

Belmont Conservation Commission Meeting

Tuesday January 9, 2007

Town Hall Conf Rm #4

7:00 PM

Attendance: Chair Miriam Weil, Commissioners Carolyn Bishop, Joe Curro, Nancy Davis, Martha Moore, Peg Velie, David Webster

Associates: Darrell King, Tino Lichauco,

Agent: Mary Trudeau

Public: Thomas, Florence and Cynthia Reed of 62 Woodfall Road, Philip and Ann Heymann of 275 Marsh Street, Don Bockler 138 Gilbert Road, Stephanie Liu 49 Oliver Road, Ellen Mass of Friends of Alewife

Minutes of December 5, 2006 approved as amended.

Schedule of meetings for 2007: February 6, March 6, March 27 or April 10, May 1, June 5,

June 26, August 7, September 11, October 2, November 5 (Monday), December 4.

Mary Trudeau requested that members check their calendars and send an email of any dates that you can't attend so she can monitor a quorum.

70 Woodfall Road: The Chairwoman reopened the continued public hearing at 7:22 PM. Ms Trudeau noted that no additional submissions had been received since the last meeting. Mr. Kherlop, the applicant's representative was not in attendance, and Ms Trudeau stated that he had not called or written to postpone his appearance in front of the Commission.

Ms Trudeau stated that Mr. Kherlop had submitted, as instructed, the names of three Licensed Site Professionals. Ms Trudeau noted that two of the firms were acceptable to the Commission as they employed Licensed Site Professionals. One of the three firms submitted was Paragon with LSP Stephan Smith. Ms. Trudeau met this LSP at the site and discussed the scope of work with him. Other names submitted were Magtech and Steven Kurs, an LSP who has lost his license until 2008. Ms Trudeau noted that Stephan Smith affirmed that a house of that period has a number of potential contaminants, and that he proposed conducting approximately twenty tests for lead, heavy metals etc. in front and back yards. He stated that if any tests showed contamination then examination could be expanded off site.

Ms Trudeau responded to comments by the Commission and stated that to date, the Board of Health (BoH) has taken no interest in the site. She noted that she had pursued the asbestos certification status but found that no asbestos certification was required by BoH since the work was originally proposed as an addition. She also noted that if a dumpster is on site, there must be a permit from the Board of Health. No dumpster is currently on site. According to Joe Curro, any demolition material removal has to be documented. Building inspectors have apparently allowed such disposal and this seems to be prohibited by state statute.

Two letters have been sent to Mr. Kherlop outlining his responsibilities. The Commission requested that a third letter be sent by M. Trudeau: a supplemental enforcement order requiring the hiring of an LSP and submittal of the scope and schedule of proposed work to the Commission by January 23rd, 2007. If this action is not taken by then, the Commission noted that the issue could be turned over to DEP for enforcement and the public hearing would be closed at the next meeting. The Commission also noted that they could request that Building Department stop inspections until the applicant complies with the outstanding enforcement action. Neighbors commented and noted that the same work crew was observed on another property on Woodfall Road, undertaking the renovations on that property as well. At 7:45 PM, it was decided to continue the hearing on behalf of the applicant to February 6, 2007.

David Webster moved that M. Trudeau compose a letter to the Building Dept informing them of the status of the case at 70 Woodfall Rd, the two enforcement actions taken, the applicant's failure to appear at the hearing, urging them, the Building Department, to consider assisting us in appropriate actions. N Davis seconded. After discussion on CC jurisdiction, vote taken: 6 in favor, 1 against, preferring issuance of an enforcement/Stop Work Order.

Belmont Uplands Flooding: Friends of Alewife Reservation member Don Bockler spoke about flooding issues around the Uplands. A retired Science Teacher at Arlington, he has used Uplands and Alewife area in field work with his classes, so he has some familiarity with the area. Mr. Bockler distributed photos and a map showing flooding from <2" rainfall November 13-18, 2006. Mr. Bockler noted that he observed the water level of Little River rising 2.5 ft with the less than 2" rainfall during this observation period. He showed numerous photos of flooded trails, standing water and other evidence of flooded conditions.

Stephanie Liu, 49 Oliver Road, showed photos of her back yard flooded after storms 10/15/05 and 5/14/2006.

Darrell King passed around a map showing the 100yr flood plain prepared by Epsilon for O'Neill Associates and the Uplands development. Discussion followed about sewage backups, flooding, and infiltration/inflow issues in Belmont.

TURI Grant Opportunity: Ms Weil discussed the Toxic Use Reduction Grant from the Toxic Use Reduction Institute at U Mass Lowell. She noted that she sent information to Sustainable Belmont. She also stated that she might refer the Board of Health to the program and that the high school was potentially another interested party. She noted that the grant addresses concerns about chemical disposal, toxic pesticides, road salt use. Nancy Davis reported the DPW is using a product that helps reduce the amount of salt needed.

Pre Hazard Natural Disaster Mitigation Plan Grants: Ms Trudeau noted that MAPC has approached the Town about participating in the program. The MAPC would write the Pre-Disaster Mitigation Plan for the Town, but that the Town would need to supply some

information to the agency. Participation for the Town Payment requires 25% funding from the Town for a total contribution of approximately \$3200.00 dollars. The Plan would cover flooding, windstorms, etc. and future eligibility for FEMA funds is dependent on participating in this program. M Trudeau will follow through on this with the Town Administrator.

Construction of storm drains on Clifton/Pleasant: N. Davis reports sediment on road that needs attention to prevent sedimentation of storm drain. M. Trudeau will follow up.

Brighton Street: J Curro reported haybales in bad shape along stream and C Bishop reported several in the stream. This is Cambridge property. M. Trudeau will follow up with the Cambridge Department of Public Works.

Wetlands Setback Policy: The Commission discussed the current draft of the proposed Wetlands Setback Policy. T. Lichauco had begun a revision of a setback policy and D. Webster completed it, and copies were emailed to the Commission for review over the past few weeks. Extensive discussion and fine tuning of the policy occurred during the meeting. C Bishop moved that the Commission approve and adopt the finalized document. N Davis seconded the motion, and there was a unanimous vote of approval and adoption.. The Commission voted that the Policy take effect immediately.

604 (b) Grant Proposal: The Commission discussed the Grant Proposal as prepared by CEI, for Blair Pond, Little Pond and Claypit Pond protection. Ms Weil noted that the goal of the plan was to improve eligibility for 319 grants. D. Webster raised questions on the process and needs in Belmont. He noted that the grant application was prepared by CEI, and that he would have liked the Commission to have had more input in the process.

Rock Meadow: The Commission discussed Jeff Collins' report on Rock Meadow and its implications for future management. Commissioners agreed to read the report and send in comments. Ms Trudeau noted that she is not looking for detailed opinions on the alternatives recommended in report, as the report is a technical guidance document. Nancy Davis noted that she had solicited a proposal to perform the work outlined in the NRCS grant and that Jim Henderson bid on the job for \$86,897. She noted that this estimate was for a ten year cost figure, and that he did not break the costs down into annual charges and tasks. The Commission noted that they would prefer a broken down estimate to match the NRCS grant format. Mary Trudeau noted that T. Younger has tentatively agreed to sign the grant contract, although he noted that the funding source may vary over the ten years.

N. Davis recommended using Town labor and equipment to provide the "in kind" labor part of the grant by removing brush, for example. Ms Trudeau noted that portions of the grant match will need to be monetary.

Nancy Davis also noted that Deb Hartmann spent \$500 to set up a website for the Friends of Rock Meadow. The Commission noted that their jurisdiction over Rock Meadow needs to be established. The Commission agreed that Friends of Rock Meadow cannot

be a subcommittee of the Commission, and that Deb Hartman should clarify the relationship of the subcommittee and the Friends of Rock Meadow association.

ClayPit Pond: Nancy Davis expressed concerns about the mowing machines eroding the hillside upgradient of the ClayPit Pond. She suggested that improper equipment, mowing when wet, mowing grass too short are all possibilities for the cause of the damaged turf. In addition trucks are using the hillside by the bridge as an exit and the grass and hillside are rutted. N Davis will contact Peter Castanino.

240 Somerset Demolition: Ms Trudeau noted that she has sent letters about the need to have properly installed erosion controls in place, and that the wetlands need reflagging. She stated that she has been conversing with Mr. Muzzioli concerning the status of his demolition permit. She noted that a very large DEP File Number sign is up on the site.

Meeting adjourned at 10:40 PM Next meeting February 6, 2007 at 7:00 PM

Submitted by C. Bishop/M. Trudeau

(Minutes Approved by a unanimous vote of the Belmont Conservation Commission at the February 6, 2007 meeting of the Commission)