

Arlington Conservation Commission
Minutes
April 27, 2017

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, Commissioners Mike Nonni, Charles Tirone, Curt Connors, Susan Chapnick, David White, Janine White, Associate Member Catherine Garnett and Administrator Eileen Coleman. Also present were Michael Scanlon, Dean Ioakimidis, Rob Lowell (DCR), Bruce Whelple, Bill Copithorne (Town of Arlington), Gene Crouch (VHB), James Stafford (Enbridge), Tammy McGill-Hoyt (Enbridge), Jon Bonsall (AGT/KW), Cory Rivenburgh (Enbridge), Ivana Pejatovic (Algonquin Gas), Kathleen Lynch (VHB), Tom Keough (AECOM).

7:30pm Commission Business:

Ms. Chapnick explained that Brown and Caldwell conducted a study on the retention ponds in McClennen Park. There were outstanding questions to which the answers were received only this week. The Commission has now received an invoice in the amount of \$9995.66 for completion of said work by Brown and Caldwell.

Chapnick/DWhite moved to approve the invoice for \$9995.56; motion passed unanimously.

The outstanding questions were about anomalous numbers in the original report. The responses were that the volatile organic chemical could not be assessed based on the information B&C had available to it; also dissolved oxygen was lower than expected and hardness, required to assess ecological risk for metals in freshwater, was not reported. B&C will send the lab data for calcium and magnesium to Ms. Chapnick, so she can calculate hardness. Dr. Jerome Cura of the Woods Hole Group is willing to prepare a proposal for the next phase of the work. He recommended Tim Briggs of GZA as another person in the field should the Commission need multiple bids.

It was discussed and agreed that Ms. Chapnick would finalize the waterbodies report and will circulate it. Ms. Coleman will send it to the Finance Committee with a cover letter.

In a discussion about how the project would be bid, Assistant Town Engineer Bill Copithorne confirmed that for projects of \$10-50k, three bids are required. Under \$10k, sole source is acceptable. At Ms. Garnett's advice, Ms. Chapnick will send out a scope of service for \$10k.

7:45 pm Working Session – 46 Spy Pond Parkway

Documents provided included:

Plan of Land in Arlington, 46 Spy Pond Parkway Proposed Additions, prepared by Everett M. Brooks Co. stamped by Bruce Bradford, professional land Surveyor, dated December 22, 2016.

Preliminary Sketch Plan with landscape indicators, revised April 24, 2017

Sketch 3.4, created April 24, 2017

Preliminary sketch elevations, April 24, 2017

8 photographs of the 46 Spy Pond lot with titles

Dean Ioakimidis distributed a survey done in 2016. He explained that his client hopes to demolish the existing house and build a new residence on the same site. The existing shed and garage would be removed. Mr. Ioakimidis had met with Cori Beckwith and then Eileen Coleman to discuss the application procedure and design requirements and has amended the design.

Ms. Garnett asked about the foundation of the deck and was told the structure of the house would be much closer to the water than the existing residence.

Mr. Scanlon described the proposed landscaping which was not designed in consultation with a landscape engineer: all will be permeable, the parking court will be grass pavers, additional bluestone pavers at the front and back of the house will be laid on sand and gravel, a meadow of native grasses and wildflowers will be planted between the pavers and the water's edge. There is an existing dock with a fence and gate; a strip would be mowed through the meadow to access the dock. He scaled from the Town GIS to show the 100 foot line from the water. Mr. Tirone asked about wetlands and he and Mr. Stevens explained that the proponents will need to prove there are no additional wetlands or hydric soils on site by engaging a wetland/soil scientist and that that expert would place flags and that those flag locations would need to be added to the survey/project plans.

The state of the retaining wall and fence was discussed and the proponents were advised to have the wall examined.

Ms. Garnett suggested it would be helpful to show in the application materials a site cross section with the elevations of the existing and proposed foundations indicated.

Ms. Chapnick pointed out that the Commission regulations require alternative analyses when building in the Adjacent Upland Resource Area, which analysis would discuss why each alternative would or would not work.

Mr. Ioakimidis explained that all spoil will be reused on site and that the material around the house will all be permeable.

In explaining the other requirements and concerns of the Commission, the proponents were told that since they are proposing to change the square footage in the resource area they will need to show:

- how much permeable/impervious surfaces will be on site and with 100 feet of the Pond,
- how storm water will be drained,
- whether the house can be pulled closer to the road,
- why they cannot move out of the 100-foot buffer zone/AURA,
- the high water line and elevations on the plans.

In addition, the proponents were advised to look at Section 25 of the Regulations regarding alternatives and confirm there is no buried oil tank on site and were told that the Arlington Building Department will require a Stormwater Mitigation report if they are increasing impervious surfaces by 300 square feet.

7:50 pm **Notice of Intent** - 88 Coolidge Road cont'd from 4/6/17 (DEP #91-0278)

At the applicant's request, DWhite/JWhite moved to continue the hearing to May 4 at 7:45pm. Motion carried.

8:00 pm **Notice of Intent** - DCR Mystic Riverfront Outfall Restoration Project

Documents provided included:

Notice of Intent dated March 22, 2017.

Abutters notices.

Rob Lowell from DCR and Tom Kehoe from AECOM described the project proposal. They are going from municipality to municipality to restore outfalls. The repairs will be minor, ranging from slip-lining and repairing a cracked headwall to excavating and replacing a few feet of pipe.

There would be a 10'x10' area of disturbance for each site with some tree pruning, no change in storage capacity and no change to impervious surfaces. They would enter the river in 5 locations to remove headwalls. The work would run from late summer into early fall and would be timed to avoid herring.

Tom Kehoe confirmed the outfall already approved for restoration by the Town of Arlington has been removed from the project scope. Rob Lowell and Bill Copithorne confirmed that Arlington would be able to get approval for tree removal in that location.

In response to a series of questions from Ms. Chapnick, Mr. Kehoe indicated that trees will be pruned rather than removed where possible, that planting is not proposed except in disturbed areas, that he himself is designing the planting plan with input from DCR, that **turbidity curtains will be utilized at the restoration sites (permit condition)** and that **a planting plan be provided (permit condition)**. Mr. Lowell said that small shrubs are preferred.

Mr. Tirone asked for an explanation of the slip lining process.

The means and methods will be chosen by the contractor, no equipment will be in the water, it is likely to be accessed from the closest manhole, there will be no sediment discharge or coffer dam, and it will be sealed around the edge using hand tools.

In response to additional questions, the Outfall Restoration Project proponents informed the Commission that the pipes will be connected by flange or forced in with water or air; the work will take a few days per outfall; no staging areas will be required – materials will be stored in grassy areas, possibly with a temporary fence to protect equipment from theft; and no upstream stormwater improvements will be made except to take care of highly-eroded areas.

AECOM/DCR will get requested information to the Commission by close of business on Monday, May 1, 2017.

Chapnick/Tirone moved to continue the hearing to May 4 at 8pm. Motion carried.

8:00pm **Notice of Intent** - Algonquin J-1 Systems pipeline (under intersection of Mystic River and Alewife Brook) cont'd from 4/6/17 (DEP #91-0285)

Documents considered:

Submission to Support a Variance or Similar Action of the Arlington Wetlands Protection Bylaw Section 24, prepared by VHB, dated April 18, 2017.

Mr. Stevens acknowledged receipt of the Supplemental Variance Application.

Mr. Crouch (VHB) explained that the narrative had been provided to justify issuance of a variance. DCR had denied the Commission's request to add more trees to the site. DCR, however, is amenable to the suggestion that more shrubs be planted over the section of pipeline that will be abandoned. To that end, 88 native woodland shrubs and 3 small trees have been added to the proposal. The amended table shows that 36 trees (including invasives over 2.5' diameter) will be removed and 23 trees will be planted, making a net deficit of 13 trees. Shrub replacement will be at a 6:1 ratio. The new shrub plantings will make a dense woodland community close to the 25' zone.

Mr. Connors said he thought the variance analysis was helpful and more appropriate than the waiver, which had also been discussed previously.

Ms. Garnett stated that the new plants will tolerate that shady area and are more valuable in this area close to the river than trees might be.

Ms. Chapnick stated that she was disappointed DCR didn't allow more trees but appreciated the detail and organization of the variance and was encouraged that the proposal would improve wildlife habitat.

Meeting participants went through the permit conditions drafted by the Conservation Admin and changes were proposed and noted. Ms. Coleman will apply the changes.

Commission representatives should notify Algonquin/Spectra 24 hours in advance of a visit.

Connors/DWhite moved to close the hearing; motion carried.

Tirone/Connors moved to issue a permit with conditions as amended and including the variance. Motion carried.

8:30 pm **Executive Session** – Active Litigation: Seaver Construction Co. v. Arlington Conservation Commission, Middlesex Sup. Ct. Civ. A. No. 1681CV03021 (regarding 12 Clyde Terrace).

The Commission did NOT go into Executive Session.

Mr. Stevens explained that Town Counsel feels he needs more detail on the planting plan. Mr.

Nonni explained he doesn't think he has a copy of the most up to date planting plan. Ms. Coleman will search the paper files again for a plan on which Mary Trudeau hand drew additions, likely either at the Aug 6 or August 20, 2017, meeting.

Winter moth treatment (chlorantraniliprole) at 25 Gould Road

Ms. Coleman provided an update on the proposal by the Rev. Miano to spray for winter moths at 25 Gould Road adjacent to Spy Pond. She had spoken that day to Earl Rivers of Cambridge Landscaping who agreed that neither product he proposed to Rev. Miano is a biocide but that acelepryn would be his preference as it is safer for bees and that he refused to spray the tree closest to the Pond last year. After some discussion it was agreed Ms. Coleman would request that *Bacillus thuringiensis* (BT) be used at that location and suggesting use of horticultural oil spray in the late winter/early spring next year to prevent winter moths.

Homewood Suites request for temporary Cert of Compliance

Ms. Coleman described her visit from Matthew Bagedonow representing Homewood Suites expansion project. They are nearing completion of their construction and are hoping to get a Certificate of Compliance and Certificate of Occupancy. Their on-site plantings will not be in by the time they hope to be inspected. He is wondering how that might be dealt with. Can they put up a bond against the hotel plantings? It was agreed that Ms. Coleman will ask the building Department what the timeframe is for completion of the hotel project and will ask Jenny Raitt, Director of Planning, if Conservation Commission sign-off is required for an Order of Occupancy. The Commission also reiterated its desire not to issue partial certificates of compliance.

Mr. Tirone pointed out that when the proponents apply for a Certificate of Compliance, they will also need to provide information on the plantings on DCR property.

Potential Enforcements

Former Commission member Michelle Durocher alerted Mr. Stevens to the presence of a back hoe and truck filled with soil on the unpaved section of Wright St. Ms. Coleman visited the site but saw no backhoe, and the soil truck was still present but still full of soil. There are huge potholes in the road there, so if the soil is meant to fill them, it would cause a mess. At the time of her drive by, Ms. Coleman also observed renovation work going on at 87 and 76 Thesda St. These properties are close to the wetlands in McClennen Park. Ms. Coleman is to look up the building permits for said properties and also to ask Rick Vallarelli if the Building Department has been referring to the map with the yellow zones when being approached about permitting.

Tree Removal Menotomy Rocks

Mr. Stevens issued an Emergency Certificate earlier this week for removal of 3 trees at the edge of Hills pond identified as dangerous by the Tree Warden. The Town will also submit an NOI.

Mr. Tirone feels that the regulations should be changed so that the Town does not have to submit an NOI for such minor work.

Miscellaneous

Ms. Garnett mentioned that the guard rail has been pushed over into No Name Brook. This should be reported to DPW.

Ms. Chapnick suggested inviting DPW to attend a Conservation Commission meeting to discuss things like this, trees cut down at Hurd Field, and tree cutting near Park Ave., the bikeway and Arlington Coal and Lumber 25-50' from the resource area. Mr. Stevens suggested also inviting the Tree Warden and will do so for a future meeting.

Ms. Garnett received the first draft of the Zoning Recodification to read; since they meet on

Thursdays she is not sure she will be able to attend both sets of meetings. Ms. Garnet will not be at the June Commission meetings and will provide notes to Nat Strosberg to work on the next grant application. This will be discussed at the May 18, 2017, Commission meeting at 8:15pm.

Meeting adjourned at 9:45pm.
Respectfully submitted,
Eileen Coleman