

Belmont Conservation Commission Meeting June 2, 2009 Room 2 at Town Hall at
7:00 PM

Attendance: Chair: Miriam Weil, Members: James Roth, Martha Moore, Tino Lichauco, Nancy Davis, Margaret Velie, David Webster

Associates: Jeff North, Barbara Gardner

Agent: Mary Trudeau

Public:

1. Mark Brennan
2. Adam Steinmetz
3. Dix Campbell
4. Caleen Brusell
5. Jim V. Bruch
6. Helen Balf
7. Jerry Missal / School Department
8. Laurie Slap
9. Tom Grimble
10. Debbie Hartman
11. Nancy Reilly /
12. Heidi Sawyer
13. Theo Kindermans
14. Ron Gardiner
15. Neal Winston / Belmont Land Trust
16. Joel Mooney
17. Thomas Belo
18. Ruth Sudduth
19. Scott Kenton
20. R. L.F. Cosonto
21. R.L. Cosonto
22. Nadia Ann Karnik
23. Stephan Sala 20 School Street
24. Sandra Curro 20 School Street
25. Rich Kirby, LEC Environmental / 50 Common Street
26. Joe DiStefano, Desco, Inc. / 50 Common Street
27. Jim DiStefano, Desco, Inc. / 50 Common Street

Review Minutes of May 5, 2009:

Minor changes were noted to the draft of the Minutes of the May 5, 2009 meeting. The minutes were discussed and approved, with no substantive changes.

Jim Roth moved that the May 5, 2009 minutes be approved, the motion was seconded by David Webster, and unanimously approved by 6 to 0 vote.

Joe Finn's Letter

Joe Finn submitted a letter requesting permission to perform minor maintenance and landscaping within Rock Meadow. David Webster moved that the Commission act in the affirmative on Joe Finn's letter. Seconded by Margaret Velie, and approved by all.

Jerry Missal – Modular Classrooms:

Jerry Missal of the Belmont School Department discussed the potential for increasing the number of portable classrooms at the Belmont High School site, in anticipation of a favorable Town vote on the Wellington School rebuilding. He noted that one of the alternatives being considered would require installations within one hundred feet of Clay Pit Pond. Mr Missal asked about the Commissions processes and which filings would be required if the work was jurisdictional. He explained that 400 students will need to be relocated for 2 years, starting around the December holiday. This will require 28 or 29 portable units, preferably at one site. Mary Trudeau explained filing process for a Notice of Intent. The Commission noted that moving the units outside of the jurisdictional areas would eliminate the need for review and permitting. Mr Missal agreed to file by June 16, 2009 if he chooses to go forward with the work.

Nancy Riley – Bittersweet cutting Permit renewal: Nancy Riley appeared before the Commission requesting a permit to cut and remove Bittersweet vines from within the boundaries of Rock Meadow. Ms. Riley is a furniture maker who crafts her products from bittersweet vines and other plant materials. She is seeking a renewal of the permit that the Commission issued to her last year. David Webster moved that the Commission authorize Mary Trudeau to reissue the letter / permit. Nancy Davis seconded the motion, which received a 6 to 0 vote in favor.

Tom Grimble and Debbie Hartman - Rock Meadow Work Days:

Tom Grimble and Debbie Hartman thanked all volunteers for their work on Rock Meadow volunteer days. Approximately 171 volunteer work hours were contributed last weekend and 680 volunteer hours in total have been contributed toward the grant. Various aspects of the state of the work completed, such as stockpiles of loam used, etc. were discussed. Chip piles were moved via a BHS Senior Work Day. Nancy Davis asked about watering the new plants. The Water Department has been requested to install a hose connection at the intersection of the Rock Meadow driveway and Mill Street. Mary Trudeau will ask Mike Santoro about installation of the connection.

Tom Grimble asked about adding colors, shapes or names of trails on the map. Nancy Davis will complete this piece of the project.

Certificate of Compliance for 15 Sandrick Road (106-44):

The owner of 15 Sandrick Road, Richard Hickey, has requested a Certificate of Compliance for Order of Conditions 106-0044. The Order of Conditions was issued for the construction of a deck at the rear of the house, and required the replanting of altered lands along the Little Pond. It was noted in the file that the alteration of resource areas had occurred within both jurisdictional areas, as well as within land owned by the MDC, and Mr Hickey had been required

to negotiate a landscaping plan with the DCR and replace the lost vegetation as a condition of the Order. Based on Mary Trudeau's review of the file, as well as a site inspection on June 2, 2009, the Order of Conditions was not complied with, and it appears that additional work (construction of a masonry block wall and potentially the alteration of wetlands above the pond) has been done without an Order of Conditions.

Ms Trudeau noted that there is no evidence that the required replanting of the DCR land was ever done, and the only young vegetation along the bank or yard area is stump shoots from felled vegetation or herbaceous vegetation. There is also considerably less wetlands vegetation on the site than existed at the time the Order of Conditions was issued.

Jim Roth moved to deny a Certificate of Compliance. The motion was seconded by Tino Lichauro and unanimously voted by all. Tino L made a motion, seconded by David Webster, to issue an enforcement order to remove the wall and submit the planting plan to DCR and BCC within 60 days. All voted in favor.

Certificate of Compliance for 140 Fletcher Street (106-84):

Scott Kenton, the property owner, was present to request an order of completion. He presented pictures of the site. Mary Trudeau explained that there has been a net increase in the amount of impervious cover on the site that was permitted under the Order of Conditions. The NOI had stated that the project would significantly reduce the impervious cover on the site by approximately 1,400 square feet, and the existing conditions do not appear to reduce the cover by more than 100 square feet, if that. Ms. Trudeau noted that no plan changes or requests for an amendment to the Order were ever filed.

Mary Trudeau suggested Mr Kenton prepare an accurate "as built" plan and a letter from Dan Orwig, so that the Commission can modify the Order of Conditions to reflect the work actually done on the site. Miriam Weil requested that Mr. Kenton come back the next BCC meeting with an amended plan / or amended Notice of Intent, with all changes in the site plan explained and accurately depicted. Tino Lichauro made a motion to deny the Certificate of Compliance, but the motion did not pass as the applicant requested and the Commission agreed to a continuation of the hearing until the June 23, 2009 meeting of the Commission.

Certificate of Compliance for 115 Oliver Road (106-091):

Ron Gardiner and Theo Kindermans were present to request a certificate of compliance. Mary Trudeau has inspected the site. Some of the work is still ongoing (seeding, blueberry bushes and sprinklers need some work). Mary Trudeau noted that substantial work has been done toward complying with the Order of Conditions, and that the remaining tasks are clearly ongoing and will be imminently completed. She noted that Mr Gardiner keeps a meticulous yard and that she was confident the minor landscaping details would be completed. Jim Roth moved to issue a Certificate of Compliance, which was seconded by Tino Lichauro. The vote was unanimous to issue the Certificate of Compliance.

50 Common Street Lots A, B and C Notice of Intent:

Rich Kirby of LE, accompanied by Joe and Jim DiStefano of Desco, Inc., gave the Commission a presentation that reviewed the work included in the three Notice of Intent filings submitted for the development of the 50 Common Street Property. Mr Kirby stated that the proponent was proposing the creation of a four lot residential subdivision that included work within the Riverfront and buffer zone areas associated with the Wellington Brook. The project includes the development of three new homes, restoration of a portion of the Riverfront Area, as well as a program to control invasive plant species within the project open spaces.

The Commission noted that there had been a site visit with the development team on May 28, 2009. Mr Kirby noted that the site plans reviewed at the site visit had been modified to reflect the informal commentary that occurred at the site visit. Mr. Kirby presented the revised site plans, and explained that one lot had been pulled entirely out of the 100 foot Riverfront Area, and a second lot had been moved somewhat further from the Wellington Brook, leaving approximately 500 sq feet of building footprint within the resource area.

Mr Kirby responded to a question from the Commission concerning the filing strategy, noting that three NOIs were submitted instead of one on the recommendation of Mary Trudeau. Mr Kirby noted that each house has its own NOI filing, which is an appropriate means of permitting the project. Mr Di Stefano reported that he considered the development of three houses to be ideal, given lot sizes, sales considerations, and town sentiments. House orientation, setbacks, and distance from / within the buffer zone has been optimized, according to Mr. Kirby, given lot shapes, existing house, and zoning board requirements.

Miriam Weil recommended that the principals review the size of the largest house and look at moving it out of the Riverfront Area entirely. The Commission noted that the house with the greatest intrusion into the Riverfront Area was the largest of the three new homes, and that downsizing this unit would reduce the proposed alteration. The Commission also was concerned with the side and rear yard setbacks shown for the lots, and requested that a variance be requested from the Zoning Board of Appeals.

The Commission also noted that the potential for stream bank restoration existed as sections of the embankment containing the Wellington Brook are in poor condition. The Commission also challenged the applicant's description of the lawn areas as "disturbed" or "developed". There was concern that the proposed alterations should include work proposed within these lawn areas, and not discount the impacts to the Riverfront Areas that are in a mowed condition.

There was considerable discussion concerning the proposed removal of mature trees from within the locus. It was noted that the application did not show the proposed removal of trees from within non jurisdictional areas. Nancy Davis noted that the mature trees provided habitat for Red Tailed Hawks.

Members of the public expressed concern or question on the following topics:

- Flooding of the brook, driveway flooding, lot, etc. Common Street flooding when storm drains back up.
- Trees to be removed that from along common street
- Tree maintenance along the brook, possible removal of large trees that are in distress
- Deed restriction details and owner maintenance of riverfront after sale
- Old growth canopy, avian and other wildlife sheltered thereunder
- Proposal for existing house

Miriam Weil suggested a continuation of the hearing, and the Commission would like to see more information or the following steps taken towards reducing the proposed project impacts:

1. Expand replanting area
2. Requesting the Belmont Zoning Board of Appeals to consider the unique character of the property and allowing for a reduction in the rear/side yard setbacks on Lot B.
3. Reducing the size or reconfiguring the dwelling on Lot B to reduce or eliminate impacts to the Riverfront Area.
4. Inclusion of a Deed Restriction to preclude later alterations to the remaining Riverfront Area and the restored Riverfront Areas. The restriction should include perpetual maintenance of the restored Riverfront Areas.
5. The potential for Streambank Restoration along the Wellington Brook.
6. Provide a more detailed Alternatives Analysis for the need to alter the Riverfront Area on Lot B, and consider the reduction of house lots as a means of reducing the impacts of the project.
7. Extend the naturally vegetated inner Riverfront Area to meet the desired 100 feet of indigenous vegetation where ever possible.

Mr. Kirby et al will return to present the next iteration of the plans at the June 23 meeting. AT the request of the applicant, the public hearing was continued to June 23, 2009. The motion was made by David Webster, seconded by Jim Roth, and the vote was unanimous.

Kathy Baskin – Rock Meadow Discussion re: Town Meeting:

Kathy Baskin presented some history of Rock Meadow, detailing the purchase and intent for use as recreation and conservation area. 1968 Town Meeting voted to have the Commission acquire the land for conservation and recreation purposes. Copies of Articles 18 and 29 were handed to the Commissioners (the Recreation Commission’s and the Conservation Commission’s bylaws, respectively). The concern is around Article 18.8 which might extend the Recreation Commission’s authority over the Conservation Commission’s authority and ownership of the property. Kathy proposed that the Commission could a) engage no action, or b) attempt a low-level technical fix, like adding “except School Department land or Conservation Commission land” in appropriate clauses, or c) a conversation with the Chairperson of the Bylaw Committee to discuss next steps. Another idea is to present the item to the Recreation Commission meeting. Still another idea is to present a change via the Selectmen.

Kathy Baskin offered to help facilitate next steps, and return to report at the August or September CC meeting. Martha Moore and Jim Roth will work with Ms. Baskin in this investigation. They will make an appointment to speak with Jeff Conti and get input from his office on various strategies.

Other Rock Meadow Discussion:

Nancy Davis reported that a wild turkey and two deer were spotted next to the gardens this afternoon (June 2nd).

Open Space Plan:

No discussion at this meeting.

The meeting adjourned at 10:40 pm

Submitted by Mary Trudeau, Agent and Jeffrey North, Associate Member