

Conservation Commission Meeting February 7, 2006 7:00 PM Chenery Fac. Lunch Rm.

APPROVED

Attendance: Commissioners Baskin, Bishop, Curro, Davis, Moore, Velie, Weil
Associate McVay

Town Engineer Glenn Clancy, Citizens Darrell King, Ellen Mass
Tom Pruneau from Waltham, Andrew Meeks from DCR

Proponents: Laurie and Gordon Low with David Rota, General Contractor.

Abutters: Rich and Robin Levandov with Nicole Hayes, Sanford Ecological Services, Steve and
Margaret Wheelwright, Elizabeth Donnelly, Gayle and Morton Speck, Nettie and Bob
Wohlgemuth

Matthew Keithley's Eagle Scout project was signed by CoChair Weil.

Minutes of December 6, 2005 and January 10, 2006 approved as amended.

79 Brookside Avenue: Hearing continued until March 7 since applicant is having difficulty
completing forms.

Tom Pruneau: resident of Waltham, formerly from Arlington when he had a victory garden at
Rock Meadow. He is now an amateur beekeeper and is inquiring about setting up a couple of
hives on the property. Proposes site on hill 30 to 40 yards from gardens. K Baskin seeks
assurances about safety to citizens using the space. Joe Curro expressed concern about
vandalism. Miriam Weil concerned about curiosity factor. Tom offered to have informational
signage and URL for webpage. Habitat/Mass Audubon or Waltham victory gardens were
suggested as alternatives. Sergi farm was suggested and Miriam will provide contact
information. Permission for Rock Meadow was denied.

McVay Project 109 Brookside Avenue: Slight modification requested for building access to
basement under the approved deck. Steps to be built of arsenic free pressure treated timbers and
gravel to replace concrete slab with usual conditions for treatment of excavate. Modification
accepted unanimously. K Baskin requested information on the functioning of the drywells that
were installed.

Open Space and Recreation Plan: Brief report submitted by email from Stew Sanders expressing
intention to ask Chris McVay and Julie Altshuler to assist. Chris doesn't have time. Additional
help is needed.

Little Pond/Larch Circle: Andrew Meeks, Assistant General Counsel for DCR presented
Request for Determination of Applicability for removal of the large willow that fell on DCR
property abutting Charles Sodini, 37 Larch Circle. Removal is a challenge due to size of tree and
rootball and access issues. DCR states that the tree was on private property and Mass Law states
that what is on one's property is one's own responsibility. DCR doesn't have removal budget.
In December Mr. Meeks was contacted by Mr. Sodini and came to an agreement. DCR will saw
off tree at property line and leave removal of rest to property owner. DCR needs to replace the
fence that was crushed. Removal is not subject to the Wetlands Protection Act. The condition
issued by the Commission requiring total removal with access from the DCR side is difficult to

meet. When ground freezes major work will occur. Usually such a fallen tree on DCR property would not be removed.

DCR did not want to work on private property so Glenn redrafted the original letter that called for total removal of the tree. A motion was made to issue a Negative Determination of Applicability with amended Conditions as issued in Emergency Order dated January 13, 2006. Passed with 6 ayes and one abstention.

380 Concord Avenue: Armenian Church Hearing opened 8:02 PM Request for Determination for Applicability by Cingular Wireless to install a metal spiral staircase for access to cell towers on roof of church. Greg Nawrotzki representing firm of Dewberry presented for Cingular Wireless. The plan is to locate a screened in equipment platform on lower roof and 6 antennae to be installed in cupola of church. At grade at rear of church a wood stockade fence will enclose the base of the spiral staircase. Rear of church is paved down to the stream. Project falls in the first 100 ft of the Riverfront area. Plan is to remove pavement and set a concrete foundation about 4 ft x 4 ft, beneath frost line. Currently pavement extends to the back of the church. Fence would require about 6 piers installed below the frost line. Discrepancy noted between Town map and submittal map. It appeared that the 100ft buffer zone was listed as 200 ft riverfront and the scale of the map is incorrect. (Concord Avenue is 80ft wide.) Revised drawing is required. Staging area will be the parking lot. Conditions will include amended plan with scale of map corrected, shrubs for planting worked out with the Commission, unpaved ground/gravel between the fence and the church. At 8:24 PM the hearing was continued to March 7, 2006 with additional information to be submitted by proponent. Unanimous approval of continuation of hearing.

30 Howells Rd: Continued hearing opened at 8:25 PM Gordon and Laurie Low began by stating that their project disturbs less than 5000 sq ft, impairs no wildlife habitat, and has no impact on ground or surface water quality. The formerly illegible plan was resubmitted as several plans showing Locke Road, the Riverfront boundaries, existing home with impervious surfaces of house, walks, garage etc. Plan four shows proposed house with offsets, proposed configuration of the driveway yet to be determined. Proposed house is 1966 sq ft and drive is 1833 sq ft totaling 3799 sq ft of impervious surface in Riverfront area plus 771 sq ft outside riverfront. Proponent cites 310 CMR 10.58 4 (d) 1 (p399) that within the 200ft riverfront area 5000sq ft or 10% whichever is greater may be allowed on lot recorded before 1977. Proponent believes alternatives do not need to be considered. Commissioners determined alternatives analysis is not waived by this part of the law. K Baskin questioned exemption claimed by proponent. Septic system will be removed however size of tank and leaching field is not known. Proponent also claimed the project should be exempt from stormwater management since it is a single family house. However the Commission, citing pre and post development runoff requirements in the Wetlands Protection Act, feels it is important to include stormwater management to minimize runoff from the driveway. Sump pump currently drains into Howells Road and would go into a dry well. There is no undisturbed 100' strip of vegetation. The Wetlands Protection Act states: "Existing vegetated cover shall be preserved or extended to the maximum extent possible. Redevelopment has to provide a net benefit." If project is not redevelopment, then with 5000 sq ft of alteration, a 100ft vegetated strip would be required. DEP has an approved list of plantings. According to the applicant, "Driveway will probably not be pervious due to need for plowing." Construction is within the 200 ft riverfront area.

Drywells are planned for the house downspouts. The driveway runoff would sheet into Locke Road. J Curro suggested interceptors at the end of the driveway. Proponent fears any pervious pavement and grates would not stand up to trucks. Water would drain onto neighboring lot. The end of Howells Road already has drainage issues.

Glenn expressed concerns that driveway may not meet zoning requirements due to frontage on two roads therefore requiring front yard setbacks on two sides with no parking allowed in front setback. Thirty feet is front setback and 15 ft is side setback in this zone. They might need to go to ZBA for variance if Locke Road is treated as a road. Each abutter owns half of 30 ft wide Locke Road.

Glenn will forward Phil Notopoulos' opinion to town attorney for decision. Driveway might change to be more acceptable to abutters. A site visit will be important. K. Baskin recommended a rain garden to take runoff from driveway if pavers are not desirable and recommended consulting a landscape architect. Other suggestions are an additional dry well or iron grate/interceptors. Commission requires a list of plantings and specific plan of tree removal.

Comments from attendees:

David Rota, General Contractor: concerned about what he considered as additional runoff questions from the Commission and eager to get approval.

Nicole Hayes, Sanford Ecological services: speaking for the Levandovs, abutters sharing Locke Rd, stated that the Commission can still ask for alternatives analysis, scope of alternatives under section A to study siting of home on lot to decrease impact on resources; proof project is not increasing peak flow off site. Wildlife habitat important, seek plan and description of trees to be removed.

Rich Levandov: Their lot is subject to severe flooding, high water table. Their only access is from Locke Road. The proposed loop driveway is 6 feet higher than their lot. Commission should request grading information. Extensive renovations done on landscaping and there are dozens of old growth trees. They are concerned about construction impact. They are considering replacing their impervious driveway with a pervious one. They paved their half of Locke Road with asphalt/pebble surface. Robin Levandov is consulting with landscaper to help solve problem. Currently the Low's half of Locke Road is a bank of about 6 feet.

The Commission requests runoff calculations for whatever driveway is decided upon citing Wetland Protection Act: p. 345 10.05 Section 4 Notices of Intent (d) for runoff figures for Point Source runoff.

Betty Ann Donnelly, 12 Fletcher Road, resident across the brook in the blue house. When 40 Howells Road septic failed, a force main system was installed with 4 inch sleeve with two pipes, 1.5 inches each, one for 40 Howells and one for anyone else on Howells. The pipe is under the brook and under her driveway on Fletcher. Ms. Donnelly wants to be sure than sewer hookup is effective and done right to avoid the need to dig up her driveway again. Grinding machine will be located at 30 Howells Rd. Levandov's own the pipe and any one else who uses it will pay a betterment fee to them.

Commission voted to continue the hearing, requesting: pre and post development runoff calculations and description of mitigation measures; a plan showing trees to be removed, size, placement and replanting plan; regrading plan along Locke Road and for construction; and a report on alternatives re. placement of driveway and house, trees, access, what was studied and support for decisions made. C Bishop pointed out that the narrative in the Notice of Intent does not mention demolition of existing house and control measures for same. This will be provided.

A site visit will be scheduled.

At 9:50 PM hearing was continued until March 7, 2006.

40B Uplands Comment Report:

Martha Moore reported on the compilation of Commission comments on the 40B Comprehensive Permit Application for the Uplands. Organizing comments around principles from "Local 40B Review and Decision Guidelines" by Edie Netter including and safety (flooding and pollution), deficiency of design, and natural environment among others, Discussion on Fairbairn Document from Normandeau by FAR/Ellen Mass. Ellen described the report in initial state and will send expanded version. Commission expressed thanks for the report.. Floodplain forest article featuring the Uplands will be in MAS Sanctuary for March.

FEMA: Flood plain delineations for Upland conversion factors are off by 4 feet between communities and may have influenced results on 100 year flood plain figures.

Draft ByLaw: Presented to Board of Selectmen on February 6, 2006. Selectmen will put it on the warrant for April Town Meeting. Sustainable Belmont voted to support the bylaw.

Meeting adjourned at 10:30 PM Submitted by C. Bishop