

Arlington Conservation Commission
Minutes
December 5, 2013

Mr. Stevens called the meeting to order at 7:45 p.m. in the second floor conference room of the Town Hall Annex. Present were Nathaniel Stevens, Curt Connors, Eileen Coleman, Chris Naylor, Chuck Tirone, Catherine Garnett, David White and Michelle Durocher of the Commission. Cori Beckwith, Commission Agent, was not present. Also present were Christine Deshler, Brian Sullivan, Heather Sullivan, Paul McCarthy, Bruce Whettle, Brian Rehrig, Elsie Fiore, Melissa MacDonald, Jennifer Davidson, Stephen Applebaum, Mark Namchar, Jim Manganello, Christopher Conty and Gene Crouch.

7:45 pm – Commission Business:

White/Coleman motioned to approve the 11/21 **minutes**; the motion passed unanimously.

Symmes Signage – White/Tirone motioned to approve 5” x 5” diamond-shaped sign to be installed at the Symmes conservation land to read “Land Protected by the Town of Arlington and Arlington Land Trust”; the motion passed unanimously.

Eagle Scout Project – Mr. White reported that he accompanied a scout and father around Meadowbrook Park to identify and discuss potential Eagle Scout projects.

Commission Member Status – Mr. Naylor confirmed that presently he does not intend to renew his term when it expires at the end of January, due to personal commitments. Ms. Coleman also discussed potentially not renewing her term at the end of January. Ms. Durocher is considering whether to apply for one of the Full Member positions should it open.

Great Meadows – Mr. White reported that the Friends of Great Meadows report is complete. The Selectmen will be asked to designate the Commission as its liaison for coordinating with FoAGM. White/Tirone motioned to accept the liaison designation; the motion passed unanimously.

Symmes Conservation Issues – Brian Rehrig of the Arlington Land Trust appeared to discuss Symmes updates and look ahead at coming issues. Mr. Stevens recused himself from the discussion due to his status as a board member of ALT. Mr. Rehrig wanted to bring the Commission as a whole up to date on the Symmes history, key documents and the relationships between the Commission, ALT and the developer. He reported that the end of December is no longer a hard deadline for approving the key documents (that will allow the developer to obtain a Certificate of Occupancy and receive permanent financing). Although the timeline has extended some, Mr. Rehrig did not want to let the process lag and was hoping for a January 2014 resolution. The parks at Symmes will be covered by the conservation restriction and become public parks. The developer is donating \$30,000 for tree maintenance, to be held by ALT and released only upon joint ALT and Commission approval. Mr. Rehrig distinguished the

Management Plan from the Forest Management Plan. The Management Plan governs tree maintenance and can be enforced against the developer. It was originally executed in 2005 and revised on 6/26/12. The Forest Management Plan is simply a statement of goals for improving woodland health; it is more aspirational and guidance than binding. Future key action items include agreeing on the CR boundary and the form of the final CR (once released by EOEEA). The Interim CR was recently modified to include the new park, which had originally been the location of a planned medical building. In terms of the trailer area near Summer Street, the developer disturbed the woods more than anticipated. Removed trees will be replaced with 18 @ 7' -8' tall trees. The CR needs a provision to address restoration of the area.

Enforcement - Mill Brook near Gold's Gym - Melissa MacDonald and Jennifer Davidson appeared on behalf of the property owner. In response to the Commission's October 30, 2013 letter, they produced a proposed landscape plan. The Commission requested confirmation that neighboring affected property owners consent to the proposed replanting and access for same. Due to knotweed, it was discussed that knotweed removal would need to occur prior to the replanting. Discussion involved knotweed removal during Spring and Summer 2014, with replanting to occur in Fall 2014 or Spring 2015. The Commission discussed requiring a progress report in Fall 2014, confirming whether there was an impediment to conducting replanting at that time, versus waiting for Spring 2015. Ms. MacDonald and Ms. Davidson agreed to provide confirmation of access/planting rights and a written schedule to implement the landscaping plan by the Commission's January 2, 2014 meeting. The enforcement hearing was continued to January 16, 2014.

Mystic River Oil Spill – Clean Harbors reports that sediment sampling has completed and there is almost no evidence of residual petroleum or sheen. Most sampling points were nondetect for petroleum. Clean Harbors plans to file a Class A-1 RAO with DEP and will copy the Commission on the filing.

ANRAD, Lot E, Dothan Street – Chairman Stevens noted that the required Town portion of the filing fee had not been paid. Jim Manganello (LEC) appeared on behalf of the applicant. According to the applicant, the only wetland resource that triggers jurisdiction in bordering vegetated wetlands. Mr. Connors asked about the elevation datum relied on by LEC in determining that the property was not in a floodplain. The Commission discussed that it wanted Ms. Beckwith's review and input on the elevation/floodplain question, particularly since she had previously conducted her own wetlands assessment in relation to a prior (withdrawn) application for the property. Paul McCarthy (Wright Street) stated that Ms. Beckwith was at the property in 2011 and observed standing water at that time. He submitted pictures in 2011 and resubmitted them during this hearing. Heather Sullivan (43 Dothan Street) said there were definitely wetlands at the applicant's property. Christopher Conty (16 Dothan Street) stated that the wetness is worse on the west side of the property. He noted that 2013 was the driest year and should not be considered typical. He also stated that the entire neighborhood suffers from flooding. [Mr. Naylor left the meeting at this point.] Mr. Tirone asked about LEC's sampling method. Mr. Tirone moved to solicit proposals for

independent expert peer review of LEC' s wetlands delineation; Mr. Coleman seconded; the Commission voted unanimously to approve. The hearing was continued to December 19, 2013 at 8:30 with the applicant' s permission (Mr. Connors moved; Ms. Coleman seconded; unanimous vote).

Notice of Intent, MassDOT, Alewife – Gene Crouch appeared on behalf of MassDOT at this continued hearing. The Commission reviewed Mr. Crouch' s November 27, 2013 response letter to questions raised by the Commission at the initial hearing. Mr. Crouch will provide the Cambridge ConCom conditions when they are issued. Mr. Crouch discussed that the BMP spaces are in Cambridge and would involve a DCR/DOT conflict regarding future maintenance due to each agency owning different portions. He repeated that the 6 foot deep sumps required on the Cambridge portion will benefit Arlington as well. He stated that the proposal is a limited project under the WPA, because most of the site is already impacted by existing transportation development. The project would add less than 10% additional development in the Riverfront area. Mr. Crouch stated that the project site is already so developed that there is no choice but to develop the limited identified portion. Mr. Crouch and the Commission reviewed the new MassDOT landscaping plan. The nine trees proposed to be removed will be replaced with 16 new trees. The future tree locations are to be field approved by Ms. Beckwith or Arlington Parks and Recreation. Mr. Crouch and the Commission again discussed application of Arlington' s local wetlands bylaw to the project. Mr. Crouch stated that MassDOT consistently (every town, every project) maintains that it is never subject to any local wetlands bylaw. He stated that the extra cost of complying with community-specific requirements would eat up the MassDOT budget and that providing notice to abutters in each town would be prohibitively expensive. Mr. Stevens asked about the current project costs. Mr. Garnett stated that as a state employee herself, she agrees with MassDOT' s position. She also briefly discussed whether she should recuse herself on that basis. Mr. Stevens reemphasized to Mr. Crouch that MassDOT' s stated position does not match contrary Supreme Judicial Court caselaw. Mr. Connors asked Mr. Crouch what MassDOT' s response would be if the Commission were to approve the project based on MassDOT' s modifications to the application, including landscaping plan, but specifically include a finding under Arlington' s wetlands bylaw. Mr. Crouch responded that in the past MassDOT has requested that Commissions “modify” their Order of Conditions to remove the local bylaw portion but he stated it was unlikely that MassDOT would appeal an approval solely on that basis. Town Meeting member, Elsie Fiore, stated her concern about lack of mailed notification to abutters. She wants the sidewalk to stay and be expanded, rather than be replaced with the proposed new traffic lane. The Commission discussed that either scenario would include a similar limited impact to the wetlands. In response to Mr. Fiore' s concern about abutter notice, the Commission continued the hearing, with Mr. Crouch' s consent, to November 19, 2013 at 8:45 to allow any new abutter input. Mr. White moved; Mr. Connors seconded; unanimous vote.

Meeting adjourned at 11:05 pm.
Respectfully submitted,
Curt Connors, Commission Member