

Belmont Conservation Commission (CC) Meeting June 5, 2007 7:00 PM Town Hall Rm. #4

Attendance: Chair Miriam Weil, Members: Peg Velie, David Webster, Carolyn Bishop, Nancy Davis, Martha Moore

Associates: Tino Lichauco, Darrell King

Agent: Mary Trudeau

Public: Madelon Hope, Gordon Low

Public Meeting Procedures: M. Weil suggested instituting the following meeting procedures: before speaking, speakers wait to be recognized in the order in which they indicate they wish to speak, members first, then associates, then the public. Agent may be called upon first to provide facts as appropriate followed by members in order. Agent to provide opinions at any point when asked. The Chair can call on any attendee when information is needed. D. Webster suggested standing name card on end as signal for waiting to speak. N. Davis moved adoption of procedure as amended during the discussion. Seconded and unanimously adopted.

Minutes of: April 30, 2007 Commission meeting on the wetlands bylaw approved as amended,

May 1, 2007 Rock Meadow Sub-Committee at 6:30 PM approved

May 1, 2007, Conservation Commission meeting at 7:00 PM approved as amended

May 7, 2007 Rock Meadow Subcommittee meeting approved

May 17, 2007 Rock Meadow Site visit meeting approved

May 22, 2007 Rock Meadow Site visit meeting approved

Madelon Hope: Boston School of Herbal Studies: Due to the varied habitats at Rock Meadow, M. Hope estimates that there are 40-50 medicinal plants in the area. The School teaches plant ID, procedures for making tinctures, salves, sprays, oils, teas from harvested plant parts. The school holds two intern programs and ongoing classes. For the third year, she seeks permission year to gather leaves, berries and stems of staghorn sumac, leaves of ground ivy (*Glechoma hederacea*), and of nettle. She proposes fall planting is of golden seal, American ginseng and black cohosh as previously done. This year she might try bloodroot and trillium, for which they buy the roots. Three visits are planned in a year. Plants planted in expectation of their succeeding but not for harvesting. D. Webster moved that M. Hope submit a plan showing areas where planting and harvesting will be done for this calendar year including types and numbers of plants for each activity. This motion was seconded and unanimously approved. M. Hope stated that none of the harvesting or planting would be done in the wetlands.

addressStreet40 Howells Road: Enforcement action resulted from activities brought to the CC's attention by Gordon Low: concrete work was done on patio that originally served as a "shed foundation" built over the brook. G. Low observed: the construction equipment, men working, reinforcing the existing pad over the brook; he inquired if they had permit, response: no. M. Trudeau spoke with Richard Levandov informing him that the work was in violation of the Wetlands Protection Act (WPA). M. Trudeau told Mr. Levandov that he should have filed a Notice of Intent (NOI) with the CC before the work.

Tino recommended requiring a NOI retroactively to allow the CC to investigate the way the work was done, to make sure that the brook was not impacted. M. Trudeau stated that while an NOI is appealable (to DEP). An enforcement action is not appealable (except through courts). Bridge removal could be required through the enforcement action, however removal might cause more damage to the bank and brook. D. Webster moved that the CC send a Notice of Enforcement letter that requires the filing of a Notice of Intent within 30 days. N. Davis seconded. Unanimous approval.

Further discussion about the area pointed out that there is a fence added by the Levandovs since 1997-98 in the riverfront that might restrict the movement of wildlife. There is also a public right of way crossing over the same brook. The eroding drainage off of Howells Road into the brook was noted as a problem.

Clay Pit Pond Bench: Enforcement Action: Bench installed opposite the Veteran's Memorial by Dante Muzzioli for Elaine Canini in memory of Cynthia Hawkins. DPW was told that the CC had been consulted. D. Webster moved that M. Trudeau determine the jurisdiction of location of the bench and if it is within 100 ft of the wetland, a letter be sent to the participants with cc to Town Officials including BoS and DPW, particularly mentioning the concern of potential vista cutting as well as the impact of installation.

115 Oliver Road: Enforcement Action: owner Ron Gardner seeking a certificate of compliance. House was demolished and new house built with large concrete foundation deck that was not in the original plans. Early in May M. Trudeau requested a certified plot plan by surveyor to compare with plot plan filed for permit. This construction also results in more than the 25% impervious surface. Fence is partially underwater on the shoreline. The possibility of an enforcement action was discussed. 2002 Order of Conditions has expired. Follow up at next meeting.

Hearing for Notice of Intent for WHIP Cost Share/Rock Meadow Restoration Program: opened at time Minute 8 Hour 219:08 PM. M. Trudeau filed the Notice of Intent including maps, and Jeff Collins report. Discussion ensued about mowing in relation to the wetland line in Notice of Intent; changed title "Atkins Brook" to "Beaver Brook". Effort is to stay 25' from the wetland with mowing and contractor should stay out of BVW. Add to the RFP that the contractor is responsible for abiding by the Order of Conditions and for getting any other permits. Town counsel is completing the comments on the RFP. It has been in the Central Register, need to change date there for bid openings from June 15 to June 20, running an announcement in the Globe. Should have bids by June 20. M. Trudeau reported 6 companies expressing interest already. Perhaps by the next meeting on June 26<sup>th</sup> we may know who the contractor will be and we can finalize the Order of Conditions. M. Weil suggested that M. Trudeau mark up the standard Order of Conditions, send it out for comments. Bid opening on June 20: criteria in addition to price including pesticides, application techniques, mowing equipment. Recommendation of contractor to be made by Commission with contract signed by the Town Administrator. D. Webster moved that the CC issue an Order of Conditions in response to the Notice of Intent including the Standard Order of Conditions with the exception of requirements for photographs and construction sequencing plan eliminating section D,

“after construction in perpetuity”. Flagging of wetlands will be at the discretion of the CC, as well as erosion controls if needed. Motion unanimously approved Hearing closed at 9:40 PM.

Agent’s Report:

Mass Wildlife News: article on farm in Amherst turned into wildlife preserve, article on loons, aquatic invasives, etc.

Waverley Oaks Greenway grant request did not get funded.

Organic lawn care and meadow booklet distributed

Gordon Low sent letter regarding revised riverfront analysis in response to DEP’s request for more information.

Contract documents from WHIP/NRCS with color maps, on file in office. Includes color maps that M. Trudeau will copy and include with RFP.

Open Meeting Law: Martha Moore reported on Open Meeting Law Seminar. If committee member is talking to more than one member on issues either in person or on email, could be in violation. Any email to M. Trudeau is public info, on Town hard drive. Serial discussions are also violations. Site visits to public property are not covered. Drafts of minutes are considered public documents as soon as they are created but should be marked DRAFT or UNOFFICIAL. 48 hour postings can count Saturday but not Sunday.

Uplands: Faye Spofford and Thorndike review for the Town by Wetlands and Wildlife, Inc was distributed for the CC to consider before the O’Neill filing on Tuesday June 12 at timeMinute15Hour111:15 AM and will be on the agenda for the June 26<sup>th</sup> meeting. Flagging of wetlands done fall of 2003 and ORAD issued in 2004.

Rock Meadow Sub Committee Meeting: Thursday June 14, 2007 at 3:00 at Rock Meadow with hope that Jeff Collins can attend to help with decisions on sumac cutting, additional swallowwort areas etc.

Old Business:

School for Herbal Studies: suggest possible carpooling when communicating with M. Hope,

Howells Road: erosion problem especially during heavy rain. N.Davis recommends CC examine site and see if vegetation or barrier can be installed.

Budget: Warrant Committee appeared to cut the Rock Meadow mowing budget. Friends of Rock Meadow paid for mowing this past year. Town funds were spent on the Jeff Collins report in 2006.

Meeting continued in Executive Session at 10:25 PM Public meeting adjourned at this point