



Arlington Conservation Commission

Date: March 5, 2020

Time: 7:30pm

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

Minutes

Attendance: Commission Members Susan Chapnick (Chair), Pam Heidell, Dave Kaplan, Nathaniel Stevens, Chuck Tirone (Vice Chair), and David White; Associate Commissioners Cathy Garnett and Mike Gildesgame; and Conservation Agent Emily Sullivan. Members of the public included Mary Trudeau, Lynne Cooney, and Mike Greenblatt.

Vote of Conservation Offset

The Commission discussed the annual offset allocated to the Conservation Agent's salary from the Commission's fees account. N. Stevens moved to contribute an offset of \$6,932.00 from account #528-5299 for fiscal year 2021, P. Heidell seconded, all were in favor, motion approved. The Commission agreed that going forward, it would like to be involved in the offset determination process earlier in the budgeting season, such as in October or November as recommended by the Director of Planning and Community Development. The Commission will review all of its accounts during one of its April 2020 meetings.

Project Updates

E. Sullivan informed the Commission that a Notice of Non-Compliance had been issued earlier in the week for unapproved gravel fill along the bank of Spy Pond and suspected retaining wall work at 16 Spy Pond Parkway. The property owner has responded and been invited to a future meeting (04/02/2020) to resolve the non-compliance. The Commission determined that the gravel should be removed in advance of the water level of Spy Pond being restored, and that the gravel should be removed by hand under the supervision of a qualified environmental professional by 03/20/2020. The gravel shall be taken offsite, or at least beyond the 100ft Wetlands Buffer.

S. Chapnick summarized a recent report submitted to the Commission regarding 1389 Mass Ave, the MBTA Bus Depot, prepared by ATC Group Services LLC. The Commission approved excavation and remediation work on the site on 11/21/2019. The approved project involves the excavation of up to 150 cubic yards of petroleum-contaminated soil within the 100ft Wetlands Buffer, 200ft Riverfront Area, and Land Subject to Flooding (Bordering) of Mill Brook. An additional RTN #3-36040 was issued

by MassDEP for lead concentrations greater than reportable concentrations in soil observed at the site in August 2019. These will be mitigated during excavation and removal of the contaminated soil. S. Chapnick also summarized that from the monitoring wells analysis dated 02/25/2020, most contamination levels are going down, but that there are a few wells along the groundwater flow towards Mill Brook that were not displaying lower levels of contamination. S. Chapnick stated that monitoring will occur again in March, so more data will be available then. S. Chapnick stated that the overall conditions of contamination are stable, but that the three concerning wells will have to be monitored as they are not currently an issue, but could become an issue.

Notice of Intent: 93 Sunnyside Ave (continued from 02/27/2020 meeting)

MassDEP File# unassigned

Documents Reviewed:

- 1) *Notice of Intent Packet, dated 02/13/2020*
- 2) *93 Sunnyside Ave Revised Plans, dated 03/02/2020*
- 3) *93 Sunnyside Ave Revised Narrative, dated 03/02/2020*

Resource Areas:

- 1) *Land Subject to Flooding*
- 2) *FEMA 100 Year Floodplain*
- 3) *200ft Riverfront Area*

C.Tirone lead this NOI discussion. S. Chapnick excused herself from this NOI since she missed the first public meeting. Lynne Cooney presented revisions to the project since the Commission's 02/27/2020 hearing. This project proposes building an addition in the backyard and expanding a mudroom in the front yard. The back addition is within the 200ft Riverfront Area and 100 Year Floodplain. The back addition is proposed to be built on footings, above the floodplain. The front addition is within the 200ft Riverfront Area. The project also proposes installing a deck and porous paver driveway in the back yard. As mitigation, this project proposes a native vegetated buffer and three dry wells that capture all roof runoff.

The Commission requested the following additional items for the permit application during its 02/27/2020 hearing:

- 1) A new driveway design with a smaller footprint
- 2) A clarified compensatory flood storage design at the same elevations as encroachment
- 3) A more specific planting plan narrative
- 4) An alternative for the backyard dry well in the event that the water table is too high

L. Cooney stated that the proposed pervious driveway size has been reduced from 530 square feet to 466 square feet. L. Cooney also stated that the proposed vegetated buffer area would be planted with plants including Swamp Milkweed, Beebalm, Joe-pye Weed, Star Flower, and native ferns.

N. Stevens and C. Tirone stated that the information about the proposed changes to the compensatory flood storage were sufficient.

E. Sullivan stated that MassDEP had not yet issued a file number for this application. E. Sullivan stated that MassDEP indicated that a file number would likely be issued soon, after the filing fee has been cleared.

D. White motioned to continue the hearing to the Commission's 03/19/2020 meeting, N. Stevens seconded, all were in favor, motioned approved.

Notice of Intent: 47 Spy Pond Lane Lot 1/A
MassDEP File #unassigned

Documents Reviewed:

- 1) *Notice of Intent and Description of Work for work at 47 Spy Pond Lane (Lot 1/Lot A), Arlington, MA, prepared by Mary Trudeau for Applicant Scott Seaver of Seaver Construction, submitted 02/21/2020*
- 2) *"Proposed Site Plan in Arlington, Mass." showing Lot 1 by Keenan Survey of Winchester, MA, scale 1:10, stamped by James Richard Keenan PLS #30751, dated November 7, 2018, revised June 11, 2019*
- 3) *"Planting Plan in Arlington, Mass." showing Lot 1 by Keenan Survey of Winchester, MA, scale 1:10, stamped by James Richard Keenan PLS #30751, dated November 7, 2018, revised June 11, 2019*
- 4) *Drainage analysis for 47 Spy Pond Lane Lot 1/A, prepared by Alan Engineering, signed by Mark A. Sleger PE #34407, dated June 28, 2016*

Resource Areas:

- 1) *Spy Pond*
- 2) *100-Foot Wetlands Buffer Zone*
- 3) *Adjacent Upland Resource Area*
- 4) *Bordering Land Subject to Flooding*
- 5) *Bank*

Mary Trudeau presented the proposed project to the Commission. The project proposes to remove an impervious driveway onsite and build a single family home. The proposed project was approved by the Commission under the Arlington Wetlands Protection Bylaw and a permit for the project was issued on 09/20/2019. This applicant proposed the same project approved on 09/20/2019, and requests approval under the Massachusetts Wetlands Protection Act. The Commission discussed possible special conditions for the project including the following:

- 1) Require that the dock be moved or removed by the time of sale
- 2) Require that an environmental monitor be on-site during construction and provide a report twice per month and after significant rainfall to the Agent
- 3) Require that a vegetation monitor be on-site during vegetation buffer planting
- 4) Require that an environmental monitor or engineer be on-site during storm water infiltration and permeable driveway installations
- 5) Require a pre-activity meeting with the ACC Agent and contractor before work
- 6) Require a power-broom be used to keep site clean

- 7) Require a metal sign on the buffer planting wall to demarcate the conservation area

Because no DEP file number had been assigned, and with the Applicant's consent, N. Stevens motioned to continue the hearing to the Commission's 03/19/2020 meeting, D. White seconded, all were in favor, motioned approved.

Notice of Intent: 47 Spy Pond Lane Lot 2/B
MassDEP File #unassigned

Documents Reviewed:

- 1) *Notice of Intent and Description of Work for work at 47 Spy Pond Lane (Lot 2/Lot B), Arlington, MA, prepared by Mary Trudeau for Applicant Scott Seaver of Seaver Construction, submitted 02/21/2020:*
- 2) *"Proposed Site Plan in Arlington, Mass." showing Lot 1 by Keenan Survey of Winchester, MA, scale 1:10, stamped by James Richard Keenan PLS #30751, dated September 18, 2018*
- 3) *"Planting Plan in Arlington, Mass." showing Lot 1 by Keenan Survey of Winchester, MA, scale 1:10, stamped by James Richard Keenan PLS #30751, dated November 7, 2018*
- 4) *Drainage analysis for 47 Spy Pond Lane Lot 1/A, prepared by Alan Engineering, signed by Mark A. Sleger PE #34407, dated June 28, 2016*

Resource Areas:

- 1) *Spy Pond*
- 2) *100-Foot Wetlands Buffer Zone*
- 3) *Adjacent Upland Resource Area*
- 4) *Bordering Land Subject to Flooding*
- 5) *Bank*

Mary Trudeau presented the proposed project to the Commission. The project proposes to demolish a single family house and build a new single family home. The proposed project was approved by the Commission under the Arlington Wetlands Protection Bylaw and a permit for the project was issued on 12/20/2018. Work had begun when it was discovered that the Superseding Order of Conditions under the Wetlands Protection Act had expired in December 2019. This applicant proposed the same project approved under the Bylaw on 12/20/2018, and requests approval under the Massachusetts Wetlands Protection Act. The Commission discussed possible special conditions for the project including the following:

- 1) Make the Water Quality System a requirement of both Order of Conditions since currently it is only required as a Special Condition for Lot 1
- 2) Require that the dock be moved or removed by the time of sale
- 3) Require that an environmental monitor be on-site during construction and provide a report twice per month and after significant rainfall to the Agent
- 4) Require that a vegetation monitor be on-site during vegetation buffer planting
- 5) Require that an environmental monitor or engineer be on-site during storm water infiltration and permeable driveway installations
- 6) Require a pre-activity meeting with the ACC Agent and contractor before work

- 7) Require a power-broom be used to keep site clean
- 8) Require a metal sign on the buffer planting wall to demarcate the conservation area
- 9) Before work continues on Lot 2, require an “as built” of foundation be submitted to the ACC to ensure that set-backs are consistent with those in the NOI and Order of Conditions

Because no DEP file number had been assigned, and with the Applicant's consent, N. Stevens motioned to continue the hearing to the Commission's 03/19/2020 meeting, D. White seconded, all were in favor, motioned approved.

Prioritize Commission Goals Established at the 1/2/2020 Meeting

The Commission agreed to move this agenda item to its 03/19/2020 meeting.

Meeting adjourned at 9:31pm.