

Arlington Conservation Commission  
Minutes  
July 19, 2018

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 Commission Members Nathaniel Stevens, David White, Mike Nonni, Charles Tirone, Curt Connors, Susan Chapnick, Pam Heidell, and Conservation Agent Lela Shepherd. Associate Commission Member Cathy Garnett was not present. Also present were Lisa Berezin, Connor Klein, Christian Klein, Kara Sliwoski, John McNamara, Jon Marshall, Colin Blair, John S Crowle, Ryan Williams, and Janine Williams.

**Administrative:**

6/21/2018 Minutes

S. Chapnick motioned to approve the Minutes as edited, P. Heidell seconded, all were in favor, motion passed.

Mileage Reimbursement

L. Shepherd presented a detailed record of mileage accrued since September in carrying out her duties using her own car. D. White motioned to approve payment of \$212.22 for mileage reimbursement, C. Connors seconded, all were in favor, motion passed.

Hatch Invoice-Spy Pond Project

D. White motioned to approve invoice #6 from Hatch Chester Engineering, Inc. in the amount of \$33,724.73, M. Nonni seconded, all were in favor, motion passed.

Woods Hole Group Invoice

S. Chapnick moved to approve the invoice dated July 12, 2018 in the amount of \$5,470.45, D. White seconded, all were in favor, motion passed.

Working Session-Connor Klein, Scout Project

Eagle Scout candidate, Connor Klein proposed a project on Arlmont Conservation Land, for his Eagle Scout project with Troop 313. There is a footpath that leads to a crosswalk to an access road along Route 2 and pedestrian bridge across Route 2. The path is in rough shape and has a lot of rocks and boulders that get slippery after a rain event. He would like to improve the path to provide a lot more accessibility. He suggested using one of the following material options: curb stones (durable and low maintenance), concrete (durable but harder to establish, but easier to maintain), wood (lower cost but higher maintenance). He proposed to dig out the boulders and re-site them on location. Connor has not yet sourced where the materials will come from. The project needs to be completed by May of 2020. D. White suggested that DPW might have leftover materials he could ask about. N. Stevens requested that he use a product that does not require much maintenance. S. Chapnick suggested that Connor look at the materials and design of the Window on the Mystic site as an example. Connor will return to the Commission with a more detailed design at a later date.

C. Connors motioned to approve the conceptual design, S. Chapnick seconded, all were in favor, motion passed.

**Request for Determination of Applicability-63 Dothan St, Lisa Berezin**

Ms. Berezin described the site conditions; the lot is small and abuts Reeds Brook. She would like to age-in-place by replacing stairs on the front of the house and the walkway on the side of the house and extending a deck in the back of the house by two feet. The addition is parallel to the brook and does not extend in the direction of the brook. The new deck area is an addition of 20 square feet with gravel underneath. The walkway is currently poured concrete and will remain concrete. Diamond-pier footings would be used to replace decaying footings. There will be no impervious surface increases.

C. Tirone suggested that a silt fence for erosion controls would suffice, no hay bales or silt sock needed; The erosion controls shall be installed 19 feet from the extent of the project towards the brook. All materials

removed must be taken off site immediately.

S. Chapnick asked if the resurfaced path could be permeable. Ms. Berezin stated she wanted a flat surface that would allow her to age-in-place so that she could use a walker or wheelchair in the future without much trouble.

C. Tirone motioned to issue a determination under a Negative Determination, #2 (the Commission has jurisdiction under the Act and Bylaw but no NOI is required), C. Connors seconded, all were in favor, motion passed.

### **Notice of Intent, continued from 6/21/2018-Medford Boat Club, Kara Sliwoski w/SOLitude Lake Management**

#### *Documents Reviewed:*

*Response to DMF Letter, dated July 16, 2018*

*Solitude Survey Summary Letter, dated July 16, 2018*

Ms. Sliwoski stated that she had consulted DCR over the phone since the last meeting and they did not have any additional concerns.

P. Heidell asked what the costs are for the DO Monitors, and whether they could be rented. Ms. Sliwoski responded that the continuous DO Monitors have to be mounted and connected to a power supply so they cost \$3,000 and could not likely be rented.

S. Chapnick expressed concern about using herbicides in such close proximity to the Herring Run. Several commissioners expressed discomfort with the proposed June 15<sup>th</sup> treatment date change and wanted DMF feedback before agreeing to a different date before June 30<sup>th</sup>.

The WPA regulations were consulted to determine if all agency recommendations have to be incorporated to approve a permit. The following conditions were imposed:

1. The Commission accepts the DO monitoring program proposed in the 7/16/18 letter contingent upon DMF approval, if DMF objects to this program then the original DMF recommendations must be adhered to.
2. Monitoring should be conducted between 12-6 pm when the temperature is highest and DO is at its lowest.
3. In order to renew this permit, the Applicant must show they have taken steps towards creating a collaborative group to formulate a lake management plan.
4. The monitoring program shall include obtaining secchi disk depth data and observing the presence of any schooling river herring.
5. Current years' data is to be provided to the Commission no later than December 1<sup>st</sup> of that same year.
6. No treatment shall be allowed between April 1 to June 30 in order to protect the riverine habitat.

S. Chapnick requested a 2 year permit rather than a 5 year permit so that they could re-evaluate for new methods with less impact.

7. Permit is valid for 2 years.

C. Tirone motioned to close the hearing, D. White seconded, all were in favor, motion passed.

C. Tirone motioned to issue the permit #91-0296 under the Massachusetts Wetland Protection Act and the Arlington Wetlands Protection Bylaw and Regulations, D. White seconded, all were in favor, motion passed.

#### Working Session-Arlington Coal and Number. John McNamara

The retaining wall along Mill Brook at the lumber yard is falling into the brook. Mr. McNamara would like to replace the middle four blocks which are deteriorated as well as some blocks towards the rear of the property. C. Tirone asked if there were any replacement options that would be more sustainable than just replacing what is there with the same materials. C. Tirone suggested an Environmental Monitor could be hired by Arlington Coal and Lumber to be on site during the work and exclude the project from filing an NOI under a maintenance exclusion; otherwise a Notice of Intent would be required. C. Tirone commented that drilling to put in pins through the concrete could create dust pollutants in the air. Mr. McNamara believed the

scope of work would take only a day or two to complete. C. Connors expressed interest in a Request for Determination of Applicability.

D. White motioned to approve the scope of work without a permit if the Applicant uses an environmental monitor (pre-approved by the Commission) and notifies the Commission within 48 hours of work start, C. Tirone seconded, 6 were in favor, C. Connors voted against, the final vote was 6-1, the motion passed. L Shepherd will follow-up with an email including instructions.

**Request for Determination of Applicability-Spy Pond Trail work, Jon Marshall**

This is an offshoot project of the larger Spy Pond Erosion Control Project being presented in an NOI for the 8/2/18 hearing.

The existing path is not permeable and contributes to the larger erosion project. An opportunity presented itself to apply for grant money and apply ADA funds to support the primary recommendation in the ADA Report (2010). This proposed resurfacing project would replace 1,000 linear feet of stabilized aggregate material with a washed stone drain and 1.5 inches of permeable surfacing. The total material removed will be 11 inches deep and it will be replaced with 9 inches of stone covered by the permeable surfacing (made of recycled tires and stones). The project also proposes to make the North Beach "switch-back" more accessible and less prone to washout.

The intent was to present this after the NOI had been heard and discussed but the filing was delayed. This trail work will rely on erosion and sedimentation control proposed in the NOI for other, nearby work.

C. Tirone motioned to continue the hearing to 8/2/18, C. Connors seconded, all were in favor, hearing continued.

**Request for Determination of Applicability- 28 Lafayette St, Ryan Williams**

The Applicant proposed to build a deck in a floodplain near Alewife Brook. The deck would be supported by four 8-inch diameter sonotubes and made of lpe wood with gravel placed under the deck. There would be no increase in impervious surface.

P. Heidell motioned to approve the project under a Negative Determination, #2 (the Commission has jurisdiction under the Act and Bylaw but no NOI is required), C. Connors seconded, all in favor, motion passed.

McClennen Park/Reeds Brook May 2018 Sampling

Data from the May sampling were reviewed.

Mr. Stevens announced that the Commission needs to go into Executive Session to discuss strategy for pending litigation concerning the Commission's denial of the permit (under the Bylaw) for 47 Spy Pond Lane, since discussing strategy in open session would compromise the Commission's litigation strategy. He announced that the Commission would return only briefly to regular session. D. White/C. Connors moved to go into executive session. The motion carried as follows: White – Y, Connors – Y, Nonni – Y, Chapnick - Y, Tirone – Y, Stevens – Y, Heidell – Y. The Commission went into Executive Session Lane at 10:24 pm.

The Commission came out of Executive Session at 10:58 pm.

Meeting adjourned at 11:00 pm.

Respectfully submitted,

Lela Shepherd