the proposed connections should consider the existing conditions, as well as features such as kiosks and benches.

The Commission noted that upon receipt of an acceptable plan, the work would require a minor modification, or perhaps an amendment, to the existing Order of Conditions. Mr. Lovello agreed to return to the Commission with a new plan showing engineered access points between the fire road and the Intergenerational Walking Path at the south side of the Pond.

Rock Meadow Rules and Regulations: Discussion and Approval

The Commission reviewed the draft of the updated Rules and Regulations for users of Rock Meadow. Discussions included the use of pedal assisted bicycles and electric powered bicycles/vehicles, and language was included to prohibit fully electric bicycles/vehicles. Discussions also included clarification of who is considered an “enforcing person” and revisions were made to the draft.

Based on a motion duly made and seconded, the Commission

VOTED to approve the following Rules and Regulations for users of Rock Meadow:

Rules and Regulations for Rock Meadow

Rock Meadow is managed by the Belmont Conservation Commission on behalf of the many users of the property. The property is a passive recreational facility, intended to serve as a regional recreational feature. Mowed paths are provided within the meadow to encourage access to the property, and we urge you to stay on the paths. Paths are mowed to protect visitors from ticks and poison ivy, which are common in the un-mowed areas. Visitors are encouraged to stay on the paths in both the meadow and wooded areas of the property. Leashed dogs are allowed at Rock Meadow, and owners are required to bag dog waste and dispose of it properly. A dog waste receptacle is available at the Mill Street Parking Lot.

The Commission encourages passive recreational activities, including but not limited to: Leaf Peeping; Nature Study; Bird Watching; Photography; Walking; Running; Photography and Biking. The following Rules and Regulations are promulgated to ensure the enjoyment of the natural environment provided by the seventy-acre public conservation land. Have Fun!

1.0 Prohibited Activities

- 1.01 Be in or upon the land during the time period between ½ hour after sunset and ½ hour before sunrise, unless carrying a permit from the Conservation Commission.
- 1.02 Other than in the Mill Street Parking Area, operate a motorized vehicle, including without limitation any motor vehicle or motorized bicycle as defined in section 1 of Chapter 90 of the General Laws and any recreational vehicle or snow vehicle as defined in section 20 of chapter 90B and any bicycle or scooter powered by any engine, except that vehicles used for law enforcement or permitted maintenance are authorized to operate on land. Class 2 electric bicycles are expressly prohibited.

- 1.03 Ride, lead or drive any horse, pony, mule or donkey.
- 1.04 Possess any alcoholic beverage, whether sealed or open.
- 1.05 Set up a tent or other structure of any kind, without the express written permission of the Conservation Commission
- 1.06 Kindle, or increase a fire, whether or not in a contained area or receptacle.
- 1.07 Hunt, trap or shoot any bird or animal.
- 1.08 Use fireworks or explosive devices, discharge any firearm, air gun, paintball gun, or similar device or use a bow and arrow, slingshot or similar device, or throw stones, sticks or other missiles.
- 1.09 Use of drones, remote controlled flying aircraft, rockets and planes.
- 1.10 Remove, cut or damage any flowers, plants, shrubs, trees, soil, water, artifacts or rocks, including without limitation the removal of fallen trees, and any digging or excavation without the express permission of the Conservation Commission. (Community Gardens are exempt).
- 1.11 Remove or injure or disturb any bird or animal.
- 1.12 Ride a bicycle, other than upon designated trails, except for a law enforcement officer, nor ride a bicycle in an unsafe manner.
- 1.13 Drop, throw or place and allow to remain any litter, garbage or other refuse except in such receptacles as may be provided, nor dispose of any lighted match or smoking materials.
- 1.14 Disposal of household, commercial or industrial trash in, and or around, any receptacles that may be provided for refuse.
- 1.15 Unleashed dogs. Dogs must be leashed, and dog waste must be picked up and disposed of in an appropriate receptacle. Failure to leash or comply with sections 20.10.7 through 20.10.10 of the General By-Laws of the Town of Belmont with regard to dog feces will result in individual fines for EACH unleashed dog or waste event. Fines may be up to \$300 dollars per offense, per dog.
- 1.16 More than two (2) leashed dogs per person, unless they are licensed at the same address.
- 1.17 Place or post any sign or advertising without the express permission of the Conservation Commission.
- 1.18 Commit any disorderly act, disturb the peace, or behave in such a manner as to interfere with the rightful enjoyment of the public to quiet and peaceful conservation land.

2.00 Enforcement Authorized

- 2.01 Any enforcing person (such as, but not limited to: Animal Control Officer; Conservation Commission Agent; Police Officer) taking cognizance of a violation of these rules may require the violator to provide his or her name and address. No person shall refuse or fail to provide their name and address upon request of an enforcing person.
- 2.02 Any enforcing person taking cognizance of a violation of these rules, or having cause to believe any crime has been committed, may order the violator to leave the conservation land immediately, and remain off of the conservation land for a period of 24 hours. No person, upon receiving such order, shall refuse or fail immediately to leave the

conservation land, or having left, no person shall enter the conservation land before the 24 hour period has expired.

3.00 Penalties

- 3.01 Any violations of these rules shall be punishable by a fine of \$100 dollars (unless otherwise stated), except that in the event that the enforcing person issues a notice to appear in accordance with the non-criminal disposition procedure authorized by Town of Belmont General By-Laws 29.4.2, the fines for each offense shall be \$50.

The Commission requested that the rules and regulations be attached to a QR code, allowing users to view the text via cell phone.

Based on a motion duly made and seconded, the Commission

VOTED to adjourn the meeting at 9:15 pm