

Arlington Conservation Commission  
Minutes  
November 2, 2017

Mr. Stevens called the meeting to order at 7:38 p.m. in the second floor conference room of the Town Hall Annex. Present were Commission Members Nathaniel Stevens, David White, Mike Nonni, Curt Connors, Susan Chapnick, Cathy Garnett, and Conservation Agent Lela Shepherd. Commission Member Charles Tirone was absent. Also present were Nicole Branton, Erin Sarpard, Mike Scanlon, Richard Cahill, and Sean Galvin.

**Administrative:**

9/28/17 and 10/19/17 Minutes Approval

D. White moved to approve the 9/28/17 Minutes as amended, S. Chapnick seconded, all in favor, motion carried.

C. Connors moved to approve the 10/19/17 Minutes as amended, D. White seconded, all in favor, motion carried.

**New Covenant School-Mt. Gilboa Project:  
Nicole Branton & Erin Sarpard**

Ms. Branton explained that the school is located next to Mt. Gilboa and they are hoping to start a conservation stewardship program with their 1<sup>st</sup> and 2<sup>nd</sup> graders. They are thinking of making an educational sign and raise money to pay for that sign and perhaps place birdhouses around the area.

S. Chapnick suggested that there is a need for bat houses.

Ms. Sarpard continued to discuss their project proposal and noted that they were hoping to write letters to the neighbors in the area and find out what their concerns might be.

S. Chapnick suggested that they consider a community meeting and that we could perhaps provide a Land Stewardship certificate to each of the students. She also commented that the students could help remove garlic mustard, because it is a very identifiable invasive plant and safe/easy to remove.

Ms. Branton asked for a volunteer from the Commission to come out and talk to the kids.

Ms. Sarpard stated that they were hoping to produce a field guide to put in the kiosk.

N. Stevens suggested that they liaison through D. White who had met with them in the previous week.

S. Chapnick offered to assist D. White in speaking with the kids.

**114 Spy Pond Parkway Enforcement:  
Richard Cahill**

N. Stevens explained why Mr. Cahill was asked to come before the Commission. A neighbor reported that there was a retaining wall against the water's edge (at Spy Pond) that was installed without permission of the Commission. As this is within the Adjacent Upland Resource Area and Buffer Zone, it falls under the Conservation Commission's jurisdiction under state and Town Wetland Regulations.

Mr. Cahill explained that the retaining wall predates him as an owner at that property which he has owned since approximately 2000. He recognizes that a portion of the wall is on his neighbor's property. When he purchased the property the wall was crumbling. After Hurricane Sandy (in 2012), the water came over the wall, so he just repaired the top of the wall. Mr. Cahill explained the type of work he does around the Pond, that he supports conservation and keeping the area clean. He also noted that he believed that the neighbor's recent concern about the retaining wall stems from a medical issue and the desire to get affairs in order.

Mr. Cahill explained that when he repaired the wall, he added rocks on top that were about an inch and a half

thick.

N. Stevens commented that the wall dates back to over 15 years ago, according to Mr. Cahill's statement, and that a statute of limitations may apply.

N. Stevens stated that the wall does not need to be removed or permitted. Other Commission members agreed.

L. Shepherd will write a letter stating thus.

L. Shepherd will check if a Certificate of Compliance is on file for 104 Spy Pond Pkwy (the abutting neighbor) and asked if Mr. Herman would like to apply for one for the wall if one does not exist.

**Working Session: 46 Spy Pond Parkway  
Mike Scanlon & Sean Gavlon**

Mr. Scanlon explained that they had a new survey done by Goddard Consulting. Wetlands were found at the edge of Spy Pond and nowhere else. He presented plans which showed a change in the footprint of the house, a reduction in square footage of 645 square feet (from 2,457 square feet to 1,812 square feet) and a setback towards the street. The entire house is now outside of the 50 foot buffer from the resource area.

The Commission asked if the Applicants were proposing to replace some of the existing impervious surfaces on the lot with permeable pavers.

Mr. Scanlon responded that they proposed to reduce the impervious surface by 308 square feet (from 2562.88 sq. feet to 2255 sq. feet); however, the Commission noted that he included the deck as impervious surface for current conditions; and decreased impervious surface in the buffer zone by 43 square feet (from 892 sq. feet to 849 sq. feet). The landscaping will be replaced with natural / native grasses meadow. The current building design has a 25 foot setback from the right of way. This setback aligns with all of the other houses on the street. The profile of the lot was then presented, showing the current structure and the proposed structure. The foundation will be set at the same level of the existing house.

N. Stevens stated that he would like the 100-year floodplain shown on plans in any filing and that it appeared the proposed structure would be outside of the 100-year floodplain.

C. Connors asked what was currently underneath the deck.

Mr. Scanlon stated that currently it was gravel underneath, but would be converted to grass, allowing them more pervious surface. There is currently no vegetation in that area.

Mr. Connors questioned whether converting from gravel to grass qualified as changing from impervious to pervious, adding that the issue seemed to affect the calculation.

Mr. Scanlon stated that he remembered being told that they could count the deck as pervious surface.

N. Stevens stated that he believes they have all the appropriate materials and recommended that they file a Notice of Intent (NOI).

S. Chapnick asked that the application plan(s) include the 25 and 50 foot buffer lines.

Mr. Scanlon asked if he could do that work or if it required a surveyor.

N. Stevens responded that he could mark those lines himself given that proposed work likely would be well beyond those areas.

Mr. Scanlon asked if he could do work in the 50 foot buffer if it was making improvements by installing a natural meadow.

S. Chapnick stated that such improvements would not be discouraged.

L. Shepherd commented that the Applicants should note on their application that they will be disturbing that area, and then provide an explanation of why and in what manner.

S. Chapnick asked if there would be other plantings beside the meadow, because that would require a plantings plan. Also the meadow seed mix would need to be specified in the NOI.

L. Shepherd will send the approved native vegetations list to Mr. Scanlon.

C. Garnett suggested they seek the assistance of a specialty nursery but that the Commission cannot make specific recommendations.

M. Nonni recalled that the natives list contained suggested nurseries that carry these plants.

Mr. Scanlon asked about whether he could do a dry well to deal with water runoff from the roof.

N. Stevens stated that infiltration is seen as positive.

Mr. Scanlon will revise his plans and submit his application when ready.

#### Reservoir Master Plan

D. White stated that the Reservoir Committee had their second public meeting on October 26<sup>th</sup> and their next meeting will be November 30<sup>th</sup>. The consultants, Weston & Sampson, are looking at possibilities for improving the paths.

#### Mystic River Outfalls

L. Shepherd passed out some pictures of the 3 outfalls still needing repair. The Commission discussed funding options. There was agreement that the MS-4 program might be the best way to repair an emergency water quality issue.

S. Chapnick gave a summary of the Mystic River Restoration Project and the current erosion controls now in place. The work won't begin until November 7<sup>th</sup>. She asked how we want to handle the extra sediment sitting in front of the pond that has built up over time. The Commission determined the sediment should remain. L. Shepherd asked if we should riprap in the same fashion as DCR. S. Chapnick summarized the DCR concerns and that a granite bench may not be allowed, along with pea stone on the path, and may have to change their signage. These changes may free up some funds, which could be used on riprap. S. Chapnick noted that in the public meeting process there was interest in seeing a crosswalk at Mystic River Parkway across from the outfall, and asked how we would get this put in place. C. Garnett noted that she has seen granite benches on DCR property before.

#### Zoning Reform

C. Garnett gave a summary of the last zoning recodification meeting. L. Shepherd will give her report on the discrepancies next Thursday. There is an ARB hearing on 12/11/17.

#### CPA Spy Pond Project

C. Garnett summarized her latest conversation with Hilary Holmes and the concern over invasive tree removal. The 10 trees budgeted in the grant are not for replacing trees being removed. Hilary would like to know how the Conservation Commission will want to deal with this issue before finalizing their 30% design concept.

N. Stevens recalled that at 343 Mystic St. the applicant was allowed to replace some trees with shrubbery and other vegetation. The trees would be removed to make room for bioswales and erosion controls. National Heritage will be coming out to identify the rare sedge on November 17<sup>th</sup>. C. Garnett states that Hatch Chester is hoping that the Conservation Commission is all on the same page about the tree removal regulations before the joint meeting with the Park and Recreation Commission. N. Stevens stated that he felt they need to try to adhere

to the regulations as best as possible. L. Shepherd will follow up with Hilary about when to meet to do a site walk.

M. Nonni motioned to approve the invoice for Hatch Chester in the amount of \$3,399.37, D. White seconded, all in favor, motion carried.

#### Filing Instruction Revisions

L. Shepherd posed the question about whether the Commission wants to continue requiring abutters' notices on RDAs. The Commission agreed they should, but that they will stop requiring certified mail for the notices.

#### Wetland Regulations

N. Stevens read through the redlined draft previously circulated to the rest of the Commission. S. Chapnick commented that she felt the regulations should offer guidance to Applicants for considering and evaluating climate change resiliency within the scope of their project, citing the Community Resilience Building Guide. S. Chapnick will draft climate change text and send to the Commission for review prior to the next meeting on 11/16/2017.

#### Ch.91 Update

L. Shepherd stated that Planning Director, Jenny Raitt will oversee all Ch.91 General License Self-Certifications prior to Commission review. She will only look for discrepancies with the current zoning bylaws and to make sure all required materials are submitted, environmental review will be the responsibility of the Commission.

S. Chapnick motioned to adjourn the meeting, N. Stevens seconded, all were in favor; the meeting was adjourned at 10:20 pm.

Respectfully submitted,

Lela Shepherd  
Environmental Planner/Conservation Agent