

BELMONT CONSERVATION COMMISSION  
MEETING MINUTES

APPROVED

March 2, 2004

Members Present: M. Flamang, M. King, M. Weil, J. Smith, J. Curro, K. Baskin.  
Associate Members Present: M. Velie, S. Sanders, N. Davis.

Additional Attendees: See attendance sheet.

The meeting was called to order at 7:10 p.m. by M. Flamang.

Minutes

The minutes of the meeting of December 26, 2003, were approved as submitted. The minutes of the meeting of December 29, 2003, were also approved as submitted.

New Business

M. Weil announced that she is no longer with Rizzo Associates and therefore will no longer have to recuse herself from consideration of any O'Neill proposal.

M. Flamang announced that he has a new e-mail address, which is [flamangm@msn.com](mailto:flamangm@msn.com).

Old Business – Burbank School Oil Tank Spill

J. Curro said that they had two feet of ice at the pond. They have chopped it and cleaned some of it, but (especially on the eastern end of the pond) they could not make much progress in the extreme cold of the past two months. N. Davis noted that some of the absorbent pads and broken booms seem to have migrated to areas where no work is currently being done, on the western end of the pond. This should be cleaned up. Also, they failed to stake the path for work vehicles, so that the trees are still in danger of being damaged there. M. Flamang agreed that there are deep ruts there, which are now frozen.

Other Old Business

150 Somerset Street is due for two certificates of conditions, one for dredging the pond and one for the house. G. Clancy finally got the report indicating that the conditions for dredging the pond had been met. The Commission approved both certificates of condition.

M. Weil said that she had observed two people at Rock Meadow shooting rocks from a large sling-type device. G. Clancy said he has been told that there is a state law prohibiting entry onto public land with a vehicle having an internal combustion engine. The police were not called about the recent problems with all-terrain vehicles, but if they

are, they can enforce that law. J. Flamang said that the Citizen Herald is going to run an article about this problem.

G. Clancy noted that the police have said that they would like to see our by-law before it is formally adopted. The officers will have to be trained to enforce the specific rules. M. Flamang would like the police to be told that the state law should be enforced at Rock Meadow. G. Clancy suggested that the 1984 rules and the rules discussed as a proposed by-law in 2003 be submitted. M. Flamang agreed that he would pass those on to the police for their consideration.

The Commission was reminded that J. Maguranis was designated the Commission's agent for purposes of enforcing the rules at Rock Meadow. The police should be called if ATVs are spotted at Rock Meadow.

#### Public Hearing – Notice Request for Determination of Applicability – Five-Year Vegetation Management Plan

Donna Moultrup appeared for the Town of Belmont. They need a Determination of Applicability for the next five-year plan to control poison ivy. The Board of Health has signed off on it, but many more approvals at the state and local level are needed before the work begins in August. In response to questions, D. Moultrup stated that they will be spraying only where Town workers are going to be at risk. It will not have an impact on the resource areas, unless it is sprayed near a pond or running brook. "Roundup" is the product that will be used.

S. Sanders asked whether Town employees know what steps they can take to protect themselves, such as washing their hands and clothes within a few hours of handling the poison ivy. The answer was "yes." He also noted that the stretch of Concord Avenue to be sprayed under the plan is all wetlands.

K. Baskin pointed out that the water table will be lower in August, and there is usually less rain falling at that time. R. Foster pointed out that the work will be done by licensed pesticide operators, which Donna confirmed. The Commission discussed imposing a condition that there be no imminent threat of rain when the pesticide is applied. M. King asked whether the sprayed areas will be posted, and D. Moultrup replied that they would not be.

Carolyn Bishop asked whether spraying can be limited to three feet (rather than six feet) along Concord Road. G. Clancy pointed out that it is being done for Town workers' safety, not for pedestrians. When asked whether all vegetation will be killed in the sprayed areas, D. Moultrup answered in the affirmative. N. Davis asked whether they can treat the poison ivy at Rock Meadow also. D. Moultrup thinks it would be possible. G. Clancy suggested that the conditions adopted also be made applicable to any Rock Meadow treatment. He also noted that although Determinations of Applicability are

normally effective for three years, when they apply to a vegetation management plan, they are effective for the life of the plan (in this case, five years).

The Commission voted to issue a Negative Determination of Applicability, with the following conditions:

1. Herbicide must be applied by a licensed herbicide operator
2. Herbicide cannot be sprayed directly on any body of water
3. Herbicide cannot be applied if there is an imminent threat of rain
4. The planned dates and times of application of herbicide must be posted in the local newspaper and on the Town website.
5. All of these conditions shall be applicable in the event that herbicide is applied in the area of Rock Meadow as well.

#### Public Hearing – Notice of Intent – Clay Pit Pond Oil Release Clean-up Plan

Joel Mooney explained that the Emergency Certification previously granted by the Commission must be extended, because January and February were so cold that everything froze and very little progress could be made. The eastern end of the pond is the area that needs the most work. They also need approval to restore the areas around the pond which have been disturbed by the cleanup work.

The placement of coco fiber and coir mats should be addressed under this Order of Conditions. The majority of the work on the eastern end of the pond will be done by hand. There is still oil, but they have removed most of the soil that must be removed. They still have to wash the vegetation and roots. M. Flamang noted that the conditions imposed in the emergency order should be kept in effect.

R. Foster prepared a suggestion of a biodegradable canvas product for seeding the flatter areas above the pond. J. Mooney said that they were only going to put coir mats in the areas that were significantly excavated. He didn't intend to seed the areas where there wasn't much vegetation previously. About 500 feet of the 1400 feet disturbed will be reseeded with coco mat. It will be too difficult to get anything to grow there. In the opinion of J. Mooney, most of it was not vegetated before the work was done.

K. Baskin asked how large those areas are. J. Mooney replied that they are 6 or 8 inches vertically. Someone asked: Can the Town or volunteers help re-plant these areas? N. Davis noted that some of the iris plantings have been removed and should be replaced – they were helping to prevent erosion. R. Foster suggested that the Garden Club and other groups may be willing to help with planting. Carolyn Bishop recalled that they had previously done 50 or 60 linear feet of plantings for about \$5,000.

There was a discussion of the merits of using grasses versus other types of plants.

J. Mooney proposed that the Commission issue an Order of Conditions so that they can finish the oil removal. The window for grass seeding is mid-April, roughly, and the

window for other plantings is later. K. Baskin suggested that the Commission require a re-vegetation plan to be approved by the Commission.

The Commission approved the Notice of Intent for the work at Clay Pit Pond with the following conditions:

1. All conditions set forth in the emergency Order of Conditions previously issued shall apply to this Order of Conditions.
2. The applicant shall plant any seeds or plants specifically required by the Commission.

Joel Mooney reported that the oil tank has been disposed of. The report – “Burbank Oil Release” – is on the Town website now. They found that the oil return line had a hole in it. There was no oil detected in the soil borings in the area, and none detected in the water. All the drains in the area were cleaned and they found no more oil. K. Baskin asked about the status of other oil tanks in the Town. J. Mooney replied that the Winn Brook oil tank required replacement of the feed and return lines.

#### Old Business - O’Neill Property (9:25)

The hearing officer for the request for a superseding order from the DEP, Rachel Freed, wrote to the Commission seeking information regarding whether the appellant, O’Neill Properties, sought or obtained all obtainable permits (specifically, the site plan approval from the Planning Board). G. Clancy noted that we had received a similar letter in the fall and at that time he consulted with town counsel, who had a conversation with Rachel Freed. She said that she wanted to know whether we are going to require site plan approval. The Commission discussed the matter, but no conclusion was reached.

The meeting was then adjourned at 10:00 pm. The next meeting will be held on Tuesday, April 13, 2004.

Prepared by:  
Johanna Smith