

Belmont Conservation Commission Meeting December 5, 2006 7:00 PM Town Hall Rm 4
Attendance: Commissioners Carolyn Bishop, Joe Curro, Nancy Davis, Martha Moore, Peg Velie, David Webster, Chair: Miriam Weil
Associates: Darrell King, Monica King, Tino Lichauco, David Cowell
Conservation Commission Agent: Mary Trudeau
Animal Control Officer: John Maguranis
Public: Rich Westcott for Northlands, Norman Kherlop for 70 Woodfall Road, Jack Dailey of Northland, Thomas Reed, Florence Reed, Cynthia Reed all of 62 Woodfall Road, Ann Heymann, 275 Marsh Street, Debbie Hartmann 133 Brookside Avenue; B-Dog representatives: Pat Hawkins 10 Lincoln Street, Pat Petow 14 Harding Avenue, Kate Boyle 5 Farm Road

Meeting called to order at 7:00 PM
Minutes of October 30, 2006 approved as amended.
Minutes of July 18, 2006, March 21, 2006 approved as received.

Request for Extension of Orders of Conditions at the Woodlands: Presentation by Rich Westcott. Mr. Westcott requested that the Conservation Commission (ConCom) issue extensions for each of the four outstanding Orders of Conditions at the Woodlands project, located at 115 Mill Street. He noted that the DEP File Number 106-0012 permitted a wetlands crossing, with a mitigation area to be constructed within Zone One. Mr. Westcott noted that separate extensions are required for each of Notices of Intent. This will allow the issuance of separate Certificates of Compliance to be issued as units are completed. He noted that the road crossing is completed, that the wetland replication area is twice the size of the area filled and plants have been installed. These planted materials should be established by spring 2007. He noted he would be likely to apply for a Certificate of Compliance when the extension expires in June 2007. Ms. Trudeau noted that this area was a debris pile before the work and that the replication work looks good. She stated that there is a bond to protect the viability of the plants.

Mr. Westcott noted that the three remaining Orders of Conditions regulate the construction within the first and second phases of construction. He noted that the work is in various stages, with no work having been begun within the Phase 2 areas. Mr. Westcott noted that within Phases 1A and 1B construction is in progress; planting expected in late spring to stabilize lawns so he was therefore requesting an extension to December 2007 to allow for the completion of these work areas. Mr. Westcott then discussed the work regulated by DEP File Number 106-0028. He noted that work has not begun under this Order and that the buffer zone work regulated under this Order of Conditions is more than three years away from completion. He therefore requested a three year extension, until December 11, 2009. He noted that water main work has received Certificate of Compliance. Original road crossing Order of Conditions dates from 1999, other Orders were from 2003. Ms. Trudeau stated that she had visited the site and addressed sedimentation and erosion control issues. By unanimous vote of the Commission: DEP File Numbers: 106-0012 extended 6 months to June 2007, 106-0027 extended to December 11, 2007, 106-0028 extended for three years to December 11, 2009, and 106-0029 extended to December 11, 2007.

70 Woodfall Road: Hearing re-opened at 7:30 PM Mr. Norman Kherlop, representing the owner, began his presentation by speaking about proposed landscaping of the lot. He addressed

tree replacement, size and species, suggesting the planting of a deciduous tree, perhaps an oak, a border of 3 pines and 2 spruces, a saucer magnolia, a stellata magnolia. He stated that he planned to regrade the back yard with the possible removal of soil and replacement with loam, raising grade no more than a foot off of the foundation since no existing grades remain with the goal of making the slope of back yard more gradual after construction. Ms. Trudeau requested an engineered plan detailing the existing and proposed topography to evaluate and establish any changes.

The Commission requested that Mr. Kherlop review the proposed site drainage. He noted that currently constructed drainage from front yard foundation would be directed into leaching basin with overflow into the existing Town storm drain. Ms. Trudeau noted that the detail did not include the bedding of the leaching catch basin and that a detail of any crushed stone bedding, or side bedding should be shown on plan. She also noted concerns with the depth of the water table at the bottom of the leaching pit. The Commission noted that more detail on drainage is needed. The Commission expressed concern about directing water away from back yard. Mr. Kherlop noted that the foundation perimeter drains are at foundation base level and that the current connection into the storm drain needs to be changed due to the incorrect installation of the drain line from the site to an elevation below the outlet of the catchbasin. The Commission reiterated the need to keep water on site. Details on drainage into backyard are needed, with attention paid to the dispersal of flows. The Commission noted that front yard drainage should be no greater than before and not fed directly into storm drain.

Mr. Kherlop noted the addition of a shed on the site plan. He stated that the shed would be used to house the irrigation well filter tank. Ms. Trudeau noted that Glenn Clancy does not want well water used in the house as a means of avoiding paying for use of MWRA sewage disposal system. The Commission requested a Schematic plan showing the proposed lawn irrigation system. The Commission also questioned the need for a well filter tank if the water is to be used only for irrigation.

Mr. Kherlop noted that the proposed deck is now an impervious patio of bluestone in concrete on an 18" foundation on 12" of crushed stone and 12" of stone wall with gravel behind. Drain pipe in wall is not shown. The Commission noted that more detail was needed, particularly with the footing of the proposed patio.

Ms. Trudeau relayed that she had spoken with Mark Fairbrother of the DEP concerning the chipping of the house with a wood chipper. Mr. Fairbrother recommended that the Commission require that a Licensed Site Professional conduct a site assessment and test for asbestos and heavy metals. Joe Curro suggested that a house of this age may have the potential for, both, lead and asbestos; metal laths of this period often were covered with plaster containing asbestos for reinforcement. He recommends a 21E site assessment. Mr. Curro stated that according to the building code, certification that building was asbestos free should have been issued before demolition. Mr. Kherlop stated that some asbestos assessment may have been done and he thought it may only have noted the potential in the linoleum. Off site assessments should be done to see if material spread to adjoining properties. Mr. Kherlop stated that his request for bills of lading for dumpsters have not been productive as the bills of lading are being held by dumpster company because payment is due from Master Construction. ConCom discussed requiring site

testing before Order of Conditions is issued. Ms. Trudeau reports that there were not dumpsters regularly on the site and that there was trash everywhere. Belmont Board of Health has made no response to the complaints.

ConCom discussed requiring that Mr. Kherlop hire a Licensed Site Professional (LSP) familiar with 21E, such LSP approved by the ConCom, to test the site. Ms Trudeau noted that DEP stated that had they been called when this was ongoing, they could have acted at that time. She noted that the requirement for a 21 E assessment could be accomplished as an enforcement order or a request for additional information (as part of the Notice of Intent filing). She noted that an enforcement action cannot be appealed and will be issued to the owner of the property. The Commission agreed that all earthwork on site should be stopped until this testing is done. The Commission requested that Mary Trudeau send a letter from the Commission listing information required for the continuation of the review of the Notice of Intent.

Joe Curro stated that typically wood chips are sold to be burned in Maine for power or dyed red and sold as mulch.

Nancy Davis moved that CC issue an enforcement order requiring a 21E assessment to determine nature and extent of contamination on the property at 70 Woodfall Road. The Assessment would be conducted by a Licensed Site Professional and would test for heavy metals (lead), creosote and asbestos, with notification to DEP of findings. The Commission voted unanimously to issue the enforcement action, and instructed Ms. Trudeau to proceed with the requisite paperwork.

The Commission noted that a LSP can follow up on the destination of the dumpsters' contents. The Commission told Mr. Kherlop that the names of potential Licensed Site Professionals should be submitted for ConCom approval.

Mr. Kherlop was questioned about the abutter notification for the Notice of Intent filing and he stated that the abutters were re-notified. Ms. Trudeau requested that an Affidavit of Service and receipt from Certified mail be submitted to the Commission.

The Commission reiterated that two letters will be sent to the homeowner, an enforcement order and request for additional information for the Notice of Intent. The letter detailing the Notice of Intent information will include:
Need for pre and post development elevations (including grading), leaching basin details, revised drainage plans for the rear of the home and the rear yard, separate outfalls for roof runoff and perimeter drains, a plan for irrigation system, and details on the proposed patio. Hearing continued at 8:40 PM to Tuesday January 9, 2007.

Rock Meadow Dog Park Proposal: B-Dog members presenting proposal for Dog Park at Rock Meadow for use by Belmont residents only.

John Maguranis introduced proposal, having formerly been opposed to the project. Currently B-Dog has 200 members; is registered as non-profit and is seeking an off-leash dog park. Currently they meet at Crate Escape where dogs can play off leash indoors. There are 2,157 licensed dogs in Belmont representing about 1800 households. John reports that Rock Meadow is hard to police, with dogs off leash, no proper waste disposal, and that he would prefer no dogs

in Rock Meadow. He noted that he felt that he would be better able to control the use of the Rock Meadow by dog walkers if there were a dog park available. The proposal is for a fenced in area of about an acre that would be double gated to provide an off leash recreational area for dogs. Some proponents would like to have picnic tables and benches. They would work to clear bittersweet, provide dog waste bags and receptacles and would clean area regularly. The park as proposed would be for Belmont residents only. A possible voluntary fee paid when dog is licensed might be used for maintenance of park. Parking proposed along Concord Avenue. Mr. Maguranis reported on wildlife in the area: one coyote den was found in transfer station area but both pups were killed by cars in Waltham. He reports a strong deer population and a fourth Fisher killed on Mill Street.

Discussion followed on the proposal: J. Curro spoke against parceling out open space conservation land. C Bishop spoke against breaking up the conservation land wildlife habitat and recommended using the end of the Grove Street playground but Recreation Department has refused to allow a dog park there. N Davis recommended the area of McLean land where the farmhouse was. M. Moore spoke about seeking public opinion on the project on public land. Rock Meadow is already an enforcement challenge. John Maguranis suggested a bylaw increasing the fine for unleashed dogs in the meadow to \$50 as per the posted sign at Rock Meadow. Nancy Davis recommended investigating the landfill as a site, and Joe Curro updated the Commission on the progress of the landfill closing. Mr. Maguranis pointed out the current value of that site for birds, especially killdeer and woodcocks. The Town is currently under a Consent order to cap the landfill.

Rock Meadow: Deb Hartmann, Chair of Rock Meadow Sub-Committee, presented NRCS WHIP (Wildlife Habitat Incentives Program) through USDA and Natural Resources Conservation Service (NRCS). Grant proposal to get money for reclamation of the meadow with cost sharing: fund raising and donations of volunteer work. A revolving fund would be needed since payment must be made before reimbursement received. Complications of getting contractor whose bids fit within the budgeted item set for the next ten years with no increases, based on the state average. If Town signs the ten year contract, we are committed to complete project. Currently filing fee fund has only \$263.

The grant has targeted areas meadows/grasslands for restoration and includes invasives control for the meadow. Four alternatives presented with varying costs and benefits: Alternative One is basic mowing with no restoration and unlikely to be funded. Alternative Two is to manage grassland for wildlife with minimal growth control. Alternative Three is to restore and manage grassland for wildlife, some shrub removal on ten to fifteen acres. Alternative Four is to restore grassland, shrubland and manage for diversity and wildlife. This involves extensive invasive management and then basic maintenance. Total cost over ten years estimated as \$73,440 with Belmont's share of \$21,380. Meadow was completely mowed late this fall for \$2500. N. Davis moved approval of Alternative Four for the WHIP grant application. Unanimous approval. Debbie Hartman stated that there is still some money in the Rock Meadow fund.

275 Somerset Road: change in landscaping. David Webster moved approval of change in landscaping as minor modification contingent on submittal to the CC an updated plan showing contours of finished project. Unanimous approval.

604(b) Grant: Mass DEP funded by federal government/Clean Water funds. Proposal for Cambridge and Belmont for watershed studies for Claypit, Blair Pond and Little Pond. CEI (Stephanie Hanson) will write the grant on the assumption that they get the contract if the grant is received. M. Weil noted that if the contract is less than \$25,000 then it doesn't have to go out to bid. Ellen Mass of Friends of Alewife sent info to Catherine Woodbury, Cambridge Conservation Agent, seeking letters of support. Commissioners should examine the "tasks" on handout for discussion at next meeting. Goal is to study sources of pollution and sedimentation of these waterbodies and then identify Best Management Practices (BMPs). Therefore a plan would be in place if and when funding is available. David Webster noted that the plan could be used to accommodate development mitigation on projects such as the uplands. M. Weil noted that letters of recommendation are needed from Cambridge, state reps, and other organizations. Discussion followed of the importance of including Claypit Pond and including work to support the value of the 25 ft buffer policy in the proposal.

30 Howells Rd: M. Trudeau reported on the December 4, 2006 DEP Site visit for Levandov appeal of the Order of Conditions. She felt that DEP is likely to require Mr. Low to prove that he is altering less than 5000 sq ft. She also noted that the real issue for Commission is Howells Road sediment running into the brook.

Checklist for initial submissions for Notice of Intent: model list of information required for submissions as received, amended to indicate "Massachusetts" registered professional engineer . Moved and approved.

Wetlands Setback Policy: Copies of the draft were issued to members to be studied and voted on at next meeting.

Meeting adjourned at 10:35 PM Next meeting Tuesday January 9, 2007
Submitted C. Bishop/M. Trudeau