

Arlington Conservation Commission

Executive Session Minutes

April 6, 2017

~~Executive Session – Active Litigation: Seaver Construction Co. v. Arlington Conservation Commission, Middlesex Sup. Ct. Civ. A. No. 1681CV03021~~

~~Mr. Doug Heim, Arlington Town Counsel, joined Commission members present in the second floor conference room of the Town Hall Annex by phone.~~

JWhite/Connors ~~moved to proposed the motion that this meeting be go into an~~ executive session ~~(closed session)~~. There followed a roll call vote:

Nathaniel Stevens – yea, Curt Connors – yea, Mike Nonni – yea, Charles Tirone – yea, Susan Chapnick – yea, David White - yea and Janine White – yea. Motion passed unanimously.

Also present was non-voting Associate member Cathy Garnett and acting Conservation Administrator Eileen Coleman. Mr. Doug Heim, Arlington Town Counsel, joined Commission members present in the second floor conference room of the Town Hall Annex by phone.

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Mr. Heim explained that he has negotiated with the ~~proponent's plaintiff's~~ counsel and they will not agree to decrease the size of the ~~project house in order to avoid litigation~~. Together they have identified modifications to try to address Arlington Conservation Commission's concerns. Those modifications are:

1. Will move the property back by 1 foot. Can not move further due to driveway steepness.
2. Willing to engage in remediation of wetland behind property.
3. Willing to modify plantings.
4. Willing to change deck in favor of pervious patio (may need building waiver).
5. Willing to provide property boundary.
6. *Willing to cantilever part of the building so there is 1-2' additional open space on patio side.*

In the ensuing discussion it was noted that 18 square feet of potential plantings would be gained, since the back of the house is 18 feet wide, and 40 square feet of additional pervious surface.

The cantilever option (no. 6 above) was not liked by the Commission and not approved. Also, in order to reduce the chances of future litigation, Mr. Heim should include a provision that recognizes the uniqueness of this situation.

Chapnick/DWhite ~~proposed the motion moved~~ that the Conservation Commission agrees in principle that the first 5 categories of mitigation and alternatives project changes would be satisfactory in settling the pending litigation; Mike Nonni – yea, Susan Chapnick – yea, David

White – yea, Chuck Tirone – yea, Curt Connors – yea, Janine White – yea. Motion passed unanimously.

DWhite/Connors motioned to go back into regular session. Roll call vote ensued: Nathaniel Stevens – yea, Mike Nonni – yea, Susan Chapnick – yea, DWhite – yea, Tirone – yea, Connors - yea and Janine White – yea. Motion passed unanimously.

Meeting adjourned at 10:30pm.

Respectfully submitted,

Eileen Coleman, Temporary Conservation Administrator