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Conservation Comm Minutes 10-19-2000

OCTOBER 19, 2000

Mr. Stevens called the meeting to order at 7:30pm in the main hall of the Town Hall. Present were Corinna Beckwith, Nathaniel Stevens, Geraldine Tremblay and Judith Hodges of the Commission, and David White of 55 Bow Street. John Wise and William Sovie of Burkhard Corporation for 19 Massachusetts Avenue, Steve and Gerry Ricci and Brian Murray for 10-12 Devereaux St. and David Albrecht of Rizzo Associates representing the Mugar project and Ingeborg Hegemann of BSC Group representing the Conservation Commission to review the Mugar project.

Other attendees included:

Alan McClennen, Director, Department of
 Planning and Community Development

Gary Gryan, 47 Burch Street

Elsie Fiore, 58 Mott Street

Margie Noone, 46 Dorothy Rd

Andrew Noone, 46 Dorothy Rd.

William Bowe, 46 Dorothy Rd

Roberta Cameron, 12 North St., Medford

Geoff Wright, 66 Mott St.

Brian Rehrig, 28 Academy St.

Franca Ainsworth, 35 No. Union St.

Diane Mahon, 23 Howard St.

Bob Shatten, 41 Margaret St.

Joe Tulimieri, 27 Hillsdale Rd

Aime Tulimieri, 27 Hillsdale Rd

Patrick B. Worden, 27 Jason St.

Glenn Koenig, 16 Hopkins Rd *

Jack Hurd, 28 Colonial Dr.

Joseph Connors, 78 Bates Rd

Dottie McCarthy, 165 Lake St.

John J. Cashman, 18 Granton Park

Charlie Nicholanes, 51 Burch St

Flora Nicholanes, 51 Burch St.

Frank Forrano, 25 Littlejohn St.

Barbara Crosby, 61 Dorothy Rd #2

Betty Crosby, 61 Dorothy Rd #1

Bridge Kissane, 26 Mott St.

Thelma Parker, 53 Dorothy Rd.

Chuck Lemos, 9 Edith St.

Karin Sheldon, 44 Margaret St.

Mark Rudenko, 44 Margaret St.

Marie Conlon, 15 Edith St.

David Bastiani, 19 Freeman St.

Steve Conlon, 13 Edith St.

* **written comment received**

The first order of business was to vote to approve the acceptance of Mr. White as an associate member of the Commission. The vote to approve was unanimous.

7:30pm - 19 MASSACHUSETTS AVENUE, HOTEL DEVELOPMENT - REQUEST FOR AN EXTENSION OF THE ORDER OF CONDITIONS dated 11/10/97

Mr. Stevens opened the hearing with the reading of the public notice. Mr. Stevens entered into the record a letter submitted by David Stoff, 88 Fairmont St., date October 17, 2000 describing possible new information that pertains to the floodplain of the Alewife Brook and questions dealing with the potential of hazardous materials on the site. The Cambridge Department of Public Works is separating two CSOs (CAM 004 and CAM 400) which may substantially increase stormwater flows to the Alewife.

Ms. Tremblay asked the applicant why the project had not moved forward in the three years since the project has been permitted. Mr. Wise described that the project has been in appeal and litigation until this time. The property is about to be sold.

Ms. Tremblay asked whether the current use of the parking lot for autos was appropriate according to our permit Mr. Stevens opined that this is an issue for a zoning board whether there is a change in use. Mr. Wise stated that there was no change from the prior use of the property which was an auto dealership.

Ms. Beckwith asked the applicant how the floodplain data was obtained during the initial permit filing. And was the CSO work anticipated at that time. The changes involve on the order of 20 acres of new floodplain to the Alewife. Will this be compensated for?

Ms. Fiore responded to the Commission regarding the appeal process for the original order of conditions. The appeal process was very lengthy. There was another party, Mr. Bartash in the suit. The applicant said that Mr. Bartash had another interest in seeing the project held up since he had a significant encroachment onto the MDC property.

The Department of Environmental Protection has already reviewed this property and designated it as a downgradient property from a release on an adjacent location. The original Order of Conditions made provision for the proper handling and disposal of materials during construction.

Ms. Mahon stated that the encroachment of Mr. Bartash's property consists of only 5 inches and should not be confused with a genuine interest to deter the project based on its merits. There are significant flooding problems in the area and these could possibly be increasing the amount of water in the Alewife floodplain by the Cambridge CSO separation work. Ms. Mahon asked that the Commission continue the hearing so that she and others could present information to the Commission which they had not had time to prepare as they only recently heard about the hearing.

Ms. Hodges made a motion to continue the hearing until 11/2/00 at 7:45pm in order to aquire answers regarding the floodplain calculation/Ms. Beckwith seconded the motion. The motion passed by a vote of 4 approving and 1 against, with Mr. Sullivan dissenting.

7:45pm- 10 -12 DEVEREAUX ST- REQUEST FOR DETERMINATION OF APPLICABILITY FOR TREE PRUNING

Mr. Stevens convened the hearing by reading the public notice. Mr. and Mrs. Ricci, and Mr. Murray presented the project to the Commission. The applicant would like to do tree pruning within the buffer zone to the Spy Pond.

The applicants intend to file a Notice of Intent in the near future for a staging area for construction of a new house, utility installation and further landscaping within the Buffer Zone.

Ms. Tremblay made a motion that even though the proposed work is within the Buffer Zone, the work will not significantly alter/jeopardize the Resource Area and will not require the filing of a Notice of Intent for the tree pruning /Mr. Sullivan seconded. The vote to approve was unanimous.

8:00pm- MT. PLEASANT CEMETERY- NOTICE OF INTENT, CONTINUED

At the applicant's request, the Commission approved the continuance to November 2, 2000 at 9pm.

8:30pm- MUGAR PARCEL, RT. 2 - ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION, CONTINUED

Mr. Albrecht of Rizzo Associates submitted 4 copies of a new flood report to the Commission.

Ms. Hegemann, BSC Group, presented a summary of her field investigations to evaluate the wetland delineation conducted by the applicant. She found that Rizzo's delineation for the most part was accurate with adjustments to Wetland B and the additional of

four very small pockets of wetlands (F, G, H and I) in the northern portion of the site. Wetland E, which was located within the old mill foundation parallel to Edith St., was also added to the site plan.

Ms. Hegemann found that wetlands F, G, H and I do not appear to show any evidence of vernal pool amphibians, as they are also highly disturbed. Ms. Hegemann has also yet to review the data sheets for these sites.

Ms. Hegemann is still reviewing the flood plain information and she is having an engineer at BSC review the data as well. The culverts to the site under Route 2 are currently blocked. She is also confirming the source and quality of the topographic data.

Mr. Albrecht responded with a presentation of the flood report and the modified ANRAD plan. The survey information was shot in the field this last spring with an error of 0.05 of one foot tolerance. He stated that aerial surveys were not used to establish the elevations shown on the plan, as previously stated in the prior hearing.

Rizzo conducted more site investigation and research and found that:

The culverts under Route 2 outlet to a channel to Little River and act as equalizers. The drainage easement is for Dorothy Road drainage to outfall to the Rt 2 side of the Mugar parcel. The drainage pipes are probably designed for the 10 year storm, hence they do not convey larger storms. Most of the catch basins were full of sand, and the town doesn't ever remember cleaning them in the past 25 years due to lack of funds.

At the request of MDC, Camp Dresser and McKee completed a hydrologic report (in 1978-1982) for the Mystic River system.

The models were the best available at the time. They had two teams that did the calculations, and they came up with two slightly different answers.

In 1904, the Metropolitan Parks Commission commissioned a study and found that the hydrology of the site was tidal, since there were no locks and no dam in place at that time. Elevations were 5-6 feet above grade. This hydrologic information should be considered irrelevant since so many conditions have changed.

The Army Corps of Engineers (ACOE) completed a report (in 1997) regarding the 1996 storm. This report included a high water mark elevation survey. ADL property had a recorded high water mark, the Mugar property did not. That storm was in excess of the 100 year storm event.

The 1998 storm was commented on by the ACOE that it was about a 50 year storm in this area.

In Rizzo's opinion, the flood plain study by FEMA is accurate. Arlington Zoning map designated the floodplain at 7.45 feet and FEMA says 8 feet above mean sea level (MSL).

According to Mr. Albrecht, the site permeability is not high like a sponge. The site is either urban fill or peat, SCS (Soil Conservation Service) soil group D (the category indicating the least permeability). The water sits there for a very long time before it infiltrates.

Rizzo completed a topographic survey of the neighborhood homes. Using an assumption that the basements were nine feet below the first floor, everyone's basement was below the flood plain. Mean seasonal high ground water was located in a single test pit that happened to have natural soil mottling. About half of the homes have basements below the elevation of mean seasonal high ground water.

The copies of the flood report will be forwarded to the Commission and Ms. Beckwith will place them with the library and at the Planning Department for viewing by the public.

Bob Shatten, 41 Margaret St., asked if Soil Conservation Service (SCS) soils maps used for the site. Brian Quigley, of Rizzo Associates, replied that SCS maps were only used as a guide.

Mr. Shatten asked why only one test pit was used to confirm the groundwater elevation and whether observation wells were utilized and will they be in the future. Mr. Albrecht said that no wells have been installed at this time and no plans for them have been anticipated, but he would relay the suggestion to his client for the preparation of the Notice of Intent.

Mr. Shatten has observed seasonal catch basin cleaning in the neighborhood.

Mr. Shatten also stated that the reports mentioned by Rizzo (specifically the CDM report) were very general, watershed wide reports and maybe should not be used to evaluate this specific site.

Ms. Mahon, 23 Howard St., presented flood survey information collected in the East Arlington neighborhoods surrounding the

Mugar site. The information was displayed on a map showing basement flooding and surface flooding. She explained the content of the survey. She provided copies of the surveys as well. It is the contention of the East Arlington Good Neighborhood Committee that the 1982 FEMA flood study is not accurate. Ms. Mahon will provide the Commission with another copy for the applicant. The map is also being copied.

Ms. Fiore, 58 Mott St., presented a large photograph of the 1996 flood along Acorn Park Drive. She also gave the Commission her copy of a video of flooding in 1998 on the Mugar property.

Ms. Ainsworth, 35 N. Union St., commented again on the natural absorptive capacity of the property.

Mr. Gryan, 47 Burch St., commented further that the vegetation on the property contributes significantly to the absorptive capacity of the site.

Ms. Fiore commented on the history of storage of dredgings from Spy Pond on the Mugar property when the pond was filled to build Route 2 in the 1960s (1968). Most of the materials were then removed but a lot were left on the site.

Ms. Mahon asked when the cutoff date would be for the collection of the surveys. Ms. Beckwith stated that the last surveys should be received no later than 1 wk before our next hearing.

Ms. Beckwith noted the receipt of two more comment letters from Gary and Anita Gryan, dated 10/15/00, and Florence Murphy, dated 10/3/00. Copies will be provided to the applicant.

Mr. Sullivan made a motion/Ms. Hodges seconded, with the applicants consent, to continue the hearing to November 16 at 8:30pm in the main hall of Town Hall.

MISCELLANEOUS

Minutes were distributed to the Commission for approval, some members needed more time to read them before voting to approve.

The Commission voted to approve the administrative expenses for Ms. Beckwith for September, 2000.

The Commission discussed the Cemetery project. Ms. Tremblay asked whether we should be working out the details of the enforcement order during the hearings for this project. Mr. Stevens feels that this would constitute coercion. Ms. Tremblay would like the Commission to ask for either the 100 foot buffer to be deeded to the Commission or stabilize and vegetate the entire two embankments from the bridge to the bend as compensation for the enforcement order. Mr. Stevens will check with Mr. Maher on the legality of such a move. Ms. Beckwith noted that the project is back before us on 11/2/00. Ms. Tremblay wants VHB to do the work but have DPW pay for it.

Mr. Stevens commented on email he received that renamed No Name Brook to Geri Tremblay Brook.

Ms. Hodges reported on the 62 Hutchinson Rd and 45 Beverly Road site visits. A resident constructed a 25 foot long ball court over a stream that he placed into a 65 foot long culvert. There was a significant amount of fill and large trees removed. He does have photographs. Ms. Hodges will ask the resident to attend a meeting with the Commission on December 7 at 8pm.

45 Beverly Rd., patios going down to lake, no drainage installed. Annuals planted, The Commission needs to review the existing permits and file contents to refresh our institutional memory. A neighbor is currently constructing the base of the porch in the backyard. The earth was regraded. The whole yard is cleared down to the Lake. Possibly this is 43 Beverly Rd.

Ms. Beckwith will have a table at the Compost Day on 10/21/00 in Town Hall.

Mr. Stevens said to look for a hearing notice for our Capital Budget request in the near future.

Ms. Beckwith reported on a condo owner in the Rembrandt building at 975 Massachusetts Avenue. The building has been constructed 9 feet closer to the Mill Brook than was permitted. Mr. Stevens believed that the project needs to come before the board to request a Certificate of Compliance. The Order of Conditions states that the project needs to be reviewed by a registered professional for compliance.

Ms. Beckwith distributed a letter from Mr. Lelyveld regarding the Reed's Brook Landfill project, expressing his concerns regarding the Planning Department's appeal of the Lexington Conservation Commission Order of Conditions. The hearing will

continue on November 2 at 8pm.

Ms. Beckwith reported on the intent of MassHighway to file permits on the removal of sand from Spy Pond. The project will also need a state Water Quality permit. Sediment quality data will be obtained, the sediments will be vacuumed out and dewatered.

They intend to start this in November but seems unlikely with the permitting needs. Mr. White asked about sewage. MassHighway was going to be in contact with Gene Benson.

Mr. Stevens reported that the Spy Pond Committee meeting had input (as did our board) from Marion Coulter in regards to the Spy Pond weed treatment project using a chemical called Sonar. Ms. Coulter is concerned about the dangerous breakdown products from Sonar. This issue needs to be reviewed further. The applicator will be contracted out and will present information to the Conservation Commission. It is rumored that the Conservation Commission has approved of the use of Sonar in the past. We need to review our files and ask old members on this. Steve Emsbo-Mattingly, who just resigned from this board, Bill Eykamp of the Spy Pond Committee, John Pickle at ADL and David Dean might have appropriate knowledge for this topic.

At approximately 11pm, the Commission voted to convene.

Respectfully submitted,
Cori Beckwith, Member and acting-Administrator