

Arlington Conservation Commission
Minutes
November 3, 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, Mike Nonni, Charles Tirone, Curt Connors, David White, Susan Chapnick, Janine White, and Associate Member Catherine Garnett. Associate member Eileen Coleman and Conservation Administrator Cori Beckwith were not present. Also present were Leslie Mayer, Rich Kirby, Jonathan Nyberg, Susan and Bruce Whelittle, Justine Covault, Megan Burns, Elizabeth Pyle, Virginia Hutchinson, Patricia Baillieal, Carol Beggy, Gregory Ginet, Alan Simao, and Peg and Steve Graveline.

7:30pm – **Commission Business:**

Mr. Stevens updated the Commission on interviewing applicants for the Conservation Administrator position. Ms. Chapnick will be on the interview committee with Mr. Stevens as representatives of the Commission. Interviews planned for November 17, 2016.

Arlington Reservoir Master Plan

Leslie Mayer of Arlington Park & Recreation reported on the Comprehensive Master Plan for the Arlington Reservoir. They have asked Weston & Sampson engineering firm for an estimate of developing the Master Plan and Survey as a preliminary application to CPA for Open Space and Recreation grant. Mr. White submitted a list of requests/goals from the Commission for the Master Plan, which included request for inclusion of the following (as well as others): water quality, wildlife habitat, wetland survey, walking paths, and vegetation inventory.

Mr. Connors motioned to accept Mr. White's letter as the Conservation Commission's comments to Park & Recreation for the Master Plan proposal; Mr. Tirone seconded the motion. The motion passed unanimously.

Certificate of Compliance (COC) - 4 Mystic Bank

Chris Connelly, contractor, met Ms. Beckwith for a site walk last Thursday to check on the completion of the permitted project for a wall and dock on Mystic Lake. Ms. Beckwith was not present to relay information on the site visit. The Commission discussed leaving erosion controls in through the winter and discussed adding a few more plants since rain water had washed down mulch in one area. Mr. Connelly suggested low grow sumac to stabilize section that was washing into lawn. Stormwater is not going into Mystic Lake.

Mr. Tirone suggested a site visit; scheduled for Friday, Nov 4, 2016 to evaluate the site conditions for the COC. Mr. Tirone will coordinate with Mr. Connelly on the site visit.

8:00pm – **Notice of Intent – 15 Laurel Street** – moved to later in evening

8:00pm – **Commission Business** continued

Minutes from 10/6/16: Ms. Chapnick motioned to approve minutes of October 6th with addition of names of Arlington Coal & Lumber owners; Mr. Nonni seconded the motion. The motion passed unanimously.

Minutes from 10/20/16: Mr. White motioned to approve minutes of October 20th with the change that the paragraph on impervious surface on page 3 should be consistent with the denial of the NOI; Mr. Connors seconded the motion. The motion passed unanimously.

Minutes from 10/25/16: Mr. Connors motioned to approve minutes of October 25th with the revision to change to “Reeds” Street to “Reed” Street; Ms. White seconded the motion. The motion passed unanimously.

Ms. Chapnick agreed to generate the final edits of the minutes and send to Ms. Beckwith for posting.

Mystic Riverfront Restoration project: Ms. Chapnick reported that the Town won this NRD grant. Mr. Nonni and Ms. White agreed to assist her in a workgroup for this project. Ms. Chapnick will coordinate with Ms. Beckwith to set up a kick-off meeting for this project with other project members (DPW, Engineering, contracting). Expect would start in the spring.

Enforcement – 40 Reed Street:

Ms. Chapnick reported to the Commission on the work that was being done at 40 Reed Street, adjacent to wetlands on the Arlington-Lexington border. An addition was in process and soil-debris piles evident on site. Ms. Chapnick emailed photos of the property. Mr. Tirone said he could contact the owner on Monday and volunteered to write up an Enforcement Order. Ms. Chapnick motioned to have the Commission send an Enforcement Order to stabilize the site, put in erosion controls, and cease work; Mr. White seconded the motion. The motion passed unanimously.

Enforcement – Lalicata on Ryder Street

Mr. White reported that Lalicata had previously agreed to put up a barrier on the side of Ryder Brook but he has recently observed that there is a larger opening in the barrier now and more debris in the brook area. Mr. White distributed pictures. Instead of issuing an enforcement order, Mr. Stevens asked Mr. White to contact the Lalicata owners directly and request that they return the barrier to the former configuration. Mr. Nonni recused himself from the discussion due to conflict-of-interest.

8:15pm – **Notice of Intent – 88 Coolidge Road**

The Commission received two letters from Attorney Pyle, representing abutters, a letter from a Geology professor from Harvard who is an abutter and requested hydrogeological survey of the property to make sure any removal or disturbance of bedrock would not change the groundwater flow (concern with flooding), additional materials from the applicant, and additional materials and pictures of wildlife from abutters. A site visit was performed by Commission members on August 16, 2016.

Rich Kirby & Jonathan Nyberg (applicant and owner) were present. The applicant is requesting a continuance because they had just received the letter from Attorney Pyle and did not get to evaluate and respond to it yet.

Prior to formal request for continuance, Mr. Nyberg made several statements to the Commission. He acknowledged abutters concerns. He stated that he has done a lot of work in town (submitted photos) and has lived in Arlington since 1991. He said he reached out to neighbors, wants to understand and take into consideration their concerns, and would live at 88 Coolidge if the project is approved, though added that he would live there perhaps for a few years before moving onto another project.

Several neighbors spoke at the meeting to express their concerns. Mr. Wheltle said there are wetland delineation issues on this property.

Ms. Corvault, neighbor at 86 Coolidge Road, was concerned about the roots of her tree that borders the property. Mr. Kirby said that they would have a certified arborist on site during work.

Ms. Carol Begsy, said that Coolidge Road is not a public street. Mr. Kirby said he will have a surveyor recheck the classification.

Attorney Pyle handed out paper copies of her letter dated 11/3/16.

Mr. Wheltle distributed paper copies of the email comments previously sent to the Commission on 11/2/16 plus a detailed letter and exhibits (including the prior exhibit on wildlife).

Mr. Connors suggested that the Applicant make sure they cover all the points on requesting a variance, consistent with the Bylaws, as they are requesting a variance on the tree replacement policy for this project. The applicant is proposing mitigation, including planting trees elsewhere in Arlington. Mr. Stevens said the variance application should include where exactly the additional trees would be planted in Arlington.

The applicant is proposing to remove 12 trees, plant 11 trees on site, and plant an additional 29 trees off site in Arlington as mitigation.

Mr. Stevens reported that the Arlington town counsel said that the cases cited in the first Attorney Pyle letter dated 8/18/2016 related to self-imposed hardship are relevant to

Conservation Commission's decision and his initial opinion is that he agrees with Attorney Pyle's analysis of self-imposed hardship.

Mr. Connors said he didn't see an alternatives analysis to building within the AURA specifically written out. For example, an alternatives analysis of building a smaller house (smaller footprint in AURA). Alternatives analysis is required by the Bylaw.

Mr. Kirby requested a continuance to Dec 1st at 8:30pm. Mr. White motioned to grant the continuance of this NOI hearing to December 1, 2016 at 8:30pm; Ms. White seconded the motion. The motion passed unanimously.

Mr. Stevens reminded all that any submittals in support of the NOI are due 10 days ahead of the hearing.

9:20pm – Notice of Intent – 18 Nourse Street

The applicant has requested to continue this hearing. Mr. White motioned to continue this NOI hearing to November 17, 2016 at 8:30pm; Mr. Connors seconded the motion. The motion passed unanimously.

9:25pm – Notice of Intent – 13-15 Laurel Street

Scott Smyers of Oxbow Associates and applicant Jem Laurel St LLC, propose to remove the crushed stone added in the back of property within resource area. They have added protection to the elm tree and basswood tree. Propose to plant the back area with 12 shrubs; a mix of witch hazel and viburnum. They propose to add a passage under fence for wildlife and remove the invasive Japanese knotweed. The corner of the back lot is within 25 ft. of River but no proposed work there except for this planned restoration. No pavement or gravel will be within the 25 ft. no-disturb zone of the AURA.

Mr. White motioned to close the hearing; Ms. White seconded the motion. The motion passed unanimously.

The Commission discussed conditions for the Permit. The special conditions include: 1) continuing condition for plantings to maintain the native planting area and removal of gravel; and 2) continuing condition to maintain the small animal passages in the fence. Mr. Stevens explained that after the permit work is complete, they need a COC to close it out, but that the continuing conditions would survive.

Mr. Nonni made a motion to issue the permit with the two special conditions listed above; Mr. Connors seconded the motion. The motion passed unanimously.

Commission Business - continued

Symmes Woods

Mr. Stevens updated the Commission on buffer zone encroachment of abutter's fence. The Arlington Town GIS person, Adam Kurowski, will measure the property lines.

CPAC – Hills Pond

Proposal for \$50k to dredge wetland and for reconstruction on Hills Pond.

Mr. Tirone explained that if this is “maintenance” it may not pass CPAC.

Jim Feeny, Assistant Town Manager, may bring someone in to look at all the town properties to evaluate maintenance for DPW.

Leslie Mayer asked if the Commission could enforce the conditions in the Hills Pond permit that requires removal of sediment and aeration, which should be performed by DPW. – Mr. Stevens explained that if the other work in the permit was not performed, then the Commission cannot enforce the special conditions.

Spy Pond Park Shoreline Project

Ms. Garnett, with Mr. Tirone, will attend the Park & Recreation meeting on Monday to give an overall purpose and status of the project and justification for going upslope (because of stabilization and to formalize some paths because they are also destabilizing the bank).

She will also request feedback at this meeting for options at Spy Pond Park. There is a Nov 15th working group meeting to present and vet proposals for the Spy Pond Park Shoreline project prior to Nov 17th public meeting.

Ms. Garnett volunteered to add links on the Conservation Commission web page to provide information on the Spy Pond Park Shoreline project and the Mystic Riverfront Restoration project.

Ms. Chapnick suggested that the Conservation Commission add another Associate Member for more help with the workload. Mr. Stevens will ask Town Manager. Ms. Garnett suggested we write a description for an Associate Member that could assist in grant writing and project management, among other anticipated duties.

Meeting adjourned at 10:05pm

Respectfully submitted,

Susan D. Chapnick

Conservation Commissioner