

**Belmont Conservation Commission Meeting** February 3, 2009 Room 2 at Town Hall at 7:00 PM

**Attendance:** Chair: Miriam Weil, Members: Tino Lichauco, Nancy Davis, Margaret Velie, David Webster

Associates: Jeff North

Absent: Martha Moore, Jim Roth, Debbie Hartman

Agent: Mary Trudeau

Public: Judith Pickett, Esquire; Donna Moultrup; Neil Johnson

**Minutes:**

Minutes of January 6, 2009 were discussed, and approved. David Webster moved that the minutes be approved, the motion was seconded by Margaret Velie, and unanimously approved in a 5-0 vote.

**Discussion of Woodward Conservation Restriction with Attorney Judith Pickett:**

Attorney Pickett presented the draft of the proposed Conservation Restriction for the Woodward Property on Ernst Road to the Commission. She noted that the Woodward's need to finalize the Restriction by April 2, 2009 for tax purposes. The Commission discussed the purposes of the Restriction, as well as the need for the Commission to regularly inspect and potentially enforce the terms of the Restriction. Nancy Davis noted that the site is within a localized "greenbelt" and provides wildlife habitat. Mary Trudeau noted that the previous owner of the lot had maintained the land as a wildlife preserve, and had planted substantial amounts of native vegetation designed to provide food and habitat for birds.

Attorney Pickett noted that she was requesting comments from the Commission, and that she would be filing the application for the Restriction imminently.

**Board Of Health Poison Ivy and Noxious Weed Control Plan with Donna Moultrup of the Belmont Board of Health:**

Donna Moultrup submitted and discussed the Vegetation Management Plan for the Five Year Control Plan. She noted that while poison ivy was the targeted plant, the plan does make provisions for the control of Japanese Knotweed, Phragmites, Bittersweet and Buckthorn.

Tino Lichauco moved to issue a Negative (3) Determination of Applicability that incorporated the special conditions carried forward from the previous Determination of Applicability. The motion was seconded by Nancy Davis and was unanimously approved.

**Minor Modification to the Order of Conditions 106-0087 – 43 Howells Road**

Amy Finley, represented Cynthia Jones and Robert Estes, the applicants, in their request for approval of a minor modification to the Order of Conditions issued as DEP File Number 106-0087. The homeowner's application to the Board of Appeals (for the addition approved in the Order) was denied, and the footprint of the proposed addition was subsequently revised to maintain existing front yard setbacks. The applicant will be reapplying to the Zoning Board of Appeals, if the new addition is approved by the Conservation Commission.

The Commission reviewed and discussed the proposed changes. It was determined that the new proposal is less intrusive within the jurisdictional Riverfront and buffer zone areas, and is smaller, than the previously approved footprint. Ms Finley noted that the subsurface sewage disposal system has been abandoned, and the property is now serviced by municipal sewerage. She also stated that the previously approved stormwater mitigation measures were still intact in the revised scenario.

David Webster moved to require Mary Trudeau to write a letter to the applicant approving the minor modification to the existing Order of Conditions. The motion was seconded by Tino Lichauco, and unanimously approved.

#### **Certificate of Compliance Request for 35 Locke Road (106-83)**

Neil Johnson requested that the Commission issue a Certificate of Compliance for the sewer utility installation on Locke and Howells Road. Ms Trudeau reported that she had viewed the work and it appeared to be in compliance with the Order of Conditions. She also stated that Mr Johnson had re crowned the road to divert stormwater flows from running directly into the Winn Brook. The Commission noted that they were grateful for this design modification.

David Webster moved to issue the Certificate of Compliance, and the motion was seconded by Nancy Davis. The vote was unanimous.

#### **Certificate of Compliance for 275 Somerset Street (106-0054)**

Neil Johnson requested that the Commission issue a Certificate of Compliance for the work associated with the single family home at 275 Somerset Street. Ms Trudeau reported that she had not viewed the work recently due to the heavy snow cover, but did recall the lawn having been established last fall. Mr Johnson noted that he had used sod to stabilize the yard. Ms Trudeau concurred that the work to date appeared to be in compliance with the Order of Conditions, but noted that the landscaping plan approved in the Order had not been completed. She stated that once the Order was issued, the work could not be done without the refile of a Notice of Intent. Mr Johnson stated that he understood that the issuance of the Certificate of Compliance vacated any permissions granted in the Order.

Tino Lichauco moved to issue a Certificate of Compliance. The motion was seconded by David Webster, and unanimously approved.

## **Rock Meadow Report and Discussion**

Miriam Weil noted that Debbie Hartman had been unable to attend the meeting. Ms Trudeau agreed to contact Debbie, Tom Grimble and Mike Tabaczynski and arrange for a meeting to discuss the Trails grant work to be done this spring.

Nancy Davis reported that dog walkers are not supervising their pets, and that feces are common throughout the pathways, boardwalk and meadow. Mary Trudeau agreed to talk to the Board of Health and Peter Castinino about the possibility of installing trash cans at the Mill Street parking lot.

Mary Trudeau reported that Mapworks had begun preparation of the mapping for Rock Meadow, but was waiting to do GPS location work until a snow melt.

## **Executive Session:**

David Webster moved to go into Executive Session at 9:30 pm to discuss the on going litigation for the Residences at Acorn Park Project (80-0075). The motion was seconded by Tino Lichauco and the vote was unanimous.

Meeting adjourned at 10:00 PM  
Submitted by Mary Trudeau, Agent