



## Arlington Conservation Commission

Date: February 3, 2022

Time: 7:30 PM

Location: Conducted by Remote Participation

D. Morgan read the preamble into the record.

A roll-call vote was taken for Conservation Commissioner's Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan, Nathaniel Stevens, David White, and Associate Commissioners Cathy Garnett, Doug Kilgour, and Myra Schwartz.

Also in attendance: Conservation Agent David Morgan. Members of the public included John Tortelli (resident, 101 Sunnyside Avenue), Elaine Crowder, Carey Thiel, Brad Barber, Josh Atkinson (Stantec), Joe Connelly (Department of Recreation), Steve Moore (resident, Piedmont Street), Elisabeth Carr-Jones, Johanna Meyer, Ryan Landers (McKenzie Engineering), Beth Melofchik, Wynelle Evans, Rich Kirby (LEC), Paul Feldman, Matt Magiore, Mike Novak, Susan Stamps, Jo Ann Preston.

### Agenda

#### I. Administrative

##### 1. Meeting Minutes Review

D. Morgan reviewed edits to the meeting minutes of January 6, 2022. N. Stevens motioned to approve the January 6, 2022, meeting minutes, P. Heidell seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

##### 2. Vote: Chair and Vice-Chair positions

S. Chapnick introduced the vote and explained that the 2- year terms lapsed at the start of January. S. Chapnick and C. Tirone volunteered to continue in the roles for an additional 2-years. M. Gildesgame motioned that the officers should continue in their roles. D. White seconded.

S. Chapnick took a roll call vote that included associate commissioners: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, M. Gildesgame – yes, C. Garnett – yes, D. Kilgour – yes, and M. Schwartz – yes.

##### 3. Discussion: 19 Sheraton Park Certificate of Compliance

D. Morgan mentioned that a Notice of Intent for 19 Sheraton Park is forthcoming and will require a Certificate of Compliance to close out the



## Arlington Conservation Commission

old Order of Conditions.

### 4. Enforcement actions

#### i. 99 Sunnyside

D. Morgan summarized the Notice of Violation issued to the builder at 99 Sunnyside Avenue to stop work and install erosion controls and reported that there would be a Request for Determination of Applicability from the developer soon. J. Tortelli reported that conditions have improved since the notice was issued.

#### ii. 146 Mystic Valley Parkway

D. Morgan described the unpermitted work at 146 Mystic Valley Parkway and the Request for Determination of Applicability. P. Heidell wondered if an RDA was needed for a project beyond the 100' Riverfront Area. C. Tirone said the scope warranted it, and S. Chapnick agreed.

#### iii. 20 Lafayette Street

D. Morgan reported on the unpermitted work at 20 Lafayette Street and the stop work order issued by Inspectional Services.

### 5. Discussion: Rodenticide and Integrated Pest Management Warrant Article Documents: Rodenticide Warrant Articles

E. Crowder and C. Thiel provided background information on the two submitted warrant articles—one to ban the use of second-generation rodenticides, the other a resolution in support of integrated pest management practices on town land. D. Morgan suggested that the wildlife values of the Wetlands Protection Act be reflected in the warrant article language, M. Schwartz added habitat values more generally. N. Stevens moved for the Conservation Commission to support the two warrant articles. C. Tirone seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

### 6. Discussion: Help Keep Arlington Beautiful flyer for reduced fertilizer use around Spy Pond

D. Morgan showed a flyer designed by the Spy Pond Committee for distribution to residences south of Massachusetts Avenue. S. Chapnick suggested that the flyer should be consistent with the commission's usual special conditions on fertilizer use in resource areas. M. Schwartz asked that Arlington DPW and Engineering be consulted. B. Barber agreed to



## Arlington Conservation Commission

incorporate the commission's suggestions.

### II. Hearings

#### 1. Notice of Intent: Hurd Field (Continued)

DEP #091-0337

Documents: Hurd Field Response to Comments

J. Atkinson summarized the updated rendering and plans for the field improvements.

D. Kaplan asked if the storage shed/irrigation system could be moved out of the 50' buffer per regulations for no new structures in that area. J. Atkinson said the placement was due to existing water and power supply infrastructure.

D. Kaplan requested a native substitute for redbud on the planting plan.

C. Tirone inquired about the photometric plan and whether the lighting impacts to Mill Brook can be minimized. J. Atkinson said the photometrics assumed a site with no vegetation and there is more light pollution with older, retrofitted lights than on new equipment.

D. Kaplan requested that the footpath be realigned to allow more buffer zone area near the Mill Brook bridge (within the AURA and Riverfront). C. Tirone agreed. J. Atkinson confirmed that the applicant would consider it.

S. Chapnick opened the hearing for public comment. S. Moore asked why Mill Brook was not being rebuilt given the activity adjacent to the brook. J. Connelly responded that the scope was limited to field renovations.

E. Carr-Jones requested the fence at the northwest corner be removed. J. Connelly said it would affect the use of the field and was not considered.

J. Meyer expressed her support for moving the path out of the buffer zone and keeping the fields out of wetter areas.

S. Chapnick closed public comment and returned to Commissioners for further discussion. C. Garnett asked about the work to replace the bridge connecting Hurd Field to the Reservoir and whether it would allow any opportunity for further mitigation. J. Connelly said that the connection is a



## Arlington Conservation Commission

separate project under the direction of a different landscape architect and contractor.

C. Tirone was disappointed that Mill Brook didn't receive more consideration in the proposal. He felt that project mitigation had improved but not yet met the needed threshold for Riverfront Area improvement required in the Wetlands Protection Act (WPA). P. Heidell and N. Stevens disagreed and thought Mill Brook improvements were out of scope and that the Project would result in improved existing conditions of the Riverfront Area.

D. Kaplan requested an operations and maintenance plan for the proposed stormwater best management practices.

M. Gildesgame motioned to continue the hearing to the February 17<sup>th</sup> meeting of the Conservation Commission to allow the applicant to address questions from the Commission including impacts to the AURA and meeting Riverfront Area standards in the WPA. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

### 2. Notice of Intent: Colonial Village Drive (Continued)

DEP #091-0336

Documents: Revised Colonial Village Drive Notice of Intent application package, stormwater report, and civil plan set prepared by McKenzie Engineering Group

R. Landers share the project details and considered changes suggested by the commission.

C. Tirone asked whether the stormwater treatment and infiltration devices would cause scouring of the brook bed. R. Landers responded that the outlet designs are to match the existing conditions of outlets on site, which have not damaged the streambed.

P. Heidell asked that the town engineer review the project. N. Stevens and S. Chapnick agreed.

S. Chapnick opened the hearing for public comment. J. Meyer shared that local groundwater levels can be lowered using taproot trees.



## Arlington Conservation Commission

S. Chapnick closed public comment and returned to Commissioners for further discussion. N. Stevens motioned to continue the hearing to the February 17<sup>th</sup> meeting pending comments from the town engineer. D. White seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

- III. Working Session: 1021 – 1025 Massachusetts Avenue (Continued)  
Documents: Site alternate plans 1 and 2, floor plan, exterior rendering, urban park cost estimate, correspondence between Jacquelyn Maggione (Maggione) and Katarina Ilic (Millbrook Condominium Association), StormTech stacked system summary

R. Kirby shared updated plans and renderings for the proposed structure. He discussed two alternatives behind the planned buildings: one with a larger stormwater system that would be sized to meet NOAA14++ precipitation data and remove 20 trees and a second that would be a surface drainage with a forebay that would require additional tree removals. He reported that the requested urban park was too expensive for the project and proposed a payment by the applicant to the town in lieu of onsite mitigation. The sum proposed was \$70,000 to fund work at Cooke's Hollow.

N. Stevens asked that the proposal to reforest part of the adjacent condo association's land include ongoing maintenance in perpetuity and maybe legal protection in the form of a conservation easement to preserve the mitigation. R. Kirby agreed that payment for maintenance could be made part of the condo fees.

D. Kaplan expressed concern that the mitigation at Cooke's Hollow may not match the impact of the project in question.

C. Tirone echoed concern about offsite mitigation and wondered how the \$70,000 amount was determined. S. Chapnick shared that the commission has never done an in-lieu fee and that it would be a less favorable option.

N. Stevens offered that DEP may not concur with whatever offsite mitigation the commission recommends for this project.



## Arlington Conservation Commission

S. Chapnick opened the session to public comment. S. Moore raised that the tree replacement bylaw would not be satisfied by the mitigation plans proposed and neither would there be satisfactory replacement of the trees to be removed. He said the Tree Committee would pay attention to the project as it progresses. C. Tirone said that the Wetlands Protection Act gives ConCom the authority over the subject property and preempts the Tree Committee's jurisdiction. S. Chapnick said that the Tree Committee can contribute to the Zoning Board of Appeals process when the applicant files the project under the Comprehensive Permit Application 40B process.

S. Stamps echoed S. Moore's concerns and added that the town's climate goals would be hurt by the removal of the proposed number of trees. She defended keeping the Norway Maples in place and calculated their value in terms of the Tree Warden's replacement value for trees (\$375 per inch of dbh), which, for an approximation of 100 10-inch trees, would be \$375,000. The proposed on-site replacement equals 8% of that figure. S. Chapnick clarified that only 40 trees are proposed to be removed.

J. Preston requested that the committee keep climate change at the forefront of considerations and noted that the state does limit the import and planting of Norway Maples but does not recommend their removal.

S. Chapnick closed public comment and returned to Commissioners for further discussion. S. Chapnick summarized that the commission is open to an offsite mitigation proposal that would enhance the condition of Mill Brook. Any further consideration will be made by the Zoning Board of Appeals.

D. White moved to adjourn the meeting; N. Stevens seconded. Meeting adjourned at 11 PM.