



Arlington Conservation Commission

Date: May 7, 2020

Time: 7:30pm

Location: Conducted through Remote Participation using Zoom

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 Trevor Smith, Peter Howard, Russ Barton, Rich Kirby, Al Gala, Lori Philbin .

04/02/2020 Meeting Minutes

The Commission discussed edits to the draft 04/02/2020 minutes. N. Stevens motioned to approve the minutes as edited, C. Tirone seconded, all were in favor, motion approved.

04/16/2020 Meeting Minutes

The Commission discussed edits to the draft 04/16/2020 minutes. D. White motioned to approve the minutes as edited, N. Stevens seconded, all were in favor, motion approved.

Enforcement Order: 39 Wellington Street

Documents Reviewed:

- 1) *Notice of Enforcement Order, dated 08/15/2019*
- 2) *Enforcement Order, dated 08/07/2019*
- 3) *Howard Conservation Project Plan, prepared by A Yard and A Half Landscaping Cooperative, Inc., dated 4/17/2020*
- 4) *Howard Conservation Project Planting List, prepared by A Yard and A Half Landscaping Cooperative, Inc., not dated*

Resource Areas:

- 1) *Spy Pond*
- 2) *100-ft Wetlands Buffer*
- 3) *Adjacent Upland Resource Area*

S. Chapnick provided a summary of the enforcement order. In August 2019, the Commission became aware that Park and Recreation owned land, adjacent to 39 Wellington Street and abutting Spy Pond had been clear-cut of vegetation. This work was not approved by the Park and Recreation Commission or the Conservation Commission.

T. Smith, the Applicant's representative, presented a proposed restoration plan and planting list to the Commission. The proposed restoration plan includes a multi-storied plant concept with trees, bushes, shrubs, and flowering plants. The planting list includes native plants with strong root systems to mitigate erosion into Spy Pond and consists of native plants.

The Commission reviewed and discussed the proposals. The Commission agreed with the multi-storied planting plan, with some discussion about where different species would be planted. The Commission requested that a 2-inch layer of compost be placed onsite prior to planting. T. Smith said this was agreeable, and stated that after the plants are planted, the site will be topped with aged wood chips. The Commission also requested that one more tree be planted onsite to better align with the Arlington Bylaw for replacement vegetation.

The Commission asked T. Smith to revise the proposed plan with the requests discussed and then resubmit the plan to E. Sullivan. E. Sullivan will then share the plan with the Park & Recreation Commission and Tree Warden for review and feedback. Once the plan is reviewed by the additional parties, the Commission requests that the Applicant and Representative attend the Commission's first July meeting to receive formal approval to proceed with the proposed project.

N. Stevens motioned to update the enforcement order to state that the Applicant must return to the Commission on 07/09/2020 for final review and approval of the plan after the plan has received input from the Park & Recreation Commission and Tree Warden, D. White seconded, all were in favor, motion approved.

Notice of Intent: 1297 Mass Ave
MassDEP File #091-0321

Documents Reviewed:

- 1) *Notice of Intent for work at 1297 Mass Ave, Arlington MA dated 03/03/2020*

Resource Areas:

- 1) *Mill Brook*
- 2) *100-Foot Wetlands Buffer Zone*
- 3) *100-Foot Adjacent Upland Resource Area*
- 4) *200-Foot Riverfront Area*

The Applicant's representative, R. Barton, presented the project. This project proposes the excavation and remediation of soil contaminated by commercial kitchen soy bean oil grease within the 100-ft Wetlands Buffer and 200-ft Riverfront Area.

The Commission requested the following additional information during its 04/16/2020 meeting, which was provided by the Applicant's Representative:

- 1) A weekly inspection record form for the grease waste container
- 2) Add shrubs/plugs in addition to the grass mix proposed
- 3) Amend the plans to include a 12" compost sock as erosion control

M. Gildesgame requested that the weekly inspection report be revised to include a space for inspectors to record whether a pump out is necessary, and the date of the pump out. M. Gildesgame also recommended that a spill kit be placed onsite in the event that there is a spill. C. Tirone requested that the Conservation Agent be notified in the event of a spill, and that the Conservation Agent's phone number be added to the weekly inspection form. N. Stevens requested that 2 years of inspection reports be kept onsite and be available by request.

The Commission discussed whether or not the proposed mitigation planting plan should include cinnamon ferns or sweet ferns, and stated that it deferred to the Applicant to choose an appropriate species that would tolerate the shade and slope of the area to be planted.

D. Kaplan requested that when the erosion controls are staked, they be staked on the resource area side, and not through the compost sock.

N. Stevens motioned to close the public hearing, D. Kaplan seconded, all were in favor, motioned approved.

The Commission requested that E. Sullivan prepare a draft permit for the 05/21/2020 meeting for the Commission's deliberation.

Notice of Intent: 105 Lafayette Street
MassDEP File #091-0322

Documents Reviewed:

- 1) *Notice of Intent for work at 105 Lafayette Street, Arlington MA prepared by LEC Environmental, dated 04/20/2020*
- 2) *105 Lafayette Street NOI Planset, prepared by Gala Simon Associates Inc, revised 03/26/2020*

Resource Areas:

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

The Applicant's representatives, R. Kirby and A. Gala, presented the project. This project proposes to raze and construct a single family home within the 100-ft Wetlands Buffer, 100-ft Adjacent Upland Resource Area 200-ft Riverfront Area, and floodplain.

P. Heidell asked for more information about the proposed flood vents. R. Kirby said that the flood vents are required to meet FEMA building code and that Inspectional Services and the Engineering Division will also review the flood vents. P. Heidell asked where the mechanical units are proposed within the house. A. Gala stated on the first floor.

S. Chapnick asked if the plans have been reviewed by the Engineering Division yet. R. Kirby said that the project does not trigger the Town's Stormwater Bylaw, and that the project has not yet filed for a building permit.

C. Garnett stated that she would like to see an invasives management plan for the site. C. Tirone recommended that the project include stripping the topsoil off and replacing it with new soil to grade, which should help invasives management.

P. Heidell asked if the existing sheds were on public property or on the Applicant's property. A. Gala stated that the sheds were on public property and that the MBTA or Town of Arlington owns the property. P. Heidell requested that a new fence not be placed on the public property, and that the project's impervious surface reduction calculations not include the sheds since they are not on the Applicant's property.

N. Stevens asked for clarification regarding the shed area and whether the area will be planted with lawn or shrubs once the sheds are removed. P. Heidell asked whether the Applicant should plant shrubs on public land since it is not the Applicant's land. N. Stevens requested that all mitigation plantings and shrubs be planted on the Applicant's property, since the entire property is within the resource areas.

The Commission requested the following information and changes from the Applicant:

- 1) Remove note about fence to be replaced and add note stating that the existing fence is to be removed on the easement/MBTA/Town property
- 2) Add note stating that 12 plants from Arlington Conservation Commission native plant list to be added someplace onsite
- 3) Add note stating that topsoil will be replaced with new soil to grade
- 4) Recalculate impervious surface reduction so that sheds are not included

N. Stevens motioned to close the public hearing, C. Tirone seconded, all were in favor, motioned approved.

The Commission requested that E. Sullivan prepare a draft permit for the 05/21/2020 meeting for the Commission's deliberation.

**Deliberation: Notices of Intent: 47 Spy Pond Lane Lots 1/A and 2/B NOIs
MassDEP File #s 091-0317 and 0961-0317**

Documents Reviewed:

- 1) *Notice of Intent for work at 47 Spy Pond Lane (Lot 1/Lot A), Arlington, MA dated 02/20/2020*
- 2) *Notice of Intent for work at 47 Spy Pond Lane (Lot 2/Lot B), Arlington, MA dated 02/20/2020*

Resource Areas:

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

The Commission reviewed the draft permits for both projects. The Commission discussed the special conditions of the draft permits, including:

- At least 21 days prior to the start of any construction on Lot 1/A, the Applicant shall submit a signed agreement between the Town of Arlington and Seaver Construction for the acceptance and maintenance of the off-site stormwater treatment unit.
- Before the Applicant named in this Order sells or conveys either Lot 1/A or Lot 2/B whichever occurs first, the Applicant shall submit for Conservation Commission approval a restrictive covenant that any pervious surfaces shown on the plan outside of the Commission's jurisdiction shall remain pervious. The restrictive covenant shall benefit and be enforceable by the Conservation Commission and the Town of Arlington. Before either property is sold (whichever occurs first), the restrictive covenant must be executed and recorded, and proof of recording provided to the Commission.
- The Applicant shall include the Arlington Conservation Commission's Agent on all communication related to the necessary Chapter 91 Licensing in order to move the location of the existing dock to the boundary of Lots 1/A and 2/B. The Applicant shall not later than September 1, 2020 file a formal request to MassDEP's Waterways Division its request to relocate the dock. If MassDEP does not grant permission to relocate the dock, the Applicant shall remove it.
- The Applicant must hire a qualified environmental monitor to be on-site during project construction. The monitor shall submit an electronic report to the Conservation Agent twice a month regarding construction progress and relation to resource areas. The qualified environmental monitor shall also submit an electronic report after every rain event exceeding 0.5 inches of rain during the duration of construction to the Conservation Agent regarding the condition of the site during and after the rain event, as well as the status erosion controls and any additional measures to address stormwater management issues caused by said rain event.
- The Applicant must hire a qualified planting monitor to oversee the installation of the vegetated buffer plantings installation. The qualified monitor shall be a certified landscape architect. A planting report must be submitted to the Conservation Commission within 10 days of the completion of the plant installation. The planting report shall include an as-installed plan and a list of what was planted (including Latin and common names, size of each plant, quantity of each species).
- The Applicant must hire a qualified stormwater monitor or engineer to oversee the installation of the on-site stormwater infiltration unit, permeable pavers, and off-site stormwater mitigation unit. The qualified stormwater monitor shall be a certified engineer. A stormwater mitigation report must be submitted to the Conservation Commission within 10 days of the completion of the stormwater infiltration units and permeable pavers installation. The stormwater report shall included as-built plans, photographs from installation, and a written summary of the installation of the on-site stormwater infiltration unit, permeable pavers, and off-site stormwater mitigation unit. The stormwater monitor shall submit separate

reports for the on-site stormwater infiltration unit, permeable pavers, and off-site stormwater mitigation unit.

- When requesting a Certificate of Compliance for this Order of Conditions, the Applicant must submit a written statement from either (1) Massachusetts professional engineer and registered land surveyor, or (2) registered land surveyor and landscape architect certifying that the completed work complies with the plans referenced in this Order, or provide an as-built plan and statement describing any differences.
- Certification must be provided to the Commission that the Order of Conditions has been conveyed and received by any new owner of the property, so that new owners were apprised of the continuing conditions of this permit. This shall be a continuing condition that
- A power-broom must be kept onsite at all times to conduct the daily workday street sweeping along the construction entrance and street within the property boundaries.
- Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily with a power-broom.
- At least 21 days prior to plant installation, the Applicant shall submit an invasive plant management plan to the Conservation Commission. The plan shall focus on invasive plant management for the vegetated buffer area. The plan's recommendations shall be performed by the Applicant and the recommendations 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 in perpetuity.
- The unmortared and dry laid stone wall approved to delineate the vegetated buffer area shall remain as unmortared and dry laid. 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 in perpetuity.
- A metal (or other permanent material) sign or marker shall be installed on or along the unmortared wall to demarcate the conservation area. Specifications and a plan for the sign shall be submitted to the Commission for approval 21 days prior to the construction of the wall. The permanent sign or marker 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 in perpetuity.
- The on-site infiltration system shall be maintained according to the manufacturer best management practices and operations/maintenance plan. The system shall be checked twice a year to ensure compliance with the best management practices and operations/maintenance plan. An annual report shall be submitted to the Conservation Commission and Town Engineer demonstrating that the operation and maintenance of the unit was performed per the manufacturer best management practices. 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 in perpetuity.
- The off-site Vortech unit shall be purchased and installed by the Applicant at the Applicant's expense. The Town of Arlington shall take over the maintenance of the unit per the conservations documented with the Town Engineer, only when

the Town Engineer is satisfied with the function of the unit. The off-site unit shall be installed and operational within 12 months of the issuance of the Order of Conditions.

- The Applicant must obtain a letter from the Town Engineer that the off-site stormwater unit was installed properly and accepted by the Arlington Department of Public Works, and send it to the Commission.
- The dock on Lot 1/A must either be relocated to the property boundary between Lots 1/A and 2/B, or fully removed and abandoned before the Applicant named in this Order sells or conveys either Lot 1/A or Lot 2/B whichever occurs first.

N. Stevens motioned to approve the project for 47 Spy Pond Lane Lot 1/Lot A under the Wetlands Protection Act with the special conditions discussed by the Commission, P. Heidell seconded, five Commissioners approved the motion, Commissioner C. Tirone opposed the motion, motion approved.

N. Stevens motioned to approve the project for 47 Spy Pond Lane Lot 2/Lot B under the Wetlands Protection Act with the special conditions discussed by the Commission, D. Kaplan seconded, five Commissioners approved the motion, Commissioner C. Tirone opposed the motion, motion approved.

D. White motioned to close the Commission meeting, N. Stevens seconded, all were in favor, motioned approved.

Meeting adjourned at 10:35pm.