

**BELMONT CONSERVATION COMMISSION
MEETING MINUTES**

April 4, 2001

Attendees: L. Allen, K. Baskin, J. Curro, M. Flamang, R. Foster, G. Clancy

Additional Attendees: See attached list (sign-in sheet)

Meeting was called to order at 7:05 PM

Discussion of Rock Meadow Issues (Playing Fields)

Lee Barber, Chairman of the Athletic Field Study Committee and Member of the Recreation Commission, presented the history, need and reasoning behind seeking locations for new athletic fields within the Town. Due to more and younger players entering sports activities, demand for playing field time has grown and more space is needed. The Athletic Field Study Committee was appointed by the Selectmen to gather information on possible locations for additional playing fields in Town.

Mr. Barber wished to clarify and, to some extent, rebut the information presented in an article published recently in the Belmont Citizen Herald. Mr. Barber said that the article was an inaccurate representation of the process under which sites are being identified for new playing fields. He presented a verbal listing of sites which have been identified, including Rock Meadow, the Incinerator property, various MDC parcels and the Payson Park Reservoir. Mr. Barber pointed out that evidence exists of parts of Rock Meadow having been used for active recreation in the past, specifically the existence of baseball backstops.

Mr. Barber stated that no firm decision has been made to recommend Rock Meadow (or any other site) for new playing fields, but that the Rock Meadow site is under consideration with a number of other sites. He further stated that it is his committee's intent to only gather information on potential sites for new playing fields within the Town. L. Allen stated very clearly that no proposal for use of any portion of Rock Meadow land has been presented. K. Baskin stated that she had spoken with the reporter from the Citizen Herald and had requested that the article be submitted to the Conservation Commission for review and comment prior to publication, and that Mr. Barber be also contacted for further information.

Mr. Barber stated that he is working with the Citizen Herald toward the publication of an article which more clearly and accurately presents the facts surrounding the issue.

A discussion of the authority of the Conservation Commission to address informal presentations was initiated by a citizen in the audience. The members of the Conservation Commission replied that informal, informational presentations are entertained by the Commission as a means to discuss a project before planning proceeds to a point where change may be difficult and/or prohibitive.

A discussion of an alternative site at the former incinerator property was initiated by a citizen in the audience. Mr. Barber stated that the site was considered, but that it cannot be used at the present time due to other issues.

A Belmont Land Trust representative asked if any proposal had been entertained by the Conservation Commission. Mr. Allen once again stated that no proposals had been presented. The members of the Conservation Commission reiterated their position that any use for Rock Meadow must be approved by the Conservation Commission as custodians of the land.

Procedures for reviewing any proposals which may be received were discussed. Reviews by the Conservation Commission, Commonwealth of Massachusetts, Town of Belmont (Selectmen) and others would be conducted in public meetings and hearings as steps along the way to approval of any playing field proposal.

Many of those in the audience expressed their views that use of any part Rock Meadow for playing fields should not be allowed. The sentiments of those in the audience ran towards maintaining Rock Meadow in its present state as conservation land.

Discussion ended at 8:05 pm

Mystic River Watershed Association Presentation

Grace Perez, Executive Director of the Mystic River Watershed Association made a presentation on the size and scope of the Mystic River Watershed and her volunteer group's efforts to preserve and protect it.

The association has a database of information on the watershed which can be made available to assist the Conservation Commission in various efforts. The stated goal of the Mystic River Watershed Association is to achieve a fishable and swimmable river by 2010. The association would like to serve as a link between various groups who have interests in the watershed and its protection. Many volunteer opportunities exist in river cleanups, Herring Run (road race paralleling the migration of herring in the area), presentations, newsletter, fundraising, tour guides and many more activities.

Presentation ended at 8:30 pm

Public Hearing – Request for Determination of Applicability for Junction Brook on the McLean Hospital Property Began at 8:35 pm

Yvonne Gonzales (counsel to the Conservation Commission) defined the duties, limitations and responsibilities of both the Conservation Commission and the applicant in such matters. She outlined procedures for presentations and questions from commissioners.

The Request for Determination of Applicability is being made by Martha Eakin, an abutter to the McLean property. Ms. Eakin indicated that the Conservation Commission's 1997 determination that Junction Brook is not a perennial stream had lapsed and a new determination should be made, based on new and additional information. The route of the stream was traced by Ms. Eakin from its source on the McLean property down to Wellington Brook and on into Clay Pit Pond.

Ms. Eakin introduced Patrick Garner, a wetlands scientist and hydrologist who has been working with her on this matter. Mr. Garner described the stream, the area surrounding the stream and his observations of the area. He indicated that he had been working on the project for a short period of time and he requested an extension to the determination process time line, in order that new and additional information might be gathered and included for submittal in the determination process. He stated that he would like to review groundwater and precipitation data for the area and drainage systems on the McLean site. He agreed to waive the 21 day requirement for the Conservation Commission to make a determination.

Mr. Garner discussed the review of new information in light of renewal of a determination which has expired or lapsed. He indicated that sections of the Rivers Protection Act could be brought to bear on the decision and that he would need time to adequately prepare his discussion of these sections.

Ms. Gonzales identified the Conservation Commission's options in this case as, the applicant withdrawing and resubmitting the request, the Conservation Commission deciding based on available evidence, or the Conservation Commission allowing a continuance.

Mr. Kidder, McLean Hospital's representative, presented the Hospital's position that the stream is intermittent. He discussed the factors which are involved in the determination of perennial flow. He stated McLean's position that the stream does not pass basic "tests", since the watercourse is not shown on USGS maps and that no drought conditions existed during the time in which their investigations were conducted. Further, it was his contention that no wetlands were drained by the stream. He then introduced Mr. Sanford.

Mr. Sanford, of Sanford Environmental (consultant to McLean) presented a plan which showed no wetlands near any part of the stream, and further advanced the contention that the stream does not carry water from a wetland.

K. Baskin reiterated the Conservation Commission's position that the 1997 Determination was made reluctantly, based on the data presented which may have been skewed by single storms on either end of the study period, giving the appearance that a drought did not exist when the stream was observed to be dry. Mr. Sanford agreed that one day either way would have made a difference in the results of his analysis. Also, Ms. Baskin stated the Conservation Commission's feeling that implementation of the Rivers Protection Act was new and it was being "tried out" on this particular stream. All commissioners present agreed with Ms. Baskin's recollection and Mr. Sanford also agreed that it was accurate.

Supporters of Ms. Eakins' position pointed out that the USGS maps were in error, as they do not even show Wellington Brook, which all agreed is a prominent perennial stream. Mr. Garner pointed out the existence of a memo from USGS to DEP which states that the USGS maps are not accurate enough for the purpose of identifying perennial streams in this type of determination. However, both representatives of McLean pointed out that current DEP regulations require the use of USGS maps and that a determination must be made based on current regulations and the requirements therein.

Mr. Clancy expressed his concern as to the actual rights of a requestor to rebut the information submitted by an applicant, and also the ability of the Conservation Commission to grant such a request for an extension for the sole purpose of gathering data which, in his opinion, should have been gathered prior to submittal of the application.

Mr. Garner stated that his request for an extension was to enable collection of data which had not been discovered and/or presented in the original Request for Determination. Also, due to the number of agencies which hold and control certain information, lead times in obtaining and examining this information would drive the amount of time actually required for data compilation and analysis.

Mr. Garner expressed a reluctance to transmit information obtained by him to Sanford Environmental and/or McLean, since it was his feeling that they may not find pertinence in the compiled data.

Mr. Kidder requested that Mr. Garner check in with hospital officials prior to entering hospital grounds, citing security reasons. Mr. Garner agreed to comply.

Mr. Garner suggested that he should be able to gather information within 21 days and present his analysis to the Conservation Commission at its May 1 meeting. Ms. Gonzales suggested that further extensions may be requested/granted depending on the possibility of opposing analyses and the time required to reconcile opposing views.

A motion was made that a continuance be granted until May 1 at the request of the applicant, based on Mr. Garner's best efforts to obtain pertinent data within 21 days. All information is to be transmitted to Sanford Environmental. Mr. Garner's analysis of the data is to be sent to both the Conservation Commission and Sanford prior to the May 1 meeting. Any delay of 10 days or more in obtaining data would be immediately reported by Mr. Garner to Mr. Clancy.

The motion was seconded and approved unanimously.

Hearing was continued at 9:52 pm until May 1, 2001 at 8:30 pm

The meeting continued to New Business at 9:54 pm

Madelon Hope, an ACEC member working on Alewife area watershed concerns with Anne Paulson, requested to address the Conservation Commission on concerns over the Mystic Valley Amphipod.

Ms. Hope stated that the Mystic Valley Amphipod is on the State Endangered Species List. Its habitat is being endangered by development around wetlands. She distributed a data sheet on the Amphipod. Ms. Hope also distributed the resume of Mr. Douglas Smith and stated that Mr. Smith was willing to investigate the existence of the Amphipod in the Alewife area, particularly as applicable to the proposed O'Neil development in the Belmont Uplands. Ms. Hope stated that the Amphipod can only be identified in April and early May. Ms. Hope expressed her desire that the Conservation Commission could request that O'Neil pay Mr. Smith's fee for the investigation.

Ms. Hope said that she has contacted the Arlington Conservation Commission for this type of investigation for similar developments in Arlington along the Alewife area. She expressed her belief that a Conservation Commission can require a developer to either conduct an investigation of this type during the review period, or order them to wait and conduct it during the next available time frame for investigation.

Ms. Hope indicated that there is a likelihood that the Amphipod exists in the Alewife area and that the investigation should be performed. Ms. Hope expressed her very strong feelings that Mr. Smith was uniquely qualified to perform this investigation and that the Conservation Commission should not only order the investigation, but should order that Mr. Smith be retained to conduct it. The general consensus of the Conservation Commission was that an order to retain a certain individual could not be made. Ms. Hope stated her belief that existence of the Amphipod in the Alewife area may require additional protections which could prohibit development in the area. Ms. Foster requested that Ms. Hope compile a list and description of the additional protections which may be required if the Amphipod is present and present it to the Commission.

The Conservation Commission will contact Mr. T. Higgins and ask him to request that O'Neil conduct a full Threatened and Endangered species investigation (including the Amphipod) on the proposed development site.

Discussion concluded at 10:25 pm

No further New Business was identified

Meeting was adjourned at 10:30 pm

Respectfully submitted,

Joseph P. Curro

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