

APPROVED

Minutes of October 3, 2006 Meeting
Belmont Conservation Commission

The Belmont Conservation Commission convened at 7 pm. Members present were:

- Miriam Weil, Chairman
- David Webster, Member
- Margaret Velie, Member
- Nancy Davis, Member
- Martha Moore, Member
- Tino Lichauco, Associate
- David Cowell, Associate
- Darrell King, Associate
- Mary Trudeau, Agent

The Minutes of the September 12, 2006 meeting were reviewed.

David Webster moved to approve the minutes as written, the second was by Margaret Velie, and the vote was unanimous.

33 Sandrick Road – Certificate of Compliance

The Commission discussed the issuance of a Certificate of Compliance for the property at 33 Sandrick Road (DEP File Number 106-055). The Commission noted that a field visit had been performed by the agent and several members of the Commission, and that the work appeared to be fully compliant with the Order of Conditions.

David Webster moved to issue a Certificate of Compliance, the second was by Martha Moore, and the vote was unanimous.

The Commission discussed the implication of election day on the next meeting of the Commission and agreed to schedule the next meeting of the Commission for 7 pm on October 30, 2006.

Mary Trudeau noted that the Recreational Trails Grant application for work at Rock Meadow had been filed on October 2, 2006.

The Commission received copies of a memo, from Town Counsel, discussing recent legislation applicable to local adjudicatory hearings.

30 Howells Road – Public Hearing (continued from July 31, 2006)

At 7:15 the Commission re-opened the continued public hearing for the project at 30 Howells Road. The applicant, Gordon Low was in attendance and was represented by Attorney Stephen Rosales; Joel Williams, PE; and Dave Rota. Richard Levandov, an abutter, was present and was represented by George Mariani of Sanford Ecological Associates.

Stephen Rosales reviewed the additional information that had been submitted by Mr. Low. He noted that every item on the list, as prepared by Mary Trudeau on August 8, 2006, had been addressed. In particular, Mr. Rosales addressed the drainage calculations showing that the proposal included mitigation for runoff in all storm events, up to and including the one year event.

The Commission questioned the drainage analysis, and many of their concerns were addressed by Joel Williams. Nancy Davis noted that "rain garden" technology could be incorporated into the site design. The Commission also asked for clarification of the proposed grading schemes; the methodology of the drainage analysis; landscaping; the proposed alteration to the existing berm along Locke Road; and the permeability and seasonal high ground water assumptions. Mr. Low discussed his alternatives analysis, and was questioned at length by members of the Commission.

Mr. Levandov noted that he was concerned with the impacts to his property. George Mariani stated that he believed the Commission should not accept the alternatives analysis and that the project should be reviewed under the performance standards found at 310 CMR 10.58 (4) and (5). He noted that the project appeared to be a redevelopment project.

Ms Trudeau stated that it was her belief that the single family residential nature of the project would not be considered a redevelopment project and would be allowed to alter up to 5000 sf of Riverfront Area, in compliance with standards found elsewhere in the regulations. The Commission discussed this at length.

The Commission noted that a strict interpretation of the alternatives analysis standards could require that Mr. Low evaluate additional alternatives that were not constrained by the applicant's desire for design details such as a below grade garage, a circular drive or a particular house placement. This might change the analysis of alternatives that relocate the driveway outside of the Riverfront Area, making them more practicable. The Commission noted that over the 12 months of hearings, many driveway scenarios had been reviewed. The Commission reviewed the financial implications and design constraints of relocating the driveway, out of or away from the Riverfront Area.

The Commission noted that determining access to the Locke Lane right of way was outside of the jurisdiction of the Commission.

David Webster moved to close the public hearing, the second was by Nancy Davis, and the vote was unanimous.

The Commission deliberated on the Order of Conditions for the 30 Howells Road project. The Commission discussed the location of the driveway at length. Discussion centered on the placement of the driveway within the riverfront area, as well as the actual value of that particular piece of riverfront area. The Commission ultimately decided that the design aspect that was likely to create the most significant environmental impact was the alteration and partial removal of the landscaped berm to allow for a driveway cut onto Locke Lane. The Commission decided that the applicant should be required to mitigate for the loss of potential wildlife habitat by replanting on the site. The Commission noted that the stormwater control exercised by the berm, and lost through the proposal, was fully mitigated by the drainage mitigation.

Discussions lasted for well over an hour and resulted in the decision to require a wetlands consultant monitor the installation of the sewer connection; a requirement that the acreage of the lost vegetation in the riverfront area, including the destroyed berm, be offset by new plantings to create new vegetation of equal area within the riverfront area; that the infiltrator trench be installed at the completion of the construction sequence; and that the applicant be encouraged to implement a rain garden as a minor modification to the Order of Conditions.

Nancy Davis moved to issue an Order of Conditions permitting the project subject to the above noted conditions. David Webster amended the motion to state that the Order would not be issued until a draft had been reviewed by members of the Commission. The motion was seconded by Martha Moore, and was unanimously approved.

80 Clifton Street

Mary Trudeau stated that she had visited 80 Clifton Street, and was in agreement with Carolyn Bishop that the driveway off of Fletcher Street had never been eliminated, and had, in fact, been improved. The Commission voted to ask Ms Trudeau to confirm that the Order of Conditions includes this condition, and if so, write a letter to the homeowner requiring the removal of the driveway as dictated in the earlier Order of Conditions.

70 Woodfall Road

The Commission discussed the ongoing work at 70 Woodfall Road. Mary Trudeau noted that she had visited the site and felt that the ongoing construction was a violation of the Wetlands Protection Act. She felt that the work would have

required the filing of a Notice of Intent and should have been issued an Order of Conditions prior to commencement.

David Webster moved to authorize Mary Trudeau to issue an enforcement action against the 70 Woodfall Road property. Motion was seconded by Nancy Davis and the Commission unanimously approved.

Wetlands Bylaw Update

The Commission discussed the proposed Wetlands Bylaw. Nancy Davis noted that the bylaw and the proposed regulations would be submitted to the April Town Meeting, and that there would be no article on the upcoming November Town Meeting.

Senate Bill 1909

Martha Moore discussed the proposed Senate bill 1909 currently under consideration in the State Senate and House of Representatives. She asked that the Commission send a letter of support. The Commission agreed to send a letter that did not specifically support the specific Bill or the proposed moratorium and did support the preparation of a study of flooding and natural resources in the Route 2 corridor.

Uplands Development

Martha Moore also discussed the upcoming Uplands Hearing with the Zoning Board of Appeals. She noted that the project has not submitted a MEPA filing and that this process will ultimately facilitate the environmental review of the project. Martha asked that she be able to speak for the Conservation Commission at an upcoming meeting of support to the Zoning Board of Appeals requesting that they support the filing of a MEPA review application as soon as possible in the project development process because of the importance of the project and a need for a thorough review. This was agreed to by the Commission.

The meeting was adjourned at 10:45 pm.