



## **Arlington Conservation Commission**

Date: November 7, 2019

Time: 7:30pm

Location: Second floor conference room, Town Hall Annex  
730 Massachusetts Ave, Arlington, MA

### **Minutes**

*Attendance: Commission Members David White, Nathaniel Stevens (Chair), Chuck Tirone, Susan Chapnick, Pam Heidell, and Dave Kaplan; Associate Commissioner Mike Gildesgame; and Conservation Agent Emily Sullivan. Associate Commissioner Cathy Garnett was not present. Also present were Joshua Goldshlag, Josiane Goldshlag, Steve Porcella, Peter Blaisdell, Paul McManus, Adam Kurowski, Daniel White, Faith Baum, John Lamarre, Stephen Garvin, Victoria Clifford, and Lori Cowles.*

### **10/03/2019 and 10/17/2019 Meeting Minutes**

The Commission agreed to review the 10/03/2019 and 10/17/2019 minutes at the 11/07/2019 Commission meeting.

### **Commission Representative for the Community Preservation Committee**

C. Tirone moved to appoint P. Heidell as the Commission's representative on the Community Preservation Committee, D. White seconded, all were in favor, motion approved.

P. Heidell asked if another Commissioner was interested in being the Commission's representative on the Zoning Bylaw Working Group. N. Stevens recommended asking C. Garnett if she is interested.

### **Paper vs. Electronic Submittals**

E. Sullivan asked whether Commissioners would like paper submittals or electronic submittals. C. Tirone, N. Stevens, M. Nonni, D. White, and P. Heidell requested paper submittals. S. Chapnick, D. Kaplan, and M. Gildesgame requested electronic submittals.

### **2 Princeton Road Emergency Tree Pruning**

E. Sullivan summarized the onsite meeting she had with the Arlington Tree Warden and the 2 Princeton Road property owner. E. Sullivan presented the emergency tree pruning approval letter she authorized. C. Tirone asked why pruning was authorized, and not full

removal. E. Sullivan stated that the Tree Warden did not think that full removal was necessary, but that excessive pruning would be sufficient to mitigate the hazardous condition of the trees. E. Sullivan stated that the property owner agreed to the pruning.

### **Floodplain Encroachment Guide**

The Commission agreed to review the guide at the 11/21/2019 Commission meeting.

### **Community Preservation Act Committee Update**

P. Heidell summarized the preliminary application review meeting that the Committee had on 10/23/2019. P. Heidell stated that no applications for fiscal year 2021 were for housing, and that most of the preliminary applications have been asked to submit final applications.

### **Novus Agenda Update**

E. Sullivan introduced A. Kurowski, the Town's Director of GIS/Systems Analyst, who is facilitating the Commission's transition to Novus Agenda. A. Kurowski summarized the functionality of Novus, including public-facing functions and commission-facing functions. N. Stevens asked if the notes made by individual commissioners in the commission-facing functions were subject to public record laws. E. Sullivan stated that she would ask Town Counsel about public record laws and how its applied to Novus Agenda. E. Sullivan and A. Kurowski will work to completely transition the Commission to Novus Agenda by the end of 2019.

### **Notice of Non-Compliance: 12 Clyde Terrace**

DEP File Number: 091-0274

#### *Documents Reviewed:*

- 1) *Notice of Non-Compliance, dated 9/18/2019*
- 2) *Modification Request Approval for #091-0274, dated 1/8/2019*
- 3) *Plan to Accompany Modification in Arlington, MA #12 Clyde Terrace, dated 10/19/2018, revised 1/4/2019*

#### *Resource Areas:*

- 1) *100-Foot Wetlands Buffer Zone*
- 2) *Adjacent Upland Resource Area (AURA)*
- 3) *Bordering Vegetated Wetland*

At the 10/17/2019 meeting, the Commission agreed that there are two possibilities through which the property owner could achieve compliance: 1) remove the shed, or 2) move the shed further from the resource area so that it is located between the 50 - 100 foot limit of the AURA.

E. Sullivan presented the property owner's proposal to move the shed outside of the 50-ft limit of the AURA. The proposed new location is approximately 60-ft from the wetland resource. The location currently contains a bush, which would be relocated to where the shed is.

D. White motioned to approve the proposed relocation of the shed and bush and issue a Notice of Compliance, C. Tirone seconded, all were in favor, motion approved.

### **Request for Determination of Applicability: 68 Margaret Street**

#### *Documents Reviewed:*

- 1) *Request for Determination of Applicability package, dated 10/22/2019*
- 2) *68 Margaret Street Plans and References, not dated*
- 3) *Statement to the Conservation Commission, submitted by Josh Goldshlag*

#### *Resource Areas:*

- 1) *Bordering Land Subject to Flooding*
- 2) *1% Annual Chance Flood Hazard Floodplain*

Faith Baum presented the project proposal, which includes a third floor addition via two dormers and a cross gable above an existing second floor. The proposed project will not increase the home's footprint, will not increase impervious area on the property, and will not alter the floodplain or change flood storage.

J. Goldshlag read a statement to the Conservation Commission regarding the process of filing an RDA. J. Goldshlag stated that the process seemed like an "unfair burden" for residents living in a floodplain who do not know they are living in a floodplain. J. Goldshlag also stated that the process was "actually costly to all residents of Arlington" because it creates a more complicated process for contractors. J. Goldshlag requested that the Commission restrict its jurisdiction to only "large scale projects, like the building of new structures". J. Goldshlag also noted that some projects are reviewed by the Commission and some projects are not, it all depends on whether residents know they need to get Conservation Commission approval. J. Goldshlag requested that the Commission send letters stating its jurisdiction to residents living in areas of conservation jurisdiction.

N. Stevens thanked J. Goldshlag for articulating his comments. P. Heidell stated that small projects have a cumulative impact on the floodplain, so the Commission cannot only regulate new construction. S. Chapnick apologized to the applicant for any confusion about the process or jurisdiction S. Chapnick recommended forwarding the Applicant's letter to Inspectional Services; however, the Applicant did not want to do so at this time during which they are seeking permits.. S. Chapnick also agreed with the idea of sending letters to residents living in conservation jurisdiction areas to inform them about the floodplain area and the regulations governing activities in the floodplain. S. Chapnick suggested waiving a future RDA or NOI fee for J. Goldshlag for the next phase of his project if another filing is required.

S. Chapnick motioned to issue a negative determination, D. White seconded, all were in favor, motion approved.

### **Request for Determination of Applicability: 1155R Massachusetts Ave**

#### *Documents Reviewed:*

- 1) *Request for Determination of Applicability package, dated 10/21/2019*

- 2) *Site Plan #1155R Massachusetts Avenue, Arlington, MA 02474, prepared by William & Sparages, stamped by Peter M Blaisdell JR PE, dated 05/20/2019*
- 3) *#1155R Massachusetts Ave Summary of Work, prepared by Uticon Inc*
- 4) *Revised RDA Narrative (Climate Change Resilience Questions), prepared by William & Sparages, stamped by Peter M Blaisdell JR PE, dated 11/05/2019*

*Resource Areas:*

- 1) *Mill Brook*
- 2) *100-Foot Wetlands Buffer/Adjacent Upland Resource Area*
- 3) *200-Foot Riverfront Area*

Peter Blaisdell of William & Sparages presented the project proposal. The project proposal includes installing a gas trap and sewer drain manhole in the 100-ft Wetlands Buffer and 200-ft Riverfront Area of Mill Brook. The installed gas trap and sewer drain manhole will be connected to an existing sewer line. The gas trap and sewer drain will be installed underground, with limited disturbance to resource areas and vegetation.

M. Gildesgame asked if any exterior building work is being proposed. P. Blaisdell stated no exterior building work is being proposed.

S. Chapnick asked how adjacent trees would be protected. P. Blaisdell stated that an erosion control silt fence would be installed around the work area, preventing any work close to trees. C. Tirone asked if the work could be conducted without disturbing the tree root systems. P. Blaisdell agreed to move the limit of work and erosion controls closer to the work area, on top of the bank and away from trees.

D. Kaplan asked if this project will require working in ground water. P. Blaisdell stated there would be no work in ground water, and that dewatering would not be necessary.

C. Tirone moved to issue a negative determination with the condition that this project is approved without the grandfathering or exemption identified in 310 CMR 10.58(6)(b) and 310 CMR 10.02(2)(b)1 and is therefore subject to the requirements for the Riverfront Area, S. Chapnick seconded, all were in favor, motion approved.

**Notice of Intent (continued from 9/19/2019): 1167R Massachusetts Ave**

DEP File Number: 091-0314

*Documents Reviewed:*

- 1) *Notice of Intent package, dated 8/28/2019, revised 9/4/2019*
- 2) *Supplemental Notice of Intent Materials, prepared by EcoTec Inc, dated 11/1/2019*

*Resource Areas:*

- 1) *Mill Brook*
- 2) *100-Foot Wetlands Buffer/Adjacent Upland Resource Area*
- 3) *200-Foot Riverfront Area*

During the 9/19/2019 meeting, the Commission agreed that the application was missing information and requested the following items:

- 1) updated narrative clarifying improvements to the 200-ft Riverfront Area,
- 2) a revised deck plan to prevent removing the tree,
- 3) specifications on netting/mesh used during the wooden enclosure replacement, and
- 4) a wooden enclosure replacement plan.

Paul McManus of EcoTec Inc summarized the additional information requested by the Commission at the 9/19/2019 meeting. P. McManus stated that the deck had been redesigned to save the Norway Maple tree from removal.

C. Tirone asked if the Norway Maple tree was healthy. P. McManus stated that it was not healthy, and had a split trunk with rot. S. Chapnick questioned whether the tree should be saved given its unhealthy condition. Commission members discussed whether a replacement tree should be planted if the tree is removed. M. Nonni stated the lawn area is not sunny, and would not get sunnier if the tree was removed.

R. Mirak requested the option to decide which deck design is constructed. The Commission agreed with giving the option and stated that the permit would be conditioned such that a design could be selected during construction.

D. Kaplan asked if there was a treatment proposed for under the deck. P. McManus stated that there was no treatment proposed, and the area under the deck would remain lawn.

S. Chapnick noted that in the photos provided of the site, it was clear that a bait box was being used for pest management and was placed adjacent to Mill Brook along the wall. S. Chapnick asked the Applicant to remove this box as the Conservation Commission does not allow the use of rodenticides within resource areas and encouraged the Applicant to contact the Board of Health to learn more about alternative pest management solutions. The Applicant agreed to remove the box.

S. Chapnick asked what type of fence would be installed along the brook retaining wall. P. McManus stated that it would be a chain link fence. C. Tirone asked if privacy screening would be installed along the fence. P. McManus stated that no privacy screening would be installed.

C. Tirone requested that a condition be added to the permit to add riprap below the down spout adjacent to the proposed deck area.

P. Heidell motioned to close the public hearing, D. White seconded, all were in favor, motion approved.

C. Tirone motioned to approve the project under the Local Bylaw and State Wetlands Protection Act with the discussed conditions, M. Nonni seconded, all were in favor, motion approved.

The Commission deliberated and agreed to apply the following conditions in addition to the Commission's standard conditions to the project's approval Order of Conditions:

1. The reconstruction of the potable water line enclosure shall be conducted using the method outlined in the Supplemental Notice of Intent Materials (dated 11/1/2019) with the proposed netting or a netting that meets the same specifications.
2. The Applicant shall use an appropriate outdoor vacuum to remove any debris that falls into Mill Brook during the reconstruction of the potable water line enclosure.
3. Once the exterior deck design is selected for construction, the Applicant shall submit a planting plan for approval. Prior to plant installation, the Applicant shall submit planting plan details to the Conservation Commission for approval. Planting details shall include plant sizes, Latin names, regular names, number of plants, and transported method (containerized, balled-and-burlapped, etc.). All plantings shall be native and be installed and maintained according to the standards of the American Association of Nurserymen (AAN). This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.
4. All native restoration plantings shall be maintained for three years. A survival rate of at least 80% must be maintained for the approved restoration plantings. A monitoring report shall be submitted annually in November for the three year monitoring period and shall include the number and types of restoration plantings evaluated and condition of the plantings. The Applicant must provide a monitoring report by a qualified consultant for survival of all approved plantings. The monitoring report must include measures to remove invasive species if they are discovered.
5. The Applicant can select either of the exterior deck design options that were presented to the Commission for construction. The first option would require that a unhealthy and failing Norway Maple be removed, and the second option was designed to save the unhealthy and failing Norway Maple from removal.
6. The Applicant shall reconfigure the stormwater down spout that empties into the courtyard lawn space, adjacent to the proposed exterior deck, using 4-6" angular stone riprap to slow down stormwater and reduce sedimentation into Mill Brook. This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.

**Notice of Intent: 1389 Massachusetts Ave**

DEP File Number: 091-0316

*Documents Reviewed:*

- 1) *Notice of Intent package, prepared by ATC Group Services LLC, dated 10/21/2019*
- 2) MBTA Bus Station 1389 Massachusetts Avenue Arlington Massachusetts 02476 Plan, prepared by ATC Group Services LLC, dated 4/1/2019.

- 3) *Revised NOI Narrative and WPA Form 3 page 7, prepared by Daniel White of ATG Group Services LLC, submitted 11/6/2019, dated 10/21/2019*

*Resource Areas:*

- 1) *Mill Brook*
- 2) *100-Foot Wetlands Buffer/Adjacent Upland Resource Area*
- 3) *200-Foot Riverfront Area*
- 4) *Bordering Land Subject to Flooding*

Daniel White of ATG Group Services LLC presented the Notice of Intent. The Notice of Intent proposed the excavation of up to 150 cubic yards of petroleum-contaminated soil as part of the remedial solution for an MBTA bus station within the 100-ft Wetlands Buffer, 200-ft Riverfront Area, and Land Subject to Flooding (Bordering) of Mill Brook. The project involves altering ~3,000 square feet of area within the Riverfront Area, ~800 square feet of which is within the 100-ft boundary of the Riverfront Area and ~2,200 square feet of which is between the 100-ft and 200-ft boundary of the Riverfront Area. The project also proposes to abate inactive, asbestos contaminated electrical lines that run through the excavation area. For remaining contamination in soil and groundwater that is outside of the excavation area, the Licensed Site Professional (LSP) working for the Applicant proposed Natural Attenuation as the remedy. Recent soil and groundwater data were collected and the Applicant will perform quarterly monitoring of groundwater to assess the remedy.

M. Gildesgame asked whether the asbestos contaminated electrical lines were live. Daniel White stated that the lines were not live.

C. Tirone noted that areas of the property, along the fence adjacent to Mill Brook are eroding. Daniel White stated that he will inform the MBTA of the erosion, but cannot commit to mitigating the erosion without approval from MBTA. The Commission agreed to condition the permit so that the erosion must be mitigated. The Commission will condition the permit such that the Applicant shall stabilize these eroded areas by installing riprap along the edge of the fence and backfilling the area with clean soil.

D. Kaplan asked if the excavated soil will be dewatered before it is sent away for disposal. Daniel White stated that the soil will be dewatered.

S. Chapnick requested that the lay down area in the northwest corner of the parcel not be used for soil storage given its proximity to Mill Brook. The Commission agreed that this would be a condition of the permit.

S. Chapnick motioned to close the public hearing, D. Kaplan seconded, all were in favor, motion approved.

S. Chapnick motioned to approve the project under the State Wetlands Protection Act with the discussed conditions, Commissioner David White seconded, all were in favor, motion approved.

The Commission deliberated and agreed to apply the following conditions in addition to the Commission's standard conditions to the project's approval Order of Conditions:

1. Stockpiling of soil and materials shall only occur where noted on the approved plan (MBTA Bus Station 1389 Massachusetts Avenue Arlington Massachusetts 02476 Plan, prepared by ATC Group Services LLC, dated 4/1/2019). No soil shall be stored or stockpiled within the lay-down area in the northwest corner of the lot, adjacent to MWRA manholes MH-1 and MH-2.
2. The Applicant shall remediate existing erosion areas identified by the Conservation Commission during this project. The Applicant shall stabilize these eroded areas, located along the fence along the northern boundary of the site adjacent to the Mill Brook, by installing riprap along the edge of the fence and backfilling the area with clean soil.
3. All groundwater and soil sampling data collected in August and September 2019 shall be submitted to the Conservation Commission.
4. Quarterly groundwater sampling conducted throughout the duration of this project shall be submitted to the Conservation Commission.

### **Working Session: Arlington High School**

Steve Garvin of Samiotes Consultants, Inc. presented an overview of the Arlington High School building project. S. Garvin explained the scope and timeline of the project, which will be broken into four phases of construction: 1) construct the front building (performance art and STEAM wings), 2) construct the administrative building and school spine, 3) construct the western building (gymnasium and humanities wings), and 4) construct the athletic fields.

S. Garvin presented the various conservation resource area jurisdictions within the construction limit of work. Resource area jurisdictions include the 100-ft Wetlands Buffer, the Adjacent Upland Resource Area (AURA), the 200-ft Riverfront Area, Bordering Vegetated Wetland, and Bordering Land Subject to Flooding (Floodplain).

C. Tirone asked if any stormwater improvements will be pursued as part of this project. S. Garvin stated that there will be some onsite pretreatment and infiltration with small-scale low impact development (LID) types of infrastructure. S. Garvin stated that stormwater infrastructure will largely remain conveyance to Mill Brook because of the contamination cap onsite, which limits the opportunity for LID.

P. Heidell asked if there is an estimate of increase in impervious surface for the project. S. Garvin stated that right now it is estimated that the project will result in an increase of approximately 20,000 - 30,000 square feet of impervious surface.

S. Chapnick stated that the proposed new turf areas may have negative health and ecological impacts because of the plastic used for the turf material, which contains per- and polyfluoroalkyl substances (PFAS) that are a group of man-made chemicals that are toxic.

D. Kaplan asked if it was feasible to use ambient heat to heat the proposed east parking lot area so that deicers and salt would not be needed for snow/ice management.



The Commission discussed the culvert that conveys water from Mass Ave to Mill Brook, and goes under the high school. This culvert and stormwater system conveys stormwater from an approximately 4 million square feet of watershed area. D. Kaplan asked whether the culvert should be upsized or redirected to better manage water flow. D. Kaplan suggested that this could be an opportunity for the Town to improve its stormwater system.

The Commission also discussed jurisdictional issues surrounding whether or not the project is in Riverfront area since Mill Brook is culverted over much of the site.

Applicant is planning on submitting an RDA for Phase 1 of the project, which includes building foundations and the geothermal well and utilities. They plan to submit a Notice of Intent (NOI) in January 2020 for the remainder of the project.

Meeting adjourned at 10:57pm.