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Conservation Comm Minutes 10-05-2000

OCTOBER 5, 2000

Mr. Stevens called the meeting to order at 7:30pm in the 2nd floor conference room in the Town Hall Annex. Present were Corinna Beckwith, Nathaniel Stevens, and Judith Hodges of the Commission, David White of 55 Bow Street, Tom Lisco and William J. Bannan of the Spy Pond Condominium Trust, Walter Basnight and Brian Murray representatives for Steve and Gerry Ricci of 196 Park Avenue, Karsten Hartel of the Open Space Committee, Roger Frymire of 22 Fairmont Ave, Cambridge, Gary Gryan, 47 Burch Street and Elsie Fiore of 58 Mott Street.

Note: The Commission is in receipt of the formal resignation letter from Susan Brent and acceptance by the Town Manager. At present there are only 5 active members of the Commission and therefore a quorum is present at the meeting with only the three members.

7:30pm – SPY POND CONDOMINIUMS, DRAINAGE PIPE, REQUEST FOR DETERMINATION OF APPLICABILITY–

Mr. Stevens opened the hearing with the reading of the public notice. Mr. Lisco briefly discussed the project. The drainage pipe to be replaced drains a portion of the parking lot. Its collapse last winter caused a major flood in the lot. Upon inspection, there were five breaks in the concrete pipe. The contractor recommended replacement over repair as the most cost-effective method. There will be silt fence installed at the pipe end. The construction should take only 2 days. The soils on the slope immediately above the outlet will be stabilized with jute mesh and reseeded.

The catch basins were cleaned and found to be in good repair, but will be reevaluated during construction. The sumps were approximately 2 feet deep, but will be confirmed during construction. The water table is directly below the existing sump. They have just purchased a new sweeper for the parking lots and intend to use it seasonally, in spring for sand, fall for leaves and additionally periodically for trash.

Discussion continued regarding roof drainage and where does it outlet. The proponents didn't know for certain. If this drainage enters the underground pipe to be replaced, then they will find that out during construction.

The machinery used to excavate the trench will be small enough not to damage the lawn and sprinkler system which is installed in the area. The slope stability should not be endangered with the loading.

Mr. Frymire asked if the proponent's had considered using hoods in the catch basins. Mr. Lisco responded that he didn't think that oils and grease were a considerable threat for Spy Pond, and that their residential parking lot should not be a significant generator of oils. No maintenance of vehicles is allowed in the parking lot, no car washing is allowed in the parking lot.

Mr. Stevens closed the discussion. Ms. Hodges made /Ms. Beckwith seconded a motion to find that while the work (pipe) outlets to a resource area it will not have an impact upon it (temporary replacement in kind, and the drainage area of the pipe has street sweeping and catchbasins with sumps for pretreatment of stormwater). The vote to approve was unanimous.

7:45pm- Reed's Brook- Amendment to order of conditions- The project is continued to November 2, 2000 in order to incorporate revisions to due conflicts with wetland replication.

8:00pm- 10-12 DEVEREAUX STREET, WORKING SESSION -

Mr. and Mrs. Ricci, Mr. Basnight and Mr. Murray presented the project to the Commission. The project is a demolition of an existing house and construction of a new house on two lots next to Spy Pond. While the new house is going to be located outside of the Buffer Zone, the applicants want to do landscaping, temporary construction and soil stockpiling and installation of sewer and water pipe within the Buffer Zone to the Pond.

The applicant would like to do tree pruning this fall. The Commission advised the applicant to submit an RDA for the tree pruning work and then file a Notice of Intent for the rest of the work. The RDA will be heard at the October 19, 2000 hearing while the Notice could be heard at the November 2, 2000 hearing.

Mr. Murray reported that a fir tree near the Pond is diseased and needs to be removed. This tree is located in a planter that will also be removed. The tree will be replaced. There is a lovely Linden on the property but it needs pruning. It is one of the largest in the area. It will be preserved. Ms. Beckwith asked Mr. Murray to include native, non-invasive species in the landscape plan.

There is lawn at present right to the water's edge. Mr. Murray is proposing a wildflower orchard at the edge. No regrading, stabilization or boat ramp work is being proposed at the shoreline at this time. According to the applicant, the slope at the shore is about 2-3 feet high and doesn't seem to be eroding.

The house demolition and construction is due to start in a few weeks, while this work is outside of the Buffer Zone, any work within the Buffer Zone will need to wait until the Commission issues its permit.

MISCELLANEOUS

Ms. Beckwith opened discussion of the minutes of the 9/21/00. Mr. Stevens had various questions regarding business items mentioned in the minutes. He had a few edits.

The Capital budget form was submitted by Mr. Stevens on 10/5/00 to the Town Manager's office.

The Commission is holding a retirement party for Ann Harrer, Steve Emsbo-Mattingly and Susan Brent on October 22.

Mr. Frymire presented photographic evidence of the cutting of an entire stand of bulrush on September 29th in Hills Pond. Ms. Beckwith will ask Rich Bento if the DPW has any knowledge of this work. Mr. Frymire didn't see any water chestnuts in Hills Pond.

Ms. Beckwith asked other Commissioner if they were interested in helping put up/take down the booth at Compost Day by the DPW on October 14. Mr. Stevens might be interested but needed to check his schedule.

Ms. Beckwith asked the Commission if they could/should write a comment letter regarding the Mugar parcel regarding the statement in the ENF that the proponents have been coordinating their plans with local environmental officials. This statement is not accurate. We have a permit before us but there has not been any prior coordination of design with this Commission. Mr. Stevens said that we could write a letter if it pertains to process. Ms. Beckwith will draft this letter. Ingeborg Hegemann of BSC, the Commission's consultant, conducted a site walk with Rizzo Associates on September 22 and Ms. Hegemann submitted a draft report of the visit. There were just a few minor changes in the wetland lines submitted in the ANRAD by Rizzo. Ms. Hegemann requested additional sample plots on the Dorothy Road, Burch Street sides of the property in order to determine if there were additional jurisdictional areas. The floodplain calculations were still being evaluated. Rizzo was leaving messages looking for aerial photos of the 1996 and 1998 flood events. Mr. Frymire had no knowledge of these existing.

Ms. Fiore expressed her dismay at the Mugar's continuance of the hearing to October 19, 2000. The notification of the neighbors should be done as early as possible. Ms. Fiore submitted pictures of flooding of the entire Mugar property when she was on the Commission twenty years ago. A letter from Charles Elliott that stated that in his life time he had seen the entire area flooded from Fresh Pond to Spy Pond.

Ms. Beckwith reported on her site walk at 4 Mystic Bank. The owner is reconstructing walls and driveway and cutting trees near the road at approximately 150 feet from the Mystic Lake. He is planning to build a house in between the existing house and the neighbors and will file a Notice for that work.

Ms. Hodges is going to conduct the site walk for Mr. Roche, for the COC for 43 Beverly Road, the weekend of October 7th. Ms. Beckwith gave her a copy of the plans and the Order.

Mr. Stevens asked if we had planned any work at the Window on the Mystic. Ms. Beckwith reported that she had not coordinated any event at this time. Ms. Fiore gave a brief history of the acquisition of this property. The owners tried to give this property to the town. But the neighbors didn't want this to be public property. Then they changed their mind. Some neighbors didn't want any parking. There were supposed to be 4 spaces, enough for 2 town trucks to do maintenance. The Commission asked Ms. Fiore if she had any knowledge regarding MDC owning the first 50 feet of shore around the Upper Mystic Lake. She did not.

Ms. Hodges is also agreed to conduct a site walk for 62 Hutchinson Road. Ms. Beckwith got a report of construction possibly near and/or over a stream.

Ms. Beckwith reported on the request of a condominium owner at the Rembrandt to acquire a COC for the property. Ms. Beckwith is looking into the extensive project files for background of this project.

Ms. Beckwith reported that there are sentiments on the Commission to ask the Cemetery Commission to give the Conservation Commission the property within 100 feet of Mill Brook at Mt. Pleasant Cemetery as compensation for the Enforcement Order. Mr. Stevens stated that this request amounted to extraction and that matters of the Enforcement Order should not be mixed into the issuance of the Order of Conditions. Ms. Beckwith will notify Mr. Bento that the hearing is now scheduled on the same night as the continuation of the Mugar hearing. Mr. Hartel made a request to have a report on the project at the next Open Space meeting. Ms. Beckwith will make that report.

Friend of Alewife Reservation has requested a letter of support in the acquisition of \$75,000 for the MDC master plan for the Alewife reservation. Ms. Beckwith will draft a letter.

Mr. White has submitted his resume and letter of interest in becoming a member of the Conservation Commission. He was welcomed and his qualifications were discussed. He has attended the Reservoir Committee meetings in the past and could represent the Conservation Commission at those meetings in the future. He has been a resident for twenty years. Ms. Beckwith will give him some additional reading materials. Ms. Beckwith forwarded his resume to the Manager's office with a note of approval.

Mr. Stevens reported on the Greenhouse Gasses presentation given this week by Rich Bento and Representative Jim Marzilli. Energy cost savings is also an important outcome of this work.

Training courses: Lloyd Allen asked if there was interest in a Wetland Law course. Mr. Stevens suggested attending the MACC Fall Conferences to be held October 21, 2000 or the training courses for Conservation Commissioners. The Nashua River Watershed Association is conducting an Erosion Controls workshop.

The Commission voted to convene at approximately 10pm. The vote was unanimous.

Respectfully submitted,
Cori Beckwith, Member and acting-Administrator