

Arlington Conservation Commission  
Minutes  
October 6, 2016

Mr. Stevens called the meeting to order at 7:30 p.m. in the Main Room of the Central School, 27 Maple St. 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 was not present. Also present were Elizabeth Pyle, Esq., Bob Tanner, Andrea Winslow, Aimee D'Onofrio, Ben Ferber, Catherine Chiu, Melanie Cameron, Monika Musial-Siwiek, Peter Musial, Daniel Klevanov, Heijung Kim, Ben Thomas, Felix Wong, Lauren Kopans, Jennifer Roderick, Rich Kirby, Fiona Howard, Alice Trexler, Downing Cless, Gene Crouch, Peg Graveline, Ivana Pejatovic, Jim Gokhale, Harold Boucher, Wynelle Evans, Colin Blair, Bill Copithorne, Pasi Miethinen, Mary Trudeau, Matt Watsky, Esq., Scott Seaver, John Worden, Patricia Worden, Brad Barber, Jan Jeffers Lo, Robert McNamara, Brenda Malatesta, Anne and Itale Toneatti, Brian Butler.

7:30pm – Commission Business:

Ms. Garnett reported that the first phase of the **Spy Pond Edge and Erosion control** project will be completed by December 2016. There will be public meetings scheduled soon, the first being Oct. 24. DWhite/Nonni motioned to approve the application for phase two to the CPC; motion passed unanimously.

The site walk for the appeal for **12 Clyde Terrace** is scheduled for Oct. 14<sup>th</sup> at 10am. Mr. Tirone and Mr. White will try to attend.

The Commission received notice of the new CPA application for an **Arlington Reservoir Master Plan**. The first proposal is in need of more environmental information.

Tirone/DWhite motioned to approve the **9/15 minutes** with edits; motion passed unanimously.

7:45pm – **Notice of Intent** – 88 Coolidge Rd

The applicant has requested to continue this hearing to October 20 at 7:45pm. Chapnick/Connors motioned to approve this request; motion passed unanimously.

8pm – **Notice of Intent** – 17 Reed St

The Commission reported on the site walk on Sept. 19<sup>th</sup>. Mr. Kirby submitted plan changes and additional information. Summary of the changes included adding vegetation cover types and other details including 800 square foot planting enhancement documented on the Planting Plan, soil stockpile area added, and use of porous pavers.

Tirone/Connors motioned to close the hearing; motion passed unanimously.

Tirone/DWhite motioned to approve the project with the condition that if high groundwater were encountered upon installation of the stormwater system, that the Commission would be contacted and a French drain installed if necessary; motion passed unanimously.

8:15pm- **Notice of Intent** – 47 Spy Pond Lane, Lots A and B

Ms. Trudeau, the environmental consultant, Mr. Seaver, the applicant, and Mr. Watsky the attorney representing the applicant were presenting. Ms. Trudeau recounted her conversation with the Natural Heritage program that work near the shoreline to add more vegetation would likely not impact the sedge.

Mr. Watsky presented his letters for comparisons, alternative analysis and reasonableness considerations.

Ms. Trudeau presented additional memos on habitat values and characterizations. The planting plan includes three 3 inch diameter sycamore trees to replace the one tree that would be cut down. She discussed no mow areas but they were not shown on the plan.

Mr. Watsky stated that the applicant pulled back the deck, improved the habitat of the 25 foot zone, and provided stormwater treatment for a lot where there currently is none.

Ms. Trudeau presented a new memo she prepared that analyzed three or four other projects the Commission had approved that she thought similar to these for 47 Spy Pond Lane. Mr. Stevens moved that the files for the projects cited by Ms. Trudeau be incorporated by reference into the record for these hearings.

Ms. Pyle took issue with Mr. Watsky describing the property as only containing lawn. She noted Mr. Watsky did not say why the cases she cited were not applicable. She stated that the Commission should focus on the reasonable alternative that is practicable rather than whether this site is degraded and whether the impacts are temporary or permanent. The property is not devoid of habitat value, which would ignore the present use by wildlife as demonstrated by the testimony by many members of the public. Ms. Pyle maintained that the alternative analysis is not applicable because their land cost is inflated, due to the fact that they assumed two lots with two large houses.

Ms. Pyle asks that the Commission close the hearing and deny the proposal.

Mr. Copithorne responded that the price information in the submission were at fair market values.

Mr. Nonni also provided a list of projects for comparison to this one that he reviewed in the Commission's files with the help of the Conservation Administrator: 16 Spy Pond Pkwy, 26 Spy Pond Pkwy, 25 Devereaux, 46 Pond Ln, 4 Mystic Bank, 104 Spy Pond Pkwy, 65 Spy Pond Pkwy, 11 Princeton Rd, 10 Lakeshore Dr, 15 Parker Rd., 59 Beverly Rd, 63 Beverly Rd, 67 Beverly Rd. These are examples of projects around Spy Pond or the Mystic Lake where the Commission did not approve any work closer to the Resource Area.

Mr. Whelple described that past project comparisons are an attempt to set precedent. The majority of the projects were homeowner redevelopments, which were sensitive to homeowner needs and costs, not speculative development, as this one is, to split up the lot.

Ms. Pyle added that the reduction in number of units is only a reduction in value and therefore is not an unconstitutional taking.

The Natural Heritage letter states that they have not reviewed the proposed dock permit and would need to do so.

Chapnick/Tirone motioned to close the hearing; motion passed unanimously. The Commission will discuss, deliberate and issue a decision on this project at the next meeting on 10/20.

[Mr. Connors left the meeting at this point]

8:30pm **Notice of Intent** – Mystic River, geotechnical investigation for gas line crossing at Alewife Brook

Mr. Crouch presented the proposal to conduct test pits and boring investigations in the Buffer Zone/Adjacent Upland Resource Area and Riverfront Areas in order to refine the methods and scope of the replacement of the gas line under the waterway. This work will also come in later as an NOI.

No trees will be cut down. Erosion controls will be installed at the limit of work areas. DCR will oversee all regrading and reseeding after the work is completed. If groundwater is encountered they will reevaluate the work. The MWRA water line will have an air bridge mat placed over it for protection from equipment.

DWhite/Chapnick motioned to close the hearing; motion passed unanimously. JWhite/DWhite motioned to approve the proposal; motion passed unanimously.

8:45pm **Notice of Intent** – 18 Nourse St

Mr. Butler presented the project to tear down the existing house and build a two-family with 1500 sf footprint. This property is near Noname Brook and Mill Brook. The existing house is within the 100 foot buffer zone.

The Commission asked for a plan that shows the existing impervious areas compared to the proposed impervious areas within the 100 foot buffer zone.

The Commission scheduled a site walk on 10/13 at 7:30am. The construction details showing the drainage and the house design will be submitted to the Commission. The driveway will be installed level on the lot.

DWhite/Nonni motioned to continue the hearing to 10/20 at 8:15pm; motion passed unanimously.

#### 9pm **Enforcements-**

##### **58 Summit St:**

Report of large dirt piles dumped at rear of property in Buffer Zone to wetland. The owner, Brenda Malatesta said the pile of debris was removed. The Commission needs to confirm this with a site walk. The owner will meet with the Commission on this walk for confirmation. Commission also discussed that we would advise the owner by email what the commission recommends for restoration after the site visit.

##### **41 Park Ave: Arlington Coal and Lumber**

Report of labels from lumber in Mill Brook. Robert and John McNamara, father and son owners, appeared for Arlington Coal and Lumber. They said they have been cleaning out debris from the Brook and that installation of a fence would make that difficult to do so, even though the fence might prevent some debris from their site going into the brook. The Commission agreed to have Arlington Coal and Lumber clean out the brook at least once a week. The Commission will plan a site visit to review the situation in the spring (May) to see if they need an Operation and Maintenance plan for this area.

##### **15 Laurel St:**

Report of new fence and gravel parking area in Buffer Zone to Mill Brook. Mr. Smyers presented a letter on this work and the Commission instructed him and the realtor to file an NOI for this work.

Meeting adjourned at 11pm.  
Respectfully submitted,  
Corinna Beckwith  
Conservation Administrator