

Arlington Conservation Commission
Minutes
July 21, 2016

Acting-Chair Mr. Connors called the meeting to order at 7:30 p.m. in the second floor conference room, of the Town Hall Annex. Present were David White, Mike Nonni, Charles Tirone, Susan Chapnick, Curt Connors, Janine White and Catherine Garnett. Chair Nathaniel Stevens and Associate member Eileen Coleman were not present. Also present were Bruce Whettle, Matt Salem, Rich Kirby, Jon Nyberg, Kyle Malloy, Oakes Plimpton, Susan Whettle, Nick Greenhalgh, Justine Covault, Leslie Mayer, Walter Fey, Kyle Malloy, Harry Boucher, Megan Burns, Fred Heger, Mary Trudeau, Tim Shannon, Steven Shaedel, Chris Nauman, Pat Baillie, Dora Horvath, David Loh, Virginia Hutchinson, Peter Hedlund, Jen Ashton, David Bean, Rosita Koleva, and Vihren Kolev.

Commission Business:

Ms. Beckwith presented the draft Order of Conditions for the **Algonquin gasoline** repair at Alewife Reservation, with some edits by Mr. Tirone and Ms. Chapnick. Chapnick/Nonni motioned to approve project and issue the Order as drafted; motion passed unanimously.

Mr. Tirone presented a draft contract for the work at the **McClennan** Park stormwater basin. Ms. Chapnick had more edits. She will send them to Mr. Tirone. Mr. Tirone is to redraft for next Monday.

Notice of Intent – Upper Mystic Lake aquatic weed management near Parker Rd
Mr. Salem presented the continuing work to control aquatic weeds. The main target species is curly leaf pondweed in an approximately 3-acre site near the shoreline of the homes along Parker Rd. Lily pads have been a problem in the past, but not at the moment. The application includes the use of diquat, endothal, glyphosate and copper-based algaecides (there is a newer peroxide product coming into use). Other treatment options are not recommended as they will not be effective.

The conditions on this permit may include:

- 1) Reports annually to Conservation, both paper and electronic format
- 2) If glyphosate was removed from this application, and later the lily pads were a problem, then they could apply for a permit amendment
- 3) Notification of each treatment, since the shoreline is private properties, to consider boat traffic and swimming, where notices are placed, paper, emails, review what is contained in the older permits and update
- 4) Review older permits for conditions that may need to be satisfied.
- 5) Review EPA restriction updates for endothal
- 6) Replace or delete glyphosate

DWhite/JWhite motioned to continue the hearing to 8/4 at 7:45pm to get this additional information and review draft conditions; motion passed unanimously.

Notice of Intent – 88 Coolidge Rd, new house

Mr. Kirby presented the project to construct a house on an undeveloped lot in the Buffer Zone to a stream and wetland. The footprint of the house would be approximately 1800 sf with a garage and cantilever over the rear yard, 1/3 over a patio. Two infiltration systems will be installed, one in the front and another in the rear, with a swale to the west. The proposal includes the removal of 20 trees in addition to numerous off-site hazardous trees (Norway Maples).

The applicant stated that the tree replacement standards are impossible to meet for this project, so they would like to apply for a formal waiver from that requirement with a possible donation to a Tree fund or replanting in another location. An arborist report, by Roger Cook, is forth-coming.

Mr. Connors noted that the applicant recognized that a variance from the local regulations was required but did not file for one, stating that the applicant needed to apply for and justify a variance; the Commission would not conceptually approve mitigation for the applicant to use as the basis of an after-the-fact filing. He also noted that the Notice of Intent incorrectly states that the Commission had previously approved a wetland delineation from a previous filing, on 86 Coolidge Rd. No wetlands determination was adopted during that process. The applicant needs to propose and support a delineation. Ms. Beckwith noted that the small stream headwater is not shown.

Ms. White asked questions of Mr. Malloy on the hydrocad calculations. She would like to see alterations to the information presented.

Ms. Burns asked for clarification of the footprint and area of living space in the proposed house. Mr. Kirby responded that the house has a footprint of 1832 sf and the living space is approximately 3000 sf on two floors. Ms. Burns also asked if there was a peer review of this application. Mr. Connors responded that if there were areas that the Commission felt were not addressed or beyond the capacity for the Commission to review, then it could request that a peer review be done. Ms. Burns also asked if the drought declaration was pertinent to the wetland delineation review. Ms. Beckwith answered that in determining intermittent streams vs. perennial streams, a drought can affect the presence of water, but we have evidence of this stream from past seasons, so this should not affect the present delineation approval.

Ms. Covault, 86 Coolidge Rd, was asked by the applicant during the hearing if the Conservation Commission could have access to her property to review the delineation of the existing wetland. She would consider this request.

Mr. Whelple informed the Commission that he had hired a consultant to review the wetland delineation. The building footprint should also be flagged for the site walk per the local regulations requirements.

The Commission asked for additional information:

- 1) The arborist report
- 2) The variance application and mitigation plan
- 3) Delineation review
- 4) Extended 24 hour storm graph

Mr. Nauman, 70 Coolidge Rd, commented that the neighborhood was blessed to have a wooded lot and the applicant should be required to replace the trees.

Mr. Nyberg responded that he wants to be a good neighbor and steward of this property.

DWhite/Nonni motioned to continue the hearing to 8/4 at 8pm, to allow for the site walk; motion passed unanimously.

Notice of Intent – 12 Clyde Terrace

Ms. Trudeau responded to a previous question on the soils under the proposed infiltration units. They are soil class D, so no exfiltration was used in the calculation of flows. She presented new drawings and new narrative on the project.

The rear of the house, in the 50 foot Buffer Zone, is part of the great room and master bedroom. The house will be 2 stories tall. Mr. Seaver composed a written narrative on the house design, which Ms. Trudeau verbally summarized and then will later submit to the Commission.

The house has been moved 1 foot forward to the 25 foot front yard setback line. It is still proposed to be 38 feet from the wetland in the back.

Ms. White asked about the roof leaders, and if they will impact the retaining walls. She would like to see the connection to the infiltration systems.

She also asked about tree protection for the large street tree. The construction entrance is presented near it, so this should be moved to the existing driveway.

Ms. Beckwith commented that the removal of the pool and proposed planting of some native plants did not seem to warrant allowing the house to be built so close to the wetland. She would also like to review the newly presented materials.

Mr. Tirone would like to see narrative on whether the house can be reduced in size.

Tirone/DWhite motioned to continue the hearing to 8/4 at 8:15pm to review the newly presented information; motion passed unanimously.

Notice of Intent – 47 Spy Pond Lane, Lots A and B

Ms. Trudeau presented the request from the developer to continue the hearings to 8/18 at 7:45 and 8pm. Chapnick/JWhite motioned to continue the hearing; motion passed unanimously.

Amendment – Magnolia Park

The Commission began deliberation on this Amendment to the existing approved project. Mr. Connors noted receipt of input from Town Counsel that, in Town Counsel's opinion, the local regulations and the Wetlands Protection Act provide the Commission with discretion in interpreting and applying same. Mr. Connors also commented that applying those laws to the proposed Amendment was more difficult than either side might realize.

Ms. Chapnick began with listing requirements in our local vegetation replacement regulations. She asked what are we protecting, if not mature healthy trees. The removal of this tree does alter the floodplain. The smaller new plantings will take time to grow in and this delay is almost a generation long. She summarized that in her opinion, the applicant did not demonstrate that this impact was unavoidable.

Mr. Connors commented that the argument could be raised that the long term condition will eventually be better than the present condition following the proposed habitat improvement.

Mr. Tirone commented that the proposed habitat improvement meets or exceeds the requirements. He recounted from the local regulation that "the Commission shall consider mitigation that overcomes the existing conditions, unless compelling evidence is provided."

Ms. Chapnick responded that she does not agree that the requirements were met.

Ms. Garnet commented that the redwoods are fast growing. The proposal includes replanting one of these. In 5 to 10 years, it will provide good cover. The 24 inch diameter redwood that is left will get bigger.

Mr. Nonni commented that the proposed replacement trees are considerable in size, 2-3 inch diameter, approximately 15 ft high, that will provide a decent canopy upon installation.

Mr. White commented that this proposal is a full caliper replacement of what is proposed to be removed.

Ms. Chapnick questioned the consideration of the habitat values in the floodplain resource area and whether those are improved with this proposal.

The Commission discussed two conditions on the approval of this work:

- 1) The Meadow Planting is required
- 2) The plantings must be replaced, if necessary, for 3 years, which is the lifespan of the permit.

DWhite/Tirone motioned to close the deliberation and approve the project amendment; motion passed with Tirone, DWhite, Nonni and JWhite approving and Connors and Chapnick against.

Commission Business (cont.)

Ms. Garnett reported on the **Spy Pond shoreline project**. The contract is being completed with a separate surveyor and Chester. They will meet in the Conservation office on 7/26 to start the project.

Meeting adjourned at 10:45pm.

Respectfully submitted,
Corinna Beckwith