

Belmont Conservation Commission Meeting October 30, 2006 7:00 PM Town Hall Rm #4

Attendance: Commissioners C. Bishop, N.Davis, M. Moore, M. Velie, D.Webster, Chairman M.Weil

Associates: D. King, T. Lichauco, D.Cowell

Conservation Commission Agent: Mary Trudeau

Public: Thomas C Reed, Florence L. Reed, Cynthia L. Reed of 62 Woodfall Rd, Norman Kherlop for 70 Woodfall Rd, Paul and Garrie Reilly of 635 Concord Avenue, Phil and Ann Heymann of 275 Marsh Street

Minutes of October 3, 2006 approved as received with amendments, July 18, 2006 to be completed with attendance additions

Announcements: Robert Delhome has resigned as an Associate member.

80 Clifton Street: Violation letter sent after last meeting, to remove parking area from Fletcher Rd side of property. Subsequently, the homeowner removed the illegal parking area in the riverfront and rebuilt the existing stone wall to allow only for pedestrian access. C. Bishop noted that she is concerned with the apparent seepage onto sidewalk from driveway interceptors. Ms Trudeau said that she would refer the situation to DPW/OCD.

Rock Meadow: The Commission discussed the mowing of the meadow. N Davis reported: Gray Lee from Land's Sake will charge \$2400 to mow all of Rock Meadow. This estimate utilizes the generous offer from Roger Wrubel (Habitat) to rent their tractor for \$30 an hour. Gray, using Habitat tractor will charge \$50 per hour for labor at one hour per acre costing \$1500 for Erik (the Land Sake mower) and \$900 for the equipment. Deborah Hartmann collected approximately \$1100 plus funds left from last year to pay for the mowing. Her fund raising is continuing. CC will use Town funds, allocated by Town Administrator and Finance Director into Office of Community Development/ConCom for Jeff Collins (Mass Audubon) study to establish eligibility for grants that it is hoped will help fund future maintenance. Town funded Massachusetts Association of Conservation Commission (MACC) dues and about \$1,500 for Rock Meadow for mowing or study.

Ms Trudeau stated that a Filing fee fund has been set up and while there may be discussion of retroactive funding, there has been no response to our request for retroactive funding to date.

635 Concord Avenue: The Commission discussed the recent removal of trees along Concord Avenue and in rear of property abutting Habitat with the residents, Paul and Garrie Reilly. Roger Wrubel had discussed the potential removal of several trees with the property owner, and the property owners did not realize Con Com approval was needed. Based on the stumps, it appears that several Norway maples removed. The homeowners noted that they are proposing an evergreen barrier for the front of the

property, and that there would be plantings to replace the Norway Maples. C Bishop requested any replacement planting plan for the rear of the property near the wetland be discussed with the ConCom.

70 Woodfall Road: 7:25 PM Ms. Trudeau issued an enforcement letter (10/24/2006) citing violations and requiring Notice of Intent for ongoing construction of a single family dwelling for which no Notice had been filed.

At the beginning of the public hearing, Ms Trudeau noted that Abutter notices were put in mailboxes instead of mailed, and that the names of the property owners were not on envelopes. This is a violation of the procedures required defined in the Regulations for the Wetlands Protection Act, and does not qualify as an adequate abutter notification.

The Commission noted that the original building permit application consisted of an addition, outside of the one hundred foot buffer zone. The developer, at some point in the building process, decided to demolish the home and reconstruct a new, single family dwelling. Due to excavation in the buffer zone, this work now falls within the jurisdiction of the Conservation Commission, however no application was made. As a result of this failure to file a Notice of Intent, there were several activities on the site that violated the Massachusetts Wetlands Protection Act. Specifically, the following violations were noted by the Ms. Trudeau:

1. Excavation occurred in rear to rebuild foundation, install a perimeter drain and waterproof foundation.
2. The entire house appears to have been processed with a wood chipper device. There is no evidence that any control was taken to protect this property and the adjacent properties, from dispersion of dust, possible lead/asbestos contamination of air and soil. The Commission expressed concern over chipped debris remaining on property and eventual disposal of same.
3. Destabilization of front yard soil and inadequate protection of storm drain from sedimentation.
4. Removal of major trees around property.
5. No current wetland delineation was done before work began.
6. Incorrect/inadequate placing of hay bales before and during work.
7. Trash and debris have been strewn throughout the site.
8. Well repairs have been made, and the well appears to be illegally tied into the service for the dwelling.
9. The perimeter drains for the dwelling have been tied into the municipal storm sewer system, resulting in deprivation of flows to the wetland system at the rear of the dwelling.

Ms. Trudeau noted that brush previously dumped into the buffer zone associated with the wetland has been removed. This removal also removed the evidence of brush clearing on the site.

In response to the enforcement letter, Norman Kherlop submitted a Notice of Intent for the work related to the redevelopment of the dwelling. The Notice included a Wetland delineation and a schematic site plan. The Commission noted that the site plan did not accurately reflect the work done to date, nor did it accurately depict the proposed scope of work. The Commission requested an accurate site plan, and a detailed drainage analysis for the second public hearing.

Concern was expressed that Notice of Intent should have been filed before building permit was issued since work occurred within 100 feet of wetlands. The Commission also reiterated that the plans submitted are confusing and incomplete.

The discussion included concerns with the house demolition. The Commission noted that materials were chipped and left in 12-20' pile in backyard (before being removed). Mr. Kherlop noted that not all of the chips had been removed from the site, and that some amount of chips had been used as mulch on the site. The Commission expressed concern that some chips might have been spread on another project at 50 Woodfall Rd. and that chips may contain lead and asbestos.

The Commission noted that substantial landscaping and removal of mature vegetation had occurred on the site. Photos and reports from abutters show mature trees that have been removed in both front and back. Mr Kherlop agreed to compile a list of the trees that had been removed from the property.

Marsh Street abutters noted that they will have surveyor re-establish and stake their property line to assure work done on Woodfall Rd property only.

The Commission stated that the following materials will be required from applicant for next meeting:

1. Submission of detailed plans with accurate wetland delineations, indications of past work and future plans and clearly defined limits of work.
2. Excavation performed in the course of the well repair should be shown on plan.
3. Hay bales need to be correctly shown.
4. Deck plan needs details on supports, size, depth, number or details on the possible paved patio proposed and a detail of any proposed stone wall.
5. Location on site plan of every tree removed by owners, vegetation removed within wetland will need to be replaced in kind. (Some restoration and planting of shrubs closer to the wetlands might be desirable to establish the 25 ft line from buffer. Aerial photographs show more trees than now exist. Abutters showed photographs of trees and demolition work.)
6. Tree line needs to be indicated on plan.
7. Current Plan shows "existing house" with old foundations kept but new foundations were poured for new house. Plan must be corrected.
8. Exterior perimeter drains need to be shown on plan.
9. Roof drains should lead into ground infiltrators to recharge ground water. (Approval of tying perimeter drains into storm drains needs to be verified by Town since current effort is to remove stormwater)
10. Calculate disturbed area and indicate on plan.

11. Drainage study for roof runoff and perimeter drains engineered to keep water on the property.

The Commission stated that sedimentation from the front yard is a serious problem, needs to be immediately addressed with filtration fabric liner within the basin. The Commission stated that the existing hay bale over the grate/drain is inadequate. The Commission also stated that the front lawn needs to be stabilized immediately.

The Commission noted that the Notice of Intent form needs deed reference and a DEP file number must be posted on the site.

The Commission noted that the applicant must establish the elevation of the water table (reportedly just under slab).

Additionally, the Commission observed that the existing hay bales and siltation fencing seem adequate at the moment but need to be correctly placed on plan. It was also stated that at dumpster with capacity must be on site at all times, must be emptied frequently. No further dumping of debris or trash on site, and that the applicant must remove remaining piles of debris.

The Commission noted that they will likely require the testing of the soils surrounding the work area for lead and asbestos.

Contractor must clean catch basin and protect it from further sedimentation. Town is not responsible for cleaning. Enforcement order stands. Abutters must be notified about continuance by Certified Mail or hand delivery

Commission expressed concern with debris in 50 Woodfall Road so site visit planned by agent. Owners are acting as their own contractors there. No activity should occur in back yard unless a Notice of Intent is filed.

Hearing on 70 Woodfall Road continued at 8:45 PM to December 5th meeting. Further discussion: important to contact Board of Health on chipping/dust issues, Building Inspectors/Office of Community Development re. storm drain connection and house demolition and DEP for possible 21E issues. Check to see if there is already a stormwater connection

39 Robinwood Road: Issues: Missing DEP sign, notice of deed record, dewatering into brook area without filtration fabric, needs to take stones out of wetland, replace wetland flags, Notice of Intent for addition but whole new home built therefore filing fee increased. Letters sent October 17th but no response. Ms. Trudeau will do follow up site visit.

Dog Park: M. Weil met with John Maguranis (Belmont Animal Control Officer) and Kate Boyle, head of BDOG. J. Maguranis suggested an underutilized area of Rock Meadow near incinerator site with no parking. Needs brush clearing. Could be fenced. N. Davis found ad for dog walking tacked to tree at Rock Meadow. Some discussion on

appropriateness of dog park on conservation land. BDOG is on the agenda for next meeting.

Rock Meadow Committee informal meeting to be held on 10/31 with Ms. Trudeau, M. Weil Deborah Hartman N. Davis, and Jeff Collins.

Grant: Stormwater Management Grant suggested by Friends of Alewife Reservation (FAR) president Ellen Mass. This could perhaps be a tri town application. M. Weil will contact CEI Consultant Stephanie Hanson, who worked on 319 grant two years ago. C. Bishop noted new DEP Stormwater regulations have been proposed and there is a comment period during which CC might wish to comment.

Wetlands Setback Policy: Proposed policy was presented based on Concord's policy where it is enforced as a law. Discussion followed on editing the wording. Further refining will occur by Mary and by email for next meeting.

Claypit Pond: N.Davis reported that mowing of claypit pond area is cutting into the Concord Avenue bank causing erosion and root compaction. Hydroseeding is growing in work areas so some erosion protection might be removed. Ms. Trudeau will contact DPW re mowing issue..

Meeting adjourned at 9:50 PM Next meeting December 5th at 7:00 PM
Minutes submitted by C. Bishop