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DATE: November 17, 2021  
TIME: 8:44 AM

**MEETING MINUTES  
Belmont Conservation Commission  
June 15, 2021 Meeting Minutes  
7:00 pm**

**Attendees:**

Members: Jim Roth (Chairman) Jeff North (Vice Chair); Margaret Velie; Miriam Weil; Christopher Morris; Dan Nolan; Charles Chiang; Mark Smith (Associate)

Others: Markus Pinney; Kyle Cormier; Mark Carthy

**Call to Order:**

The Meeting was Called to Order at 7:00 pm by Chairman Jim Roth.

**Discussion: Proposal for Seating Area at Clay Pit Pond (Cleo Theodoropolus Memorial)**

The Commission discussed the permitting requirements for the new bench to be gifted to the Town. The Commission requested that Mary Trudeau determine whether the existing Order of Conditions remains in place, and can be modified, or whether a new filing will be required.

**Discussion: Mill Street Rotary Update:**

There was no new information presented on the proposed traffic improvements.

**Public Hearing: 129 Leonard Street: Notice of Intent application**

Kyle Cormier, represented the homeowners and applicants Alex Piotrowski and Iryna Piotrowska, in their Notice of Intent application for the construction of a detached garage, to be located within the buffer zone to a Bordering Vegetated Wetland. The garage will be located approximately 12.5 feet from the closest point of wetlands vegetation, associated with Winn's Brook. Mitigation in the form of storm water management off of the proposed driveway and garage roof was proposed.

The Commission noted that neither the existing house, nor the proposed garage, is in compliance with the Commission's policy of requiring 25 feet between wetlands and proposed structures, or activities. The Commission also discussed the implications of the proposed additional impervious cover, noting that there is an existing driveway that is proposed to remain in place, despite the request for a new driveway. It was noted that the work proposed would increase impervious cover within a sensitive area, with little mitigation offered for the work.

The Commission asked the applicant to consider the replacement of impervious surfaces, within close proximity to the wetlands, with permeable surfaces. The Commission noted that these surfaces could include portions of the existing driveway, and patio.

The Commission noted that the existing yard is well maintained, with some wetlands vegetation allowed to grow up along the Bank of the Winn's Brook. The homeowners appear to be excellent caretakers of this exceptional property, with expansive gardens and plantings to the east of the brook.

On behalf of the applicant, Kyle Cormier requested the continuance of the public hearing to allow for time to review the project with his clients. The Commission noted that the scale of the plan appeared to be in error, and requested that this be reviewed by the project engineer, as well.

Based on a motion duly made and seconded, the Commission

**VOTED** to continue the public hearing at the request of the applicant, to the next meeting of the Belmont Conservation Commission.

The motion was approved unanimously.

#### **Public Hearing for Notice of Intent filing: 595 Concord Avenue**

Markus Pinney represented the homeowners, Paul McDonald and Marcia Velencia, in the Notice of Intent filing to demolish the existing single family home and subsequently reconstruct a new wood frame home; sports court; pool; and associated landscaping. While the bulk of the proposed activity lies outside of jurisdictional areas, the construction of the driveway, a small portion of the proposed dwelling; and grading for the sports court and landscaping lie within one hundred feet of Bordering Vegetated Wetlands. Mitigation in the form of storm water management and infiltration is proposed. Additionally, the existing home is serviced by an on site sewage disposal system, and the new home will be connected into a sewer main in Concord Avenue.

The Commission reviewed the proposed activities, noting that much of the work proposed is non jurisdictional. The Commission reported on the findings of the site visit, noting that to the extent possible, existing mature vegetation is being preserved. Tree cutting is limited to a few trees, and the existing trees form the basis of the new landscaping.

While the Commission had no comments or concerns to be addressed, the project did not have a DEP file number. As a result, the representative requested an extension of the public review to allow for the DEP to comment and assign a file number.

Based on a motion duly made and seconded, the Commission

**VOTED** to continue the public hearing for the NOI filing for 595 Concord Avenue until the next meeting of the Commission.

The motion passed unanimously.

#### **Discussion: Invasive Plant Species Management at the Library**

Mark Carthy presented a request to address the knotweed infestation at the Belmont Library. He noted that the work will be done by professionals, and that he understood that the work would

require a permit from the Conservation Commission. The Commission noted that the work could be regulated under a Request for Determination of Applicability. The Commission would require a detailed description of work proposed to control the infestation.

It was noted by a couple of Commission members that recent work at the library appeared to include new granite curb installation within the Riverfront Area and jurisdictional buffer zone areas. Mary Trudeau agreed to view the work area.

#### **Discussion: Meeting with Gregor McGregor**

After a brief discussion, the Commission determined that it was unnecessary to discuss legal advice tendered to the Commission from Gregor McGregor, Attorney.

Mark Smith and Dan Nolan reported on a phone session with Gregor McGregor and an associate. The discussion focused on the Chapter 97 land taking procedures, and the role of the Conservation Commission as caretakers of land controlled by Chapter 97 legislation. The Commission noted that the procedures include an alternatives analysis and a requirement for replacement lands to be purchased.

Discussion included the legal implications of the Judith K Record challenge to build an endowment for the care and upkeep of Rock Meadow. Noting that the terms of the Challenge are likely to include the implementation of a Conservation Restriction on the property, the Board discussed the implications of a restriction. The Commission noted that the land has some protection under Chapter 97, and questioned whether additional protections would be garnered by the implementation of a restriction.

Upon a motion duly made and seconded, the Commission

**VOTED** to adjourn the meeting at approximately 9:00 pm