

Arlington Conservation Commission
Minutes
September 15, 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, Curt Connors, Susan Chapnick and Janine White. Associate members Eileen Coleman and Catherine Garnett were not present. Also present were Bruce Whelple, Ann LeRoy, Lisa Bonanno, Marise Bonanno, Nick Greenhalgh, Nick Corso, Angela Venuto, Nick Venuto, Anthony Bonanno, Jan Lo, Fiona Howard, John Steven Cronin, Wynelle Evans, Dan Chadwick, Rich Kirby, Mary Trudeau, Harriet and Bob Noyes, Alice Trexler, Monika Musial-Siwiek, June Rutkowski, Alex Bilsky, Aida Khan, Melanie Cameron, Peter Musial, Mary Morris, Irene MacKinnon, Richard Norcross, Aimee D'Onofrio, Ben Ferber, Pasi Miettinen, Harry Boucher, Colin Blair, Heijung Kim, Dan Klebanov, Eva Bitteker, Bill Kaplan, John and Patricia Worden.

7:30pm – Commission Business:

Chapnick/Connors motioned to approve the 8/18 **minutes** with edits (Mr. White asked that the final minutes be resent to the Commission); motion passed unanimously.

DWhite/Connors motioned to approve the 9/1 **minutes** with edits; motion passed unanimously.

Chapnick/Nonni motioned to approve the **2017 meeting schedule**; motion passed unanimously.

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

Connors/JWhite motioned to approve a continuance (with the applicants consent) to 10/6 at 7:45pm; motion passed unanimously.

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

Mr. Kirby presented the project to build an addition at this multifamily property within the Riverfront of Reeds Brook and the Buffer Zone of a smaller drainage. The project is proposing 800 sf of mitigation area to compensate for the 775 sf of addition.

The Commission asked if they were willing to install stormwater treatments. They were open to the idea and will consider an infiltrator or a trench drain.

Ms. Beckwith directed the Commission to hold a site visit. They schedule this for 9/19 at 6pm.

DWhite/Tirone motioned to continue the hearing to 10/6 at 8pm; motion passed unanimously.

Due to the high attendance, the Commission meeting moved to the Lyons Hearing Room, 2nd floor, Town Hall.

8:30pm **Notice of Intent** – 47 Spy Pond Lane, Lots A and B

Ms. Trudeau asked if the Commission was still holding both hearings together at this location. Mr. Stevens answered yes.

She presented some of the information asked for at the previous hearing, in an effort to pull out of the 50 foot area. The owner's attorney will attend to next meeting to answer to the attorney hired by the neighbors, Ms. Pyle.

She reported that the impervious area on the empty lot is pavement for a wide driveway.

Mr. Connors asked if the mitigation had an operation and maintenance plan. Ms. Trudeau said that it was submitted in the previous materials.

Mr. Tirone asked about placing the infiltration system in the sewer easement, and whether this was allowed. Ms. Trudeau said that the project engineer spoke with the Town Engineer, and said it was allowed.

Mr. Stevens asked for narrative discussing an alternative for a single house on a single lot. He traced one of the proposed houses and turned it sideways, and reported that it fits on the single lot.

Ms. Trudeau responded that the footprints are fixed, otherwise the project is unmarketable. Mr. Stevens reported that his inquiry into this topic is that the lot would sell in this active market.

Ms. Pyle, representing abutters and neighbors, commented that Mr. Stevens "hit the nail on the head" in requesting the alternative for 1 house on this lot. She encouraged the Commission to deny the reconfiguration of this into two lots. She suggested that the Commission was in the position of closing the hearing since the developer did not appear flexible in changing the footprint, and had been given multiple opportunities to do so.

A neighbor asked if the lot is owned by the developer. Ms. Trudeau responded that he holds a Purchase and Sale agreement on the property. The same neighbor responded that he is baffled by the developer assuming that he can do whatever he wants. When this proposal is built, then the neighborhood has to live with it. This is a maximum built out of the space in the lot that threatens the water quality of Spy Pond. He is not sure it can stand it. A smaller house on the lot would be attractive to smaller families.

Mr. Worden commented that the developers come in and try to split up large lots in Arlington. They could be developed with smaller building and have a lovely setting around them. He commented that Ms. Pyle's comment letter was very good.

Ms. Kim comment that the development would have a negative impact to wildlife of Spy Pond, increase runoff, and effect the pond ecosystem in a negative way. Approval of this proposal would set a precedent for other properties next to Spy Pond and the Mystic Lakes. She computed that of 133 waterfront lots in Arlington, 64 are twice the size of the minimum lots size and potentially could have two houses built on them. She also is concerned when two adjacent lots are combined to build out more than two houses on the area. She asked the Commission to deny this proposal.

Ms. Rutkowski asked the Commission to deny the proposal and protect the 100 foot Buffer Zone to the pond, in its present undeveloped condition. It is there for a reason.

Ms. Musial-Siwiek asked if the stormwater infiltration and drainage system will impact her abutting property. The location is shady and remains snowy/icy late into the spring and is concerned if more water is added to this location. They already have to replant the grass here each year.

Mr. Musial commented that the soils here are very permeable and asked if the proximity of the proposed infiltration system would impact the already shallow water table and would the overflow effect this. He also questioned the system's proximity to the sewer pipe easement.

Ms. Trudeau responded that water doesn't tend to move horizontally in porous soils. The water should move down vertically.

Mr. Musial asked if the test pit was in the location of the proposed infiltration unit.

Mr. Blair reported that Bald Eagles have been reported on Spy Pond for the first time this past year. He asked the Commission to protect the pond for these creatures.

Mr. Miettinan commented that he agreed with most of the comments. He noted that the petition was signed by up to 500 people against the project. He feels the proposals should be allowed because the line up with the other older houses on the pond.

Mr. Bilsky asked that the Commission deny this proposal and preserve the 100 foot Buffer Zone.

Mr. Ferber asked that the developer provide reasonable alternatives to this development. A smaller, less than 2000 sf, is the size of most houses presently in the area.

Ms. Khan asked how many more meetings were to be expected.

Mr. Stevens did state that if no additional information comes in from the proponent, then the Commission closes and makes a decision.

Ms. Khan replied that while conservation is a relatively new idea, much intrusion and

damage has been done over history. The Commission is here to protect the pond for the future.

Mr. Frost, of Friends of Spy Pond Park, commented that Spy Pond is a diamond and is enjoyed by so many people. If the Commission allows this development, then it will lead to others doing this as well.

Mr. Klebanov commented that 496 people have signed the petition that states that 2 big houses on two lots is unreasonable.

Mr. Boucher reported on his survey of other waterfront properties and submitted photographs of the 25 foot Buffer Zone. He notes that this area is important to wildlife, turtles, etc. He reports that many property currently have fences that prevent access. He noted that pedestrians also have access around the pond. Other properties use fertilizers in their yards. Cars in parking lots have runoff to the pond.

He claims that the existing runoff pollution is more than would come off the proposed development with its stormwater system. He stated that the older lots should also be held to same standard and the Buffer Zone protected. He grew up on Spy Pond, waterskied, skated, it was lovely. He asked that the Commission accept this proposal so that another family can enjoy this lovely place.

A neighbor commented that the arguments made by Mr. Boucher for why Spy Pond has its troubles. This is the line in the sand.

Mr. Connors commented that the infiltration system will need to be maintained and inspected three times a year. It is not a guarantee that this will get done.

Mr. Stevens directed Ms. Beckwith to forward the many comments to the proponent.

Mr. Nonni commented that one of the proposed plants, the Bartrain Serviceberry, is difficult to acquire.

Ms. Trudeau request that the Commission continue the hearing to Oct. 6 with an aim to close the meeting. Mr. Stevens reminded her that additional materials must be received 10 day before the meeting.

Mr. Tirone asked if the lawn area had habitat value since the mitigation plantings were pushed off to the side of the yard. He thought the proposal needed more trees. He also requested to see the 1 house alternative narrative. He thinks the back of the house could be reduced, the house could be moved forward to the line of the front yard setback.

DWhite/Tirone motioned to continue the hearing to 10/6 at 8:15pm; motion passed unanimously.

Commission business (cont.)-

Ms. Garnet reported on the **Spy Pond project**. The next phase application is due 10/7. She will work with Chester to develop a range of proposed costs for that deadline. Further refinement will happen after the survey.

Ms. Beckwith reported that Arlington Coal and Lumber has no fence next to **Mill Brook**, at the furthest downstream point of their property. Trash is getting into the waterway. The Commission directed Ms. Beckwith to send a NON letter, inviting the property owners in to a meeting, with a copy to Board of Health.

Mr. Stevens reported on the encroachment on the **Symmes** conservation land from 68 Woodside. He sent a letter to the property owners to correct the situation.

Meeting adjourned at 10:50pm.
Respectfully submitted,
Corinna Beckwith