



TOWN OF ARLINGTON

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ARLINGTON CONSERVATION COMMISSION

Arlington Conservation Commission
Minutes
September 6, 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, Charles Tirone, Curt Connors, Susan Chapnick, Pam Heidell, Mike Nonni; Associate Commission Member Cathy Garnett; and Conservation Agent Emily Sullivan. Also present were Mona Vernon and Scott Seaver.

Potential Enforcement - 14 Reed Street, Mona Vernon

Documents Reviewed:

Email correspondence between L. Shepherd (former Conservation Agent) and M. Vernon dated 7/20/2018

Resource Area: Reeds Brook – riverfront, Bordering Vegetated Wetland (BVW), Buffer Zone (WPA), and Adjacent Upland Resource Area (AURA, Town ByLaw); the entire property is within the jurisdictional resource area

M. Vernon (owner and resident) hired landscaper to do work on property. Based on L. Shepherd's account, the landscaper removed over 20% of canopy from back yard forested area, removed 1 tree, and severely pruned back another tree to leave a tall stump but email from M. Vernon's landscaper claims less and lists more trees removed than Ms. Shepherd noted. M. Vernon expressed concern about trees touching home and providing an avenue for pests to enter home (e.g. ants, insects). C. Connors expressed that if M. Vernon and landscaper attended the Commission meeting prior to work, the Commission would have worked with the group to facilitate best work and maintain State and Local WPA compliance. N. Stevens requested that E. Sullivan go to site to reconcile L. Shepherd's and landscaper's account of work. M. Vernon gave permission to enter her property. E. Sullivan and C. Tirone scheduled to visit the site on Friday, September 7, 2018.

Potential Enforcement - 17 Laurel Street

Documents Reviewed:

D White's photos from site walk-by

Resource Area: Mill Brook, Buffer Zone (WPA), AURA (Town Bylaw)

E. Sullivan explained the concerned messages the Commission has received about driveway paving at 17 Laurel Street from 13-15 Laurel Street residents. D. White walked by the site and reported what he observed, sharing his photos. N. Stevens requested that the Commission contact 17 Laurel and 19 Laurel homeowners with notice of non-compliance due to paving or adding impervious surface in a

wetland resource area and ask them to appear at an upcoming meeting. M. Nonni explained that the driveway appears to be a dense grade gravel, which usually would be the precursor to asphalt paving. E Sullivan will conduct drive-by of site to collect more information and then prepare letter(s).

Request for Determination - 12 Clyde Terrace

Documents Reviewed: Landscaping Plan dated May 4, 2017

Email correspondence between N Stevens and G. Hochmuth dated 9/04/2018

Resource Area: Bordering Vegetated Wetland (BVW), Buffer Zone (WPA), and AURA (Town Bylaw)

Applicant requesting a Certificate of Compliance. Contractor Greg Hochmuth, via email correspondence, claimed that L. Shepherd (former Conservation Agent) gave him permission to remove some existing trees in landscape plan in order to implement erosion control. N. Stevens and E. Sullivan reached out to L. Shepherd about the supposed permission, which she claimed she did not give and said had she done so. it would have been in an email. Mr. Hockmuth also wanted to substitute some planned trees due to wildlife eating some that had been planted. E. Sullivan and C. Garnett will work with project contractors to schedule site visit to reconcile the approved Landscaping Plan with what was planted, what was removed, and to recommend additional plantings, as needed, for compliance with the Order of Conditions.

Working Session - 47 Spy Pond Lane, Scott Seaver

Documents Reviewed:

Revised plans for Lot 1 and Lot 2, dated 8/16/2018

Resource Area: Land Under Water Body, BVW, Bordering Land Subject to Flooding (BLSF), Bank, Buffer Zone (WPA), and AURA (Town Bylaw)

S. Seaver, contractor, explained his proposed revised plans to the Commission to move houses further back from resource area on both Lot 1 and Lot 2. Discussion about deck drawn on Lot 1 plan. N. Stevens inquired about moving the existing dock to fall in line with walking path shared by both proposed lots along proposed lot line. S. Seaver agreed to look into applying for a condition to amend current Chapter 91 permit to move dock. N. Stevens and S. Chapnick inquired about low retaining walls around 25-foot mitigation planting area and along houses, previously discussed at Commission meetings. The Commission will put the retaining wall into the settlement agreement.

S. Seaver said he would rather obtain permission via a settlement agreement, rather than filing a new NOI. N. Stevens agrees to check with Town Counsel about what procedure the Commission could agree to and then notify Mr. Seaver.

Mr. Seaver agreed to un-mortared stone walls at the 25-foot buffer zone line, beginning two feet from the exiting property lines and breaking for the shared walking path. S. Chapnick requests that contractor (Mary Trudeau) provides a revised planting plan for Lot 1 to include the hand-lain stone wall and mitigation planting for sycamore tree that was not documented on prior planting plan, which Mr. Seaver agreed to do.

Executive Session – Pending Litigation: Seaver Construction v. Town of Arlington Conservation Commission, Sup. Ct. 1881CV01106 (47 Spy Pond Lane)

N. Stevens asked for a motion to enter exec session to discuss strategy with respect to pending litigation as discussing it in open session might compromise the Commission's position. He said the Commission would return to open session.

C. Connors moved to go into Executive Session, P. Heidell seconded.

Roll call vote: D. White: Y, S. Chapnick: Y, N. Stevens: Y, M. Nonni: Y, C. Tirone: Y, C. Connors: Y, P. Heidell: Y; motion passed.

The Commission came out of Executive Session at 9:35 pm.

Administrative

Town Day

Discussion on materials to give out during Town Day, volunteer schedule to manage the booth, and what equipment Commission will need.

8/16/2018 Minutes

D. White to approve the minutes as edited, C. Connors seconded, all were in favor, motion passed.

8/23/2018 Minutes

D. White to approve the minutes as edited, C. Tirone seconded, all were in favor, motion passed.

MassDOT Sand Bar Meeting

MassDOT Sand Bar Meeting is scheduled for Thursday, September 13th from 1-2pm at MassDot on Appleton Street (District 4). Commission discusses which Commissioners will attend.

Mystic River Planting Event

M. Nonni and S. Chapnick agreed to plan planting event for fall (October).

Notice of Intent – 46 Spy Pond Lane – continued from August 23, 2018

Upon e-mailed request of applicant, S. Chapnick moved to continue the hearing to September 20th, 2018; M. Nonni seconded, all were in favor, motion passed.

Meeting adjourned at 10:05 pm.

Respectfully submitted,

Emily Sullivan