

Arlington Conservation Commission  
Minutes  
June 16, 2016

Mr. Stevens called the meeting to order at 7:30 p.m. in the Selectmen's Meeting Room on the second floor of the Town Hall. Present were Nathaniel Stevens, David White, Mike Nonni, Charles Tirone, Susan Chapnick, Curt Connors and Janine White. Associate members Catherine Garnett and Eileen Coleman were not present. Also present were Ellen Reed, Bruce Whelple, Jan Smola, Gerard Keiley, Pat Sacca, Dan Klebanov, Ben Ferber, Aimee D'Onofrio, Bill Kaplan, S and R Patel, Monika and Peter Musial, Mary Trudeau, Scott Seaver, Bill Capithorne, Melanie Cameron, George Bell, Pasi Miettinen, Sandra Miller, Dora Horvath, David Loh, Aida Khan, Catherine Chiu, Richard Caro, Jeanne Harrington, D. C. Devney, R.M. Kuhn, Alan Preston, Downing Cless, Alice Trexler, Louisa Pepper, Shirley Cannieff, Jen Rothenberg, Ann LeRoy, Peter Bloom, Peter Hedlund, Bill Doyle David Stoff, and others who did not sign in.

7:30pm – Commission Business:

DWhite/Connors motioned to approve the 6/2/16 **minutes** with edits; motion passed unanimously.

Ms. Garnett had expressed interest in participating in the **Zoning Recodification** working group as the representative from the Conservation Commission. The Commission decided to appoint her as its representative provided that was allowed; Ms. Beckwith to check with Town Planner Jenny Rait.

Waterbodies Fund - Mr. Tirone will contact the contractor who provided a proposal to perform a water quality assessment at the detention basin in **McClennen Park**.

The new **Tree Bylaw** was approved by Town Meeting, is awaiting approval of the Attorney General and the Conservation office needs a final version of the bylaw.

7:45pm - **Notice of Intent** – Hills Pond wetland restoration

Ms. Reed presented the specifications of the wetland seed mix and the Friends of Menotomy Rocks Park may elect to plant mature plants from the list of seeds proposed, which may be more cost effective for the space.

The stormwater treatment chamber (vortex) needs to be inspected and cleaned annually. This was a condition in three previous permits but the condition was not complied with. DWhite/Chapnick motioned to issue a Notice of Noncompliance to the Park Department or the Dept. of Public Works to perform the required inspection and clean-out of the chamber.

Connors/Tirone motioned to close the hearing on Hills Pond; motion passed unanimously.

DWhite/Chapnick motioned to approve the project with four conditions: 1) cleaning out the stormwater chamber (vortex) on an annual basis, 2) reseeding/replanting the basin as necessary when sediments are removed, 3) that the glyphosate treatments follow same restrictions as in the last Spy Pond aquatic control project; 4) get aeration pump operational; motion passed unanimously.

8pm – **Notice of Intent** – 12 Clyde Terrace

Ms. Trudeau presented the project to demolish the existing house and build a new larger house on the lot. This structure will move closer the wetland located to the rear of the property. Most of the buffer zone area currently impervious (pool and deck). Currently, 4,000 sq ft impervious surface; project plan 2,171 sq ft impervious surface, therefore, a significant reduction in impervious surface.

Ms. Trudeau brought updated plans to the meeting with some added landscaping information. The inground pool and associated terracing or deck in the backyard would be removed. The new building would have retaining walls along the sides in order to reduce the volume of fill at the foundation.

There is no layout of the proposed landscaping plan.

Mr. Tirone asked for wetland flagging information, soils data sheets, vegetation data sheets. He would like to see this site to confirm this information.

Ms. White also asked if any trees would be removed with this work. Ms. Trudeau said that they would like to leave as many as possible, but that removal of the concrete pool deck, which is located very close to these trees, may mean that they have to come out.

Ms. White asked if roof drains were routed towards the backyard. Ms. Trudeau said that they could be directed to trench drains if required to do so.

Mr. Kelly submitted a written set of questions which mainly addressed the project during the construction phase and could be directed to the contractor. The house will be 2.5 stories and closer to the wetland by 36 feet.

Mr. Tirone asked Ms. Beckwith to start a poll for setting up a site walk.

Additional information that the Commission will need:

- 1) Wetland data sheets (including auger data sheet)
- 2) Planting plan with Latin plant names and other information required by the Vegetation Replacement section of the Commission's regulations
- 3) Erosion control specifications (12 inch wide berm)

Mr. Caro expressed concern over the building extended so far back toward the wetland and filling of the area and regrading that may cause drainage problems for the neighborhood.

Mr. Stevens asked whether there was a fence along the back of the property line. Ms. Trudeau replied that they would replace the fence in-kind.

Mr. Tirone asked if any test pits were done for drywells or for the foundation grading. There is trash in the wetland to the rear of the property behind the sheds. The applicant is willing to remove the trash on the Wetland at the fence.

Connors/Nonni motioned to continue the hearing with the applicant's consent; to 7/14 at 8pm; motion passed unanimously.

#### 8:15pm **Notice of Intent** – 47 Spy Pond Lane, Lots A and B

These two permits hearings were considered at the same time as the property is presently one house lot and is proposed to be divided into two.

Mary Trudeau presented the proposals submitted by Scott Seaver of Seaver Construction. The NOIs were sent to the Natural Heritage program for their review. The applicant is proposing to split the lot into two. The proximity of the proposed buildings is presented on the project plans.

Lot A proposed house foundation is outside of the 50 ft. buffer zone on project plans and within the 100 ft. buffer zone. Lot B proposed house foundation is within the 100 ft. buffer zone but does not intrude into the 50 ft. buffer zone.

The mitigation is proposed to be planting of native plants near the shoreline, this information is shown on new plans presented to the Commission.

The runoff from the increased impervious area needs to be treated or infiltrated.

The Commission asked that the amount of encroachment into the Buffer Zone be calculated and that information on the amount of existing and proposed impervious surface be provided for the existing lot, the two lots, and the areas within 100 feet of Spy Pond.

The Commission asked that the vegetation mitigation standards in the bylaw regulations be met for the proposed removal of the large sycamore on the lot.

Mr. Tirone asked if the applicant and representative had reviewed the local bylaw section on Adjacent Upland Resource Area and considered it fully. He also asked where the water table was for the wetland delineation and where the wetland data sheets were for the delineation. Ms. Trudeau said she would provide those.

The Commission expressed the desire for a site walk and the directed the Conservation Administrator to send out a schedule of proposed dates/times.

The two proposed houses are respectively 46 and 70 feet from the pond.

Mr. Connors stated that the burden of proof is on the applicant to show that the proposed development will not impact the wetlands.

Ms. Khan, 19 Sheraton Park, commented that the proposed houses are clearly closer to the pond than the existing house, and approval of this project would set a terrible precedent. The soils on this lot are a sponge to hold water. Erosion on the slope site could easily be a problem, and all runoff should be directed away from the pond.

Mr. Cless, 48 Spy Pond Lane, commented that the new houses should be no closer to the pond than the existing house, and the board should not make an exception. The other closer houses, which the applicant presented as justification for moving closer to the water, were built a long time ago and likely before wetland laws.

Ms. Trexler, 48 Spy Pond Lane, commented that Spy Pond is a gem of Arlington and has a fragile ecology, with wildlife to protect. The Commission should not approve the construction of these houses closer to the pond.

Ms. Musial, 15 Princeton Rd, stated that this lot has lots of wildlife using it, turtles and birds and this habitat should be preserved.

Mr. Ferber, 11 Princeton Rd, has observed turtles nesting annually in the sandy soils of the lot, along with muskrats. There are a number of the additional trees on the lot, along the sides of the property. Are any of these proposed to be cut down?

Ms. D'Onofrio, 11 Princeton Rd, asked who owns the property. The Applicant stated that Harold Boucher is the owner, but Mr. Seaver has a purchase and sale agreement with Mr. Boucher.

There currently is a dock at the property, goose fence and a concrete and bituminous retaining wall at the shoreline. There are no plans to do any work on this shoreline. The Commission noted the dock should be shown on the plan.

Mr. Musial, 15 Princeton Rd, asked if the runoff from this proposal will be directed towards his property.

The owner of #23 Sheraton Park commented to support the proposal to be closer to the pond.

Ms. Chu, 57 Spy Pond Lane, commented that she was shocked to see the proposal so close to the pond and she was surprised that a house within the 100 ft buffer zone of the pond would be allowed

Mr. Tirone commented that work within 50 ft. of the pond, is presumed likely to impact the waterbody, according to our regulations.

Ms. Cameron, 9 Princeton Rd, has observed turtles, cormorants, hawks, and asked if any other studies of the wildlife use have been made. She also commented that most of the other houses in the area were 1 story and that this proposal included 2 story buildings, with more shade and encroachment near the pond.

Ms. Patel, 66 Princeton Rd, said that the proposed buildings will be taller and bigger, and consume more resources, having more impacts in a broader sense.

Ms. Chu asked how much closer are the proposed houses than the existing house. The plans show that they will be 50 feet closer.

Mr. Cless asked about the sycamore trees and if there would be an exact replacement and whether the new Tree bylaw applied.

Mr. Ballard of 60 Spy Pond Lane, asked what size of impervious areas are proposed? The applicant answered that the existing house is 2400 sf and the proposed house would increase that by 400 sf. The new house is approximately 3500 sf.

Mr. Ferber asked whether the hydrogeology of the site will be impacted with the regrading within the Buffer Zone. He also asked about the definitions of the bank to clarify. Do the plans show the 100 foot Buffer Zone?

Mr. Kaplan, 57 Spy Pond Lane, asked if the line of trees along the property line with #53 Spy Pond Lane were going to be impacted, either cut or damaged during regrading. He also asked if they had a license for the dock.

Mr. Tirone asked if any other variances were required for the large house (3500 sf) proposed at Lot A.

Mr. Stevens confirmed that the Commission asked the applicant to:

- 1) Calculate the impervious areas in the Buffer Zone and 50 foot area, and the totals for the existing lot and proposed two lots.
- 2) Provide in the plan some form of stormwater treatments, and provide test pit and groundwater information for those.
- 3) Provide a landscaping plan and narrative addressing the local vegetation replacement regulations.
- 4) Stake the wetland lines, Buffer Zone and 50 foot line along with the proposed building corners and include the dock on the plan

DWhite/Connors motioned to continue the hearings to 7/14 at 8:15 and 8:30pm; motion passed unanimously.

#### 8:45pm **Notice of Intent** – Magnolia Park

Mr. Hedlund presented the proposal to reconstruct the park with new play area, new community gardens and pathways. The design was the result of a lengthy and public process by Park & Recreation. The proposal includes the removal of 5 trees and replanting 24 new trees. The trees removed include one apple tree, one 14 inch

sweetgum, one 30 inch dawn redwood and two multi-trunked red maples, 2 x 16 inch and 3 x 8 inch.

Mr. Doyle presented the regrading plan and floodplain storage calculations to show that the proposed work will increase storage by 9000 cubic feet. He explained that the area pumped out is essentially a bowl – isolated land subject to flooding.

Ms. White asked if the pump station will be able remove this water. Mr. Doyle responded that there will be less of a burden on the pump.

Ms. Chapnick commented that due to the wildlife function of the large redwood, the applicant should meet the burden of proof to demonstrate the proposal will not have a negative impact.

Mr. Tirone asked questions on the floodplain calculations and stated that the redwood is not a native species.

Mr. Deveney, 110 Thorndike St, commented that the proposed basketball court will be impervious and was this considered as an impact to resource area.

Mr. Stoff commented that the cultural or historical significance of the park and the tree were not known.

Ms. Pepper, 76 Magnolia, commented that we should have more community gardens but not at the expense of cutting down trees.

Ms. Horvath, 77 Thorndike St, presented a petition and statement to protect the tree from being cut down. 424 Arlington residents signed the petition to protect the large redwood tree.

Mr. Loh, 77 Thorndike St, commented that while the redwood is not a native plant, it is listed internationally as endangered.

Ms. Miller, 62 Herbert Rd, attended other meetings, and supports a community garden but would defend the tree, to leave it in place.

Mr. Bird, of Varnum St., commented that the 30 inch redwood has a high canopy, other trees may need to come down, but this one is a lovely tree, creating a vista point and a special spot.

Mr. Wheltle asked the age of the tree. These are rare and unusual trees and would consider this an act of vandalism.

Mr. Bloom commented that he was a gardener, but is upset as the tree is beautiful, and knows the roots are aggressive which makes it impossible to garden and crowds out garden use.

Ms. Smola, 18 White St, proposed that raised beds may be a solution to keep the tree and still expand the garden.

Mr. Bloom commented again that while the tree directly competes with the garden, to lose it is also a nightmare.

Mr. Connors asked if the proposal meets the vegetation replacement standards in the local bylaw. Mr. Hedlund responded that yes, as proposed, it meets the standards. However, it was noted that the total caliper (diameter) of the trees proposed for replacement do not meet the total caliper removed.

A resident of 18 Hamilton Rd supports saving the tree for kids.

After some discussion, the Applicant elected to modify the Notice of Intent and exclude the proposed cutting down of the dawn redwood (and several other trees near the garden) and any work within a rectangular area around the tree drip line as drawn by Mr. Hedlund on the project plan (approximately 95 feet by 60 feet).

Tirone/DWhite motioned to close the hearing; motion passed unanimously.

DWhite/Connors motioned to approve the project with the excluded area; motion passed unanimously.

Meeting adjourned at 11:45pm.

Respectfully submitted,  
Corinna Beckwith