

Concom mtg 11/13/2012

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MINUTES OF NOVEMBER 13, 2012 MEETING OF THE
BELMONT CONSERVATION COMMISSION

October 2, 2012 in Room 2 Town Hall at 7:00 P.M.

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APPROVED

The meeting was called to order in Room 4 of the Town Hall at 7:05 PM.

Attendance: The following commissioners were present: James Roth (chair), David Webster, Tino Lichauco, William McCants, Margaret Velie, Miriam Weil. Also present were Julia Graham, representing the Judith Record foundation, Radha Iyengar, representing the Belmont Citizens Forum, Anne Marie Lambert, town meeting member representing precinct 8, also representing the Belmont Citizens Forum, Anne Paulsen of Belmont, Sue Bass, town meeting member representing precinct 3, Fred Paulsen, town meeting member representing precinct 1, Jim Gammil, Allison Link and Idith Haber, both representing the Coalition to Preserve the Belmont Uplands, Jules Kobek of Cambridge, Alan and Susan Maltz of Arlington, and Jim Savard, representing O'Neil Properties of King-of-Prussia, Pennsylvania.

MINUTES OF OCT 2, 2012

Commissioners Velie and Webster proposed corrections to clarify the section discussing the CPA. A motion to approve the minutes as amended, which was made by Weil and seconded by Webster, passed unanimously.

ROCK MEADOW Gardens and Mowing Updates

Jim Roth reported that all mowing had been completed and that no problems had been reported. David Webster reported that liming had been completed and that the only outstanding issue was the proposed shed for storage of garden-related paraphernalia. Radha Iyengar reported that the Belmont Citizens Forum maintained a Rock Meadow fund that could be used to pay for pathway mowing.

BELMONT SERVES DAY

David Webster gratefully acknowledged participation of all parties and thanked Habitat for use of their tools.

CPA

Margaret Velie reported the receipt of thirteen applications for CPA funds, of which nine were moved to the next phase. She then described each of the applications.

CONSTRUCTION OF BRIDGE OVER STREAM AT LONE TREE HILL (RDA)

Bill McCants reminded the Commission of the *Bourne v. Austin* case, which provided the Applicant with the right to take advantage of the repair and replacement provision of Rule 10.02(2). David Webster noted that the proposed structure was substantially larger, and that a more appropriate procedure was to make a negative determination of applicability based on the fact that although the structure was in the resource area, its construction and presence would not fill, dredge, or alter the resource area in a way that would degrade the wetland. David Webster moved to instruct the agent to complete WPA Form 2 to reflect such a determination by the next meeting. Bill McCants seconded the motion, which passed unanimously.

PROPOSED MEETING DATES 2013

Because James Savard had not yet arrived for his 8:00 appearance, the Commission took some time to schedule meetings for CY 2013. The proposed meetings were: 1/8, 2/5, 3/5, 4/2, 5/7, 6/4, 6/25, 8/6, 9/10, 10/1, 11/5, and 12/3. Bill McCants moved that the meetings be scheduled accordingly, pending confirmation that no impediments existed. David Webster seconded the motion, which passed unanimously.

ACORN PARK

James Savard, COO of O'Neil properties, offered the Commission and Coalition jointly \$200,000 in exchange from ceasing litigation. No particular public purpose was proposed.

David Webster inquired about whether any changes could be made to the project that would limit the extent to which it would degrade the surrounding wetland. Savard indicated that the project would not be altered.

Bill McCants stated that the Commission and the Coalition are independent parties that do not collaborate with each other.

Faustino Lichauco raised the question of the propriety of accepting the offer.

David Webster summarized the status of the litigation, after which the Chair invited public comment.

In response to the invitation, Idith Haber updated the Commission on the Coalition's case, expressed gratitude for our efforts, and presented a petition signed by approximately 80 citizens of Belmont and the surrounding communities of Cambridge, Arlington, Boston, and Waltham urging that litigation continue.

Allison Link stated that the Coalition was not in a position to accept the offer.

Anne Marie Lambert drew attention to updates on the Uplands that could be found in the Belmont Citizens Forum newsletter on-line.

Anne Paulsen urged the Commission to consider the irreversibility of its decision.

Sue Bass urged the Commission to appeal.

The Chair reiterated the point that the Commission's goal was solely to advance the interests of the wetland protection act.

David Webster asked Mr. Savard about the status of the conservation restriction. Savard refused to answer.

The Chair moved to enter executive session to discuss litigation strategy, stating that discussion of such strategy at an open meeting would be likely to impair it. Miriam Weil seconded and the motion passed unanimously in a roll-call vote.

Following executive session, the Chair moved to adjourn. Bill McCants seconded and the motion to adjourn passed unanimously.

MEETING NOTICE
Belmont Conservation Commission
November 13, 2012 Agenda
Town Hall, Room 2
7:00 pm

AGENDA

- 7:00 Call to Order
- 7:10 Approval of Minutes October 2, 2012 meeting
- 7:15 Rock Meadow, Gardens and Mowing updates
- 7:20 Belmont Serves Day Update: Proposed work day projects
Rock Meadow, Clay Pit Pond and Lone Tree Hill
- 7:30 Construction of bridge over intermittent stream channel within Lone Tree Hill
lands Request for Determination of Applicability
- 7:45 Discuss Community Preservation Act Application Process and potential projects
- 8:00 Meeting with Jim Savard, O'Neill Properties Group
- 8:50 UPLANDS (DEP 106-0072) update and discussion
Executive Session is possible to discuss litigation strategy of Superior Court
Action related to Superseding Order of Conditions decision
- 9:00 Adjourn