

APPROVED

RECEIVED  
TOWN CLERK  
BELMONT, MA

2015 SEP -2 AM 9:14

**MEETING MINUTES**  
**Belmont Conservation Commission**  
**November 20, 2014 Meeting Minutes**  
**Room 2 Town Hall**  
**7:00 pm**

**Attendees:**

Members: David Webster (Acting Chair), Margaret Velie, Miriam Weil, Faustino Lichauco, Jeff North Charles Chiang;  
Conservation Agent: Mary Trudeau

Others in attendance: Don Chiafaro; Tali Chiafaro; Chaz Chiafaro; Ed George; Jean George; Jacqueline Agular; Lydia Silverstro; Ellen Kaplan; Malcolm MacKenzie; Dana Miller; Betsy Carbart; Graceanne Feulles; Roger Wrubel; J. Legne; Linda Levin-Schezz; Jeff Levin Schezz; Lisa Moulis; Al Gala; Richard Kirby

- 7:05 The Commission reviewed the minutes of the October 28, 2014 meeting. David Webster submitted changes in language for the Commission to review. The Commission voted to amend the minutes with the changes proposed by David Webster, and approved the motion unanimously.
- 7:30 The Public Hearing for the ANRAD filing at 178 Marsh Street (Chiafaro property) was reopened by David Webster, acting Chairman. Representing the applicant were Richard Kirby (LEC) and the project proponent, Don Chiafaro.

Richard Kirby reviewed the materials submitted to the Commission in recent weeks. He presented a video, taken by LEC employees, after a heavy rainfall event (2.57 inches in 24 hours). The video was dated October 23, 2014. Rich noted that the only impoundment or area of standing water at the date of this October 23 visit was within the Woodbine Road impoundment. The Commission viewed the video and commented that the narration appeared to follow a path that differed from the natural low lying areas shown on the site plan. Rich Kirby stated that the goal of the film was to show conditions between the Bordering Vegetated Wetlands and the centrally located depression on the site.

The Commission discussed the condition of the area between the Bordering Vegetated Wetland and the wetland flags 7A and I 28R. Rich Kirby argued that without a visible connection of surface water flows, the areas would be considered independent wetland systems. He also stated that he believed the soils between the two points were indicative of a non hydric condition. Rich stated that he did not find a swale or topography indicative of a stream. David Webster contended that a gentle swale, with a hydraulic gradient, existed between the points in question. He noted a continuous, wide band of wetlands indicator species between the two points. David Webster noted that there were lower elevations that could have been sampled between the two points, and Mr. Kirby stated that he had used his professional judgement in establishing his soil transects. Both

David Webster and Rich Kirby agreed that the area contained a preponderance of wetlands vegetation.

Margaret Velie questioned the variations in the September 24 drainage calculations versus the March 21, 2014 calculations with respect to the Woodbine Road depression. She noted that the volume attributed to the area had changed significantly, and questioned the deviation.

David Webster asked that the Commission retain a third party consultant to review the submission by LEC, and Gala Associates. David Webster expressed a lack of confidence in the calculations provided by Gala Associates detailing the potential Isolated Land Subject to Flooding resource areas. He questioned the changes in the volumes reported by the engineer at various elevations, and noted that some of the engineers assumptions were unclear to him. David also noted that soils analysis requires professional judgement and that he would like an independent evaluation of the soil character in the questioned areas. Rich Kirby stated that the applicant wished to close the public hearing. The Commission requested that a third party reviewer be engaged, and Rich Kirby, on behalf of the applicant, again stated the desire of the applicant to close the public hearing. Mary Trudeau asked Rich Kirby if he understood that the Commission was asking for additional information concerning the condition of the resource areas on the site, and Mr. Kirby stated that he believed the Commission had received an appropriate level of detail with which to make a decision.

At the applicant's request, the Public Hearing was closed on November 20, 2014, despite the Commission's request for a third party review of the information submitted.

The Commission discussed the options available through the issuance of an Order of Resource Area Delineation. Discussion included the method of soil analysis, the location of the soil tests, the observable features on the site and the concerns with the accuracy of the Isolated Land Subject to Flooding calculations.

David Webster moved that the ANRAD be found to be inaccurate, that the arguments presented were not persuasive and that the applicant had refused to participate in a third party review of the information submitted for the delineation of Isolated Land Subject to Flooding and Bordering Vegetated Wetlands at the 178 Marsh Street property. The motion was seconded by Jeff North. The motion was passed 6 to 0.

The Commission discussed the status of the Open Space and Housing Land Inventory and noted that they would like copies of the completed inventory. Mary agreed to contact Angie Vincent of VHB and email the materials to the Commission.

Mary Trudeau described a late October site visit to inspect the work at the Uplands site, off of Frontage Road. She noted that she found the site to be in compliance with the Order of Conditions.

### Adjourn

Tino Lichauco moved to adjourn the meeting at 9:00 pm; Charles Chiang seconded the motion, and the meeting was adjourned at 9:00 pm.