



TOWN OF ARLINGTON

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ARLINGTON CONSERVATION COMMISSION

Arlington Conservation Commission

Minutes

February 28, 2019

Mr. Stevens called the meeting to order at 7:31 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, Mike Nonni, and Pam Heidell; Associate Commissioner Cathy Garnett; and Conservation Agent Emily Sullivan. Also present were Beth Melofchik, Ellen Cohen, Vicki Hibbard, Xavid Pretzer, Sara Tuttle, Dan Klebanov, Peter Musial, Scott Seaver, and Mary Trudeau. Spy Pond Committee members Brad Barber and Bill Eykamp were present. VHB representatives Katie Kudzma, Lauren Caputo, and MassDOT representative B. Cordeiro, as well as others who did not sign in were also present.

Administrative

02/07/2019 Meeting Minutes

The Commission discussed edits to the draft minutes. C. Connors motioned to approve the minutes as edited, C. Tirone seconded, all were in favor, motion approved.

Conservation Mailers

E. Sullivan recommended that the Commission send out letters reminding property owners in specific jurisdictional areas that their property is subject to the Commission's wetland permitting jurisdiction. The Commission agreed that this would be beneficial.

Invasives ID and Management Training

E. Sullivan recommended that the Commission sponsor, through the Lands Stewards Fund, an invasive species identification, removal, and disposal training for the Land Stewards and other interested groups and residents. The Commission recommended reaching out to non-profits or government agencies that may be able to facilitate the training for free. Such organizations include the Department of Conservation and Recreation, the Massachusetts Association of Conservation Commissions, Mass Audubon (Habitat), or the Natural Heritage and Endangered Species Program. E. Sullivan will contact the recommended organizations to organize the training.

Floodplain and Inland Wetlands Overlay Districts Town Warrant Letter from the Commission

The Commission reviewed a draft of the letter written to Town Meeting Members in regard to Town Warrant Articles 18 and 19, proposed amendments to the Floodplain Overlay District and Inland Wetlands Overlay District. S. Chapnick motioned to approve the letter with the revisions discussed and distribute it to Town Meeting Members. P. Heidell seconded, all were in favor, motioned approved.

Water Bodies Working Group Presentation to the Finance Committee

S. Chapnick, D. White, C. Tirone, and E. Sullivan summarized the presentation to the Finance Committee. The proposed budget was unanimously approved by the Committee. The Finance Committee recommended including more metrics to determine the success of the working group's invasive species removal and management in future budget proposals.

10 Sunnyside Avenue Blue Tarp

E. Sullivan updated the Commission on the condition of the blue tarp on the roof of 10 Sunnyside Avenue, which is fraying with pieces of it entering the Alewife Brook and Greenway. E. Sullivan conducted a site visit and witnessed the tarp debris in the Resource Areas on February 27, 2019. E. Sullivan recommended sending a notice of non-compliance to the property owner, requesting removal or reinforcement of the tarp on the structure's roof, as well as removal of the tarp debris polluting the resource area. The Commission supported the recommendation to send a notice of non-compliance. E. Sullivan will draft and send the notice.

Notice of Intent: 66 Hutchinson Road

E. Sullivan summarized that this project came before the Commission as a working session during the 12/6/2018 Commission meeting. For the property owner, V. Hibbard presented the work that had already been completed and the proposed final aspects of the project at 66 Hutchinson Road. V. Hibbard summarized that some work had been completed before filing a Notice of Intent because the property owners and the landscape architecture firm did not realize that there was a wetland behind the property and that the work was within the 100-foot wetlands buffer. The wetland is uphill from the backyard and work.

The project work includes building a patio, several retaining walls, a stormwater infiltration system, rain garden, and planting beds in the property's backyard. The proposed stormwater runoff infiltration system is a CULTEC system. The patio and walls create a net increase of 547 square feet of impervious surface onsite.

P. Heidell and S. Chapnick stated that the new hardscape slopes away from the wetland, and so they are not concerned with runoff entering the wetland. P. Heidell noted that the 547 square feet of impervious surface increase triggers the Engineering Division's stormwater review process, so this project should be sent to the Town Engineer for review under the Town's Stormwater Bylaw. N. Stevens noted that the stormwater analysis was conducted using TP-40 modeling numbers, but Section 33 of the local wetlands bylaw requires using the Cornell Method modeling numbers. E. Sullivan will send the plans and revised analysis with the Cornell Method numbers to the Town Engineer for review.

S. Chapnick noted that the project narrative does not include any consideration to climate change resilience, which is required under Section 31 of the local wetlands regulations.

C. Tirone noted that the Notice of Intent form was incorrectly filled out, and that on page 3, the Applicant indicated that work would occur within the bordering vegetated wetland (BVW). Work is not proposed in the BVW, but within the buffer to BVW, so the Notice of Intent form should be revised and resubmitted to the Massachusetts Department of Environmental Protection and the Conservation Commission.

V. Hibbard requested that the hearing be continued to the March 21, 2019 Commission meeting so that she has enough time to make the recommended changes to the Notice of Intent. M. Nonni motioned to approve V. Hibbard's request to continue the hearing, C. Connors seconded, all were in favor, motion approved.

Working Session: 44 Grove Street

X. Pretzer and S. Tuttle summarized the vegetation removal that they have already completed on their property and within the 100-foot wetlands buffer, including removing invasive species and removing a hazard tree. E. Sullivan stated that since the vegetation removal, she has spoken with S. Tuttle to better explain the Commission's jurisdiction and what type of work requires Commission approval, including vegetation removal and planting.

X. Pretzer and S. Tuttle explained their ideas and goals for the property in the future. These ideas and goals include removing all invasives and establishing native planting areas within the 100-foot wetlands buffer. The Commission recommended including all possible planned work in the filing so it could be covered under a single permit or determination.

The Commission discussed whether this proposed work requires a Request for Determination of Applicability (RDA). The Commission voted on whether an RDA should be filed - four Commissioners voted in favor of filing an RDA, two Commissioners voted against filing an RDA, and one Commissioner abstained from voting. E. Sullivan will work with X. Pretzer and S. Tuttle to file an RDA.

Working Session: Spy Pond Sand Bar

B. Cordeiro summarized MassDOT's proposal for dredging the Spy Pond Sand Bar. MassDOT and VHB suggested removing the sand bar through hydraulic dredging, sending the sediment and water through pipes to a dewatering station, dewatering the sediment, and disposing the sediment at an appropriate facility. VHB suggested dewatering the sediment on temporary barges brought onto Spy Pond and dewatering the sediment using geotubes. The dewatering timeline will depend on the exact sediment makeup (silt and sand content).

MassDOT and HVB anticipate filing a Notice of Intent in the Spring. MassDOT confirmed that this project has sufficient funding. N. Stevens asked MassDOT what preventative measures will be taken to prevent another sand bar in the future. B. Cordeiro mentioned that the outfall by the

sand bar is co-managed by the Town and MassDOT and there may be an opportunity to co-fund preventative maintenance.

S. Chapnick requested the lab data for the sediment samples taken by VHB in Fall 2018 and asked if the sediment contaminated with arsenic and lead greater than the DEP Reportable Concentration (RC) would be separated from the uncontaminated sediment for disposal. B. Cordeiro said yes. P. Heidell requested documentation of the communications MassDOT has had with MassDEP and the Army Corps of Engineers regarding this project. P. Heidell also requested an analysis of mechanical dredging and hydraulic dredging to determine which is most appropriate, as well as an alternatives analysis for the proposed project. C. Tirone requested an evaluation of the three swales constructed along Route 2 by MassDOT to act as mitigation for Spy Pond. C. Tirone also stated that if slopes are disturbed during the proposed work, they would have to be revegetated. Brad Barber and Bill Eykamp said that only one of the three swales is working (getting infiltrated with water); the other two are not working as designed and remain dry during storms. S. Chapnick also reminded the applicant that a narrative on Climate Change Resilience needs to be included in the NOI.

Working Session: 47 Spy Pond Lane, Lot 1/A

M. Trudeau and S. Seaver summarized three mitigation measures that they are considering adding to the proposed development of Lot 1/A, and sought Commission feedback. M. Trudeau reminded the Commission that Lot 1/A is the lot with a large existing driveway but no existing structure. The three mitigation measures include: 1) installing a stormwater quality unit in the street near Lot 1/A to collect and manage stormwater from the site and from the street; 2) making a one-time donation of \$5,000 to the Commission for a stabilization or mitigation effort offsite, at one of the pond's access points; and, 3) shortening the house by 2.5 feet along the entire 38-foot width of the structure, creating a reduction of 95 square feet (2.5-feet x 38-Feet= 95 square feet), and moving the structure to 74.5 feet away from the pond.

M. Trudeau stated that any development onsite would negatively impact the sycamore tree onsite, so the proposed development would replace the sycamore with two new trees, per the Commission's tree replacement policy.

C. Tirone requested an impact analysis of the proposed stormwater quality unit in front of the lot. P. Heidell stated that she spoke with Town Engineer W. Chouinard, who confirmed that the Town owns, operates, and manages units similar to the one proposed. P. Heidell will check in with W. Chouinard again about maintenance of stormwater infrastructure in Kelwyn Manor, which is a private neighborhood with private streets and might not be maintained by the Town.

Public Comments

N. Stevens asked if Mr. Klebanov or Mr. Musial had any reaction to what was just discussed and whether the proposal would address the neighbors' concerns. D. Klebanov stated that these three proposed mitigation measures were not substantive changes, and that although the water quality improvements were beneficial to the water quality of Spy Pond,, they do not mitigate the impact of the structure extending to the 74.5-foot line from Spy Pond.

P. Musial stated that the stormwater quality unit and the \$5,000 donation sounded like a bribe. N. Stevens strongly disagreed, saying proposed mitigation measures were in no way bribes. Mitigation measures are permitted under the wetlands laws and regulations.

Commissioner Comments

S. Chapnick stated that the water quality improvements proposed could be a great example for other development/redevelopment proposals. S. Chapnick stated that the proposal was reasonable and the 2.5-foot reduction was significant taken together with the other reductions since this project was first proposed in moving the structure back to approximately 75 feet from the resource area and reducing the impervious surface increase in the AURA to 388 square feet, and that the other two proposed mitigation measures were potentially significant improvements to the resource area.

D. White stated that he was unsure whether the mitigation measures were significant. M. Nonni said he was torn but liked the direction of the water quality improvements.

P. Heidell questioned if a serious look was given to pushing the structure back from the pond even more. P. Heidell would like to see stronger rationale for the decision to keep the proposed structure 74.5-feet from Spy Pond.

C. Tirone requested more analysis on the impact of the stormwater quality unit. C. Tirone also questioned why an alternative house design was not considered or proposed.

C. Connors stated that the 2.5-foot reduction was not significant. C. Connors also stated that he would not recommend amending the recently denied Notice of Intent with these mitigation measures and presenting them to the Commission.

N. Stevens requested more analysis to determine the size of the watershed that would be served by the proposed stormwater quality unit.

M. Trudeau requested continuing the working session to the March 7, 2019 Commission meeting. The Commission agreed.

Meeting adjourned at 9:58pm.

The Conservation Commission's next meeting scheduled for Thursday, March 7, 2019 at 7:30pm in the second floor conference room of the Town Hall Annex.

Respectfully submitted,
Emily Sullivan