

APPROVED

**MINUTES Belmont Conservation Commission Meeting**

May 7, 2013 in Conference Room 2 Homer Building at 7:00 pm.

The meeting was called to order at 7:00 pm.

**Attendance:** Chair: James Roth; David Webster, Jeffrey North, Margaret Velie, Miriam Weil, William McCants and Faustino Lichauco. Mary Trudeau (agent)

John Diekman  
Anne-Marie Lambert  
Markus Pinney, First Armenian Church  
Terry Alexander, First Armenian Church  
Hagop Hagopian, First Armenian Church  
Vartan Getzoyan, First Armenian Church  
Ara Demirjian, First Armenian Church  
Joanne Birge, First Armenian Church  
Arlene Najarian, First Armenian Church  
Mike Smith, Historic Commission  
Erik Rhodin, LINE  
Rich Kirby, LEC  
Jim DeStefano, applicant for 386 Concord Avenue proposal

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**Approval of April 2, 2013 Meeting Minutes:**

The minutes were reviewed and amendments proposed. David Webster moved, seconded by Miriam Weil, to accept the minutes as amended. The vote was unanimous to approve, with Tino Lichauco abstaining.

The Commission discussed the various executive session minutes requiring approval. The Commission agreed to postpone this discussion to allow for comments to be written between the May 7 and June 4, 2013 meetings. The Commission agreed to reconsider the minutes, and any amendments, at the June 4, 2013 meeting.

**Community Path Committee Discussion with John Diekman:**

John Diekman introduced himself and the Community Path Committee with a map showing prospective community paths within Belmont. John noted that the Conservation Commissions proposed planning for an Intergenerational Walking Path at Clay Pit Pond represented an area of mutual consideration. The Commission discussed the upcoming planning process, noting that the Path Committee would be considered a stakeholder in the process. The Commission noted that they were planning a series of community meetings to determine the scope of the project and agreed to include the Path community in the public process.

Mr. Diekman questioned the Commission on the need for wetland permits at several locations along the routes identified by the Path Committee, and the Commission agreed to work with the Path committee in determining permitting needs for the various proposed routes.

**Notice of Intent filing for the Thomas Clark House relocation at 386 Concord Avenue:**

Mary Trudeau noted that there was an issue with the opening of the public hearing. She stated that the applicant had filed the Notice of Intent without pursuing a requisite rezoning amendment on the upcoming Town Meeting Warrant. Ms. Trudeau noted that the filing of this rezoning amendment had been assumed in her agreement to accept the Notice of Intent filing. Mary Trudeau stated that the Wetlands Protection Act requires that an applicant obtain all applicable local permits prior to filing with the Conservation Commission. The failure of the applicant to address the necessary rezoning appears to be a defect in the filing. Mary Trudeau advised the Commission to consider whether the public hearing should be opened, considering the failure of the applicant to pursue other permits. After a discussion between Commission members, Rich Kirby of LEC (representative for the applicant) and Markus Pinney (representative for abutters to the project) and Mary Trudeau, David Webster made a motion.

Mr Webster moved that the Commission was not satisfied that the prerequisites for opening the public hearing had been met and that the hearing should not be opened. The applicant agreed to postpone the public meeting until the June 25, 2013 meeting of the Commission. Miriam Weil seconded the motion, and the Commission voted unanimously to NOT open the public hearing on May 7, 2013 and to open the hearing on June 25, 2013.

The Commission then discussed the obligations of the applicant in going forward with the review of the Notice of Intent. The Commission discussed the postponement of the hearing date to a specific date in the future that would allow the applicant time to file for a rezoning of the locus. Markus Pinney stated that he felt there was a breach of process as the abutter groups had not had access to the Notice of Intent materials in the weeks preceding the May 7 meeting of the Commission. Mary Trudeau verified that there had been requests for information prior to the receipt of the filing. She agreed that there were interested parties who had not had access to the Notice of Intent, to date.

Rich Kirby, Jim DeStefano and Erik Rhodin asked for a short recess to discuss the situation.

Rich Kirby requested that the Commission open the public hearing for the project on June 25, 2013, noting that the applicant would address the rezoning requirement; notify abutters of the new hearing date; and re advertise the public hearing in the local newspaper. Mr. Kirby also requested that he be allowed to give an informal presentation of the proposed work to the Conservation Commission this evening. Mickey Marcus noted that he felt that a presentation represented a breach of process. Margaret Velie

noted that we encourage informal discussions and that she would like to hear the presentation. David Webster agreed with Ms. Velie, and the consensus of the Commission was to listen to the proposed scope of work.

Rich Kirby presented the project to the Commission with assistance from Erik Rhodin and Mike Smith. The presentation included the conceptual scheme, with a caveat that stormwater management details and calculations would be submitted by the date of the June 25 meeting. Mr. Kirby noted that the applicant had reviewed five (5) potential sites for the relocation of the Thomas Clark house prior to filing a Notice of Intent for the 386 Concord Street lot. The Commission entertained questions from the public, and questions included the future use of the site. The applicant noted that a commercial usage had been determined to be the most appropriate land use for the lot.

James Roth thanked Mr. Kirby for the brief presentation, noting that he was looking forward to reviewing the complete filing on June 25, 2013.

#### **Rock Meadow, Gardens and Mitzvah Day:**

The Commission discussed the success of the April 6 opening of the gardens. Mary Trudeau noted that there was a large turnout of gardeners, and that a ten yard dumpster had been filled with trash and debris during the work weekend.

Mary Trudeau noted that she had a request from the gardeners for a small shed. The gardens are currently the owners of two lawn mowers, a chain saw and several weed whackers and wheel barrows. A shed would allow for onsite storage of these machines. The gardeners are also initiating an Integrated Pest Management program. This will require a secure storage area for some of the organic pesticides, fungal treatments and other products. The shed would be kept locked, with limited access. Ms. Trudeau noted that the shed would be set on cinderblocks, would not have a permanent foundation, and would be set within the footprint of existing garden plot (61.1). This plot is shady, difficult to garden and located within a woody area at the rear of the gardens.

David Webster moved that as the gardeners were initiating an Integrated Pest Management program, and had adequate funds, that the Commission should approve the request to install a temporary shed with dimensions of less than 100 square feet. The motion was seconded by William McCants, and the vote was unanimous to approve the request for a temporary shed.

#### **Mitzvah Day Work Party on May 19, 2013**

Miriam Weil noted that she would be hosting a Mitzvah Day work party at Rock Meadow on May 19, 2013. She noted that past work days had produced significant amounts of labor, used in the control of invasive plants species. Miriam noted that she was open to suggestions of other projects at Rock Meadow. Members discussed prospective tasks, noting that the hand control of garlic mustard and knotweed were still good tasks.

**The Uplands (DEP File Number 106-72)**

David Webster noted that he continued to contemplate a letter to Rachel Freed (DEP) concerning the operation and maintenance of the stormwater management system at the Uplands site. He noted that in the O/M plan, the applicant stated that sediment accumulations of six inches or more would trigger a cleaning of the infiltration system. David noted that any accumulation would adversely impact the function of an infiltrator and discussed the need to review this type of conflict with Rachel Freed.

Anne-Marie Lambert spoke to the Commission about several issues, including the need to approve and publish the executive session minutes accumulated by the Commission over the past months of litigation. The Commission noted that the approval process was ongoing and should be completed by the end of the June 4, 2013 meeting.

The Commission adjourned at 10:15 PM.

Next meeting: June 4, 2013