

Arlington Conservation Commission
Minutes
August 18, 2016

Mr. Stevens called the meeting to order at 7:30 p.m. in the second floor conference room, of the Town Hall Annex. Present were Chair Nathaniel Stevens, David White, Mike Nonni, Charles Tirone, Susan Chapnick, Curt Connors, and Janine White. Associate members Eileen Coleman and Catherine Garnett were not present. Also present were Mary Trudeau, Alice Trexler, Downing Cless, Bruce Whelple, Bill Copithorne, Ken Ingber, Esq. Derek Tawil, Matt Bagedonow, Fred Keylor, and Elizabeth Pyle.

7:30pm – Commission Business:

Connors/DWhite motioned to approve the **8/4 minutes** with edits; motion passed unanimously.

7:35pm – **Notice of Intent** - Upper Mystic Lake aquatic weed controls
DEP File No. 91-277

The Commission deliberated and reviewed draft conditions. Ms. Chapnick asked to add nine questions that must be answered in the applicant's reports to the Commission as were in a former weed control permit.

DWhite/Chapnick motioned to approve the Order of Conditions, with edits; motion passed unanimously.

Notice of Intent –12 Clyde Terrace

The Commission deliberated and reviewed draft conditions. Ms. Beckwith also had a comment memo on this application recommending denial.

Mr. Tirone outlined the reasons that the project should not be approved: (i) the applicant did not provide reasonable alternatives to the proposal (no alternative layouts), only a statement about the market viability of the proposal, (ii) the zone within 75 feet of the resource areas are restricted and (iii) this work would clearly have an impact, while the proposed mitigations are not improvements on the situation. The Commission should ask for more mitigation, to justify this large new house being built so close. He criticized the proposal for not blending the habitat of the Buffer Zone and Adjacent Upland Resource area with the new development.

Mr. Tirone added that the protected interests of the Act, Bylaw and Regulations were not met. He also said that while the pool may be considered a structure in part of the definitions, it does not mean we should automatically allow a house to be built in this same location.

Ms. Chapnick agreed with the applicant that the pool and surrounding impervious

surface removal was a form of mitigation.

The Commission deferred, continuing this discussion to later in this same meeting.

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

The Commission delayed this item until later in the evening.

Notice of Intent – 88 Coolidge Rd

Connors/Tirone motioned to continue this hearing at the applicant's written request, to 9/15 at 7:45pm; motion passed unanimously.

8:30pm **Enforcement** – 19 Massachusetts Ave, hotel

Ms. Beckwith had issued a stop work order because the pre-construction list of requirements was not met prior to the start of work. Members of the Commission had reported seeing work commencing and standing water. Ms. Beckwith reported that, as of this evening, all requirements had been complied with and a few smaller items (an electronic copy of the dewatering plan presented at the meeting) were being sent to her.

Attorney Ingber explained that work had started July 14th and that there was a misunderstanding with the escrow and several other items on Ms. Beckwith's list, which were conditions in the Order of Conditions. The applicant explained that the current standing water in the construction hole was rain water. Ms White requested to review the new drainage plan, which is currently also under review with the Town Engineer. Mr. Keylor presented a binder with all the required and requested information, which was reviewed by the Commission at the meeting.

DWhite/Connors motioned to release the stop work order and allow the project to continue work; motion passed unanimously.

Continued from earlier: **Notice of Intent** – 47 Spy Pond Lane, Lots A and B

Ms. Trudeau presented new plans for the two lots. The comment letter from the Natural Heritage program was received July 8 of this year, saying that there is only a sedge present, which is not regulated by the Wetlands Act and there would be no take under the Mass. Endangered Species Act. The engineer's report was filed on July 19. The proposed infiltration unit is located within 50 feet of the pond because that is where the soils were best. The planned staging area and stone apron were located outside of the Buffer Zone/Adjacent Upland Resource Area.

Mr. Tirone asked where the test pits were located and that they be shown on the plans.

The proposal included retaining walls on both sides of the houses. Erosion controls consisting of 12 inch diameter wattles and silt fence together are included.

The Operation and Maintenance plans for stormwater controls were submitted. Ms. White asked if the infiltration unit can be built within the sewer easement and what was the grading in that location. The Applicant will review this.

While it is stated that the limit of work line be at 50 foot limit, the plans do not show this so the applicant will add this to the plans. The houses will be two floors plus a walk out basement.

The Commission asked that the applicant provide:

- 1) Narrative describing the mitigation for the proposed impacts to the Buffer Zone/Adjacent Upland Resource Area.
- 2) An elevation of the proposed houses for the sides facing Spy Pond.
- 3) Narrative to support proposed selection of the layout and analysis of alternatives.
- 4) Recalculation of the impacted areas conducted by the engineer to separate the areas in each lot (A and B).

Tirone/JWhite motioned to continue the hearing to 9/1 at 7:45pm, with the applicant's consent, in order to allow the applicant to provide the additional information; motion passed unanimously.

Continued from earlier: **Notice of Intent** – 12 Clyde Terrace

The Commission resumed deliberation and looked to the minutes for potential conditions. Drafted conditions were discussed and edited.

Mr. Tirone again asked if the removal of the pool is enough mitigation for building a house within 30 feet of the wetland.

Tirone/DWhite motioned to deny the application for a house at 12 Clyde Terrace, with reasons being:

- 1) The proposal does not comply with Sect 25 a-d of the local bylaw regulations
- 2) The mitigation proposed was inadequate.
- 3) No reasonable alternative was presented.
- 4) Previous site history included enforcement action when the pool was built
- 5) Quality of pool area as mitigation

Two members voted in favor of the motion; three voted in opposition, two members (Mr. Stevens and Ms. White) abstained; the motion did not carry.

Connors/Chapnick motioned to approve the project with the conditions drafted; with reasons being:

- 1) Demolition of the pool and concret pation materials is a significant decrease in the impervious surface (by approximately 2000 sf) and is thus an improvement of the resource area

- 2) Permanent bounds would create a Habitat Mitigation Area with native plantings around the perimeter of the lot
- 3) Removal of trash and debris on Town property to the rear of the lot within 25 feet of the property line would enhance the resource area.

Three members voted in favor of the motion, two opposed, two abstained; the motion did not pass.

More deliberation took place on the topic of what qualifies as mitigation and how much is sufficient.

Tirone/DWhite motioned to deny the proposal for 12 Clyde Terrace under the Arlington Bylaw and the Wetlands Protection Act for the five reasons given above; four members voted to approve (Mr. White, Mr. Tirone, Ms. White and Mr. Nonni), two voted opposed (Mr. Connors and Ms. Chapnick); one abstention (Mr. Stevens) motion carried.

Meeting adjourned at 11:10pm.

Respectfully submitted,
Corinna Beckwith