



## **Arlington Conservation Commission**

Date: January 7, 2021

Time: 7:30pm

Location: Conducted through Remote Participation using Zoom

### **Minutes**

Attendance: Commission Members Susan Chapnick (Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan, Nathaniel Stevens, Chuck Tirone (Vice Chair), and David White; Associate Commissioner Doug Kilgour; and Conservation Agent Emily Sullivan. Associate Commissioner Cathy Garnett was not present. Representatives for the Arlington Reservoir NOI hearing included: Joe Connelly (Recreation Department), Leslie Mayer (Park & Recreation Commission), Danielle Desilets (KZLA), Brad Mustain (Woodard & Curran), Denise Cameron (Woodard & Curran), and Mikey Marcus (SWCA). Representatives for the 59 Lowell Street NOI included: Kathleen Moriarty. Members of the public included: Ann LeRoyer, Johanna Meyer, Daniel Baczowski, George Stephans, Michael Ratner, and Allan Tosti.

### **12/03/2020 Meeting Minutes**

The Commission discussed edits to the draft 12/03/2020 minutes. D. White motioned to approve the minutes as edited, N. Stevens seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, D. Kaplan voted yes, C. Tirone voted yes, N. Stevens voted yes, and D. White voted yes.

### **12/17/2020 Meeting Minutes**

The Commission discussed edits to the draft 12/17/2020 minutes. N. Stevens motioned to approve the minutes as edited, D. Kaplan seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, D. Kaplan voted yes, C. Tirone voted yes, N. Stevens voted yes, and D. White voted yes.

### **Draft 2020 Annual Report**

The Commission discussed edits to the draft 2020 Annual Report. N. Stevens motioned to approve the Annual Report as edited, D. White seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, D. Kaplan voted yes, C. Tirone voted yes, N. Stevens voted yes, and D. White voted yes.

## **Notice of Intent: 210 Lowell Street, Arlington Reservoir Master Plan Phase 2**

MassDEP File #091-0327

### **Documents Reviewed:**

- 1) *Arlington Reservoir Renovation Project Phase 2 NOI, prepared by SWCA, dated December 3, 2020*
- 2) *Arlington Reservoir Phase 2 NOI Plan Set, prepared Kyle Zick Landscape Architecture Inc, stamped by Kyle Zick RLA# 1163, dated November 13, 2020*
- 3) *Arlington Reservoir Phase 2 Stormwater Management Report, prepared by Woodard & Curran, stamped by Denise L Cameron PE# 56348, dated October 2020*
- 4) *Arlington Reservoir Supplemental Memo from KZLA, prepared by Kyle Zick Landscape Architecture Inc, dated December 30, 2020.*
- 5) *Arlington Reservoir Supplemental Memo from SWCA, prepared by SWCA Environmental Consultants, dated December 31, 2020.*
- 6) *Arlington Reservoir Phase 2 Revised Stormwater Management Report, prepared by Woodard & Curran, stamped by Denise L Cameron PE# 56348, dated October 2020, updated December 2020.*
- 7) *Arlington Reservoir Revised Parking Lot Plans, prepared by Woodard & Curran, stamped by Denise L Cameron PE# 56348, dated November 2020, revised December 30, 2020.*
- 8) *Arlington Reservoir Revised Tree Landscaping Plans, prepared by Kyle Zick Landscape Architecture Inc, stamped by Kyle Zick RLA# 1163, dated December 19, 2020, revised December 30, 2020.*

### **Resource Areas:**

- 1) *100-ft Wetlands Buffer*
- 2) *Adjacent Upland Resource Area*
- 3) *Inland Bank*
- 4) *Arlington Reservoir*

This project consists of the second phase of implementation of the Arlington Reservoir Master Plan and includes the following activities: parking area and stormwater improvements; improvements to existing pathways to make them accessible under the Americans with Disabilities Act (ADA); renovation and addition of new recreational facilities; shoreline bank stabilization; and upland habitat restoration and invasive species removal.

Mickey Marcus and Danielle Desilets presented the project proposal and reviewed the supplement information requested at the Commission's December 17, 2020 meeting.

The Commission requested the following supplemental information and materials during the December 17, 2020 meeting:

- 1) Information on Lexington's stabilized granite requirements
- 2) Recalculate stormwater calculations using NOAA Atlas 14+ (NOAA+)
- 3) Review removal/replacement of trees
- 4) Add erosion controls (silt sack) around turf area in parking lot to prevent siltation
- 5) Propose alternatives to glyphosate invasive treatment

- 6) Coordinate with DPW to ensure parking lot is not used as a snow dump
- 7) Revise parking lot O&M Plan to include regenerative air sweeper
- 8) Revise invasive management to include as much cut-and-dab, not spray, of herbicides as possible
- 9) Update plan set with changes (erosion controls, plan has erosion control matting near flared end but rip rap might be better)

B. Mustain stated that the recalculation of the stormwater calculations using the NOAA+ did not change the stormwater results much at all and did not change the design of the proposed stormwater system.

M. Marcus reviewed alternative to glyphosate, and stated that there are two lists of approved herbicides in Massachusetts, the first of which is approved by the EPA and the second of which is approved by the EPA and MassDEP (a subset of the EPA list). The alternatives proposed are from the EPA and MassDEP list.

J. Connelly confirmed that the Department of Public Works will not be using the Res parking lot for snow storage.

D. Kaplan asked for successful examples of coir fascine installation along banks for erosion control and stabilization. M. Marcus stated that this method was used at Spy Pond. D. Kaplan asked if the backfill between the logs and the bank need to be considered floodplain fill and therefore require compensatory flood storage. M. Marcus stated that he has never seen a similar project consider backfill floodplain fill, and that MassDEP and the Army Corps of Engineers do not consider backfill in this situation to be floodplain fill.

D. White asked how the change in water elevation at the Res would impact the coir logs. M. Marcus stated that if the water overtops the coir logs there could be erosion into the Res and that there could be plant survival issues.

N. Stevens suggested that that the Commission might condition water elevations at certain times of the year. J. Connelly stated that DPW controls the water level for a variety of reasons – water level in the swim area, flood storage for impending rain events, etc. P. Heidell stated she would be uncomfortable conditioning water levels and would rather ask DPW to be cognizant of how water level impacts the coir logs and/or stress the objectives of the coir logs (for bank restoration), rather than the means.

S. Chapnick stated that the Commission could condition the success of the coir logs. P. Heidell stated that the Commission could condition the success of the coir logs or an alternative, because ultimately the Commission is interested in the project's objective rather than method.

P. Heidell asked for more information on the construction specifications for the coir logs.

D. Kaplan stated that coir logs have been used in upland projects in Cambridge, but not in bank projects.

S. Chapnick asked how freeze/thaw impacts coir logs. M. Marcus stated that the Spy Pond coir logs were installed using wooden stakes which can be impacted by freeze/thaw. This project is proposing to use 1/8 inch duck billed earth anchors that are wire to secure the coir logs, which would be more secure in freeze/thaw conditions than using wooden stakes.

C. Tirone asked for clarification on the installation of the coir logs – will they be installed on the top of bank, in undercut areas, or someplace else along the bank? M. Marcus stated the logs would be installed in undercut areas and effectively become the new bank. M. Marcus stated that shoreline stabilization proposed in this project varied from installing additional plantings in less eroded areas to installing the coir logs, which may be stacked on top of each other, and adding backfill and plantings in the more eroded areas.

D. White asked how the project considered the equipment needed for water chestnut harvesting. D. Desilets stated that the harvester will be deployed into the water using the boat ramp. The boat ramp was designed based on the specifications of the harvester. D. White stated that the water chestnuts are dewatered on the spillway and so there will still need to be access from the boat ramp to the spillway. D. Desilets stated that there will still be access along the trail to the spillway, and the parking lot was designed to accommodate this. D. Desilets stated that one or two parking spaces may be impacted during the harvesting operation.

P. Heidell asked if the Lexington Conservation Commission has given any feedback on the project that would change Arlington components of the project. D. Desilets stated that the project had its first Lexington hearing on January 4, 2021 and that they did not provided feedback that would change any of the components located in Arlington. The Lexington Commission requested that the perimeter trail be shifted in a few areas, but only for trail located in Lexington.

S. Chapnick stated that she had wished C. Garnett would be at this hearing to provide comments on the revised tree planting plan. D. Desilets stated that the revised tree planting plan did not make any changes to the proposed replacement trees. Most of the new trees are for beach shading or playground shading. Replacement trees are also being added to fill tree gaps along the shoreline in the parking lot area. A total of 44 trees are being planted to comply with the Town Wetland Regulations vegetation replacement requirements.

S. Chapnick stated that she would follow up with C. Garnett on the revised tree planting plan.

D. Kaplan asked whether the Commission could impose a condition that the final tree planting plan needs approval from the Commission, rather than continue the hearing. N.

Stevens did not fully agree but thought that any minor planting changes could be considered field changes or handled through a plan change. P. Heidell recommended that approval or consultation from the Commission should occur before trees are ordered so extra trees are not ordered.

S. Chapnick stated that the Arlington Commission should also coordinate conditions with the Lexington Commission. The next Lexington hearing is January 19, 2021 and the Lexington Commission anticipates closing.

N. Stevens stated that since the Commission needs to issue an Order of Conditions within 21 days of closing the public hearing, it may be best to continue the Arlington hearing once more. C. Tirone agreed, and stated that closing the hearing next meeting (January 21, 2021) would also allow time for the Arlington and Lexington Conservation staff to coordinate conditions.

At the consent of the applicant, C. Tirone motioned to continue the public hearing for the Reservoir Phase 2 NOI to the Commission's January 21, 2021 meeting, N. Stevens seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, P. Heidell voted yes, D. Kaplan voted yes, M. Gildesgame voted yes, N. Stevens voted yes, C. Tirone voted yes, and D. White voted yes.

#### **Request for Determination of Applicability: 59 Lowell Street**

Arlington File #A21.1

##### *Documents Reviewed:*

- 1) *59 Lowell Street RDA packet, submitted by Kathleen Moriarty, dated December 4, 2020.*

##### *Resource Areas:*

- 1) *100-ft Wetlands Buffer*
- 2) *Adjacent Upland Resource Area*
- 3) *No Name Brook*

The project proposes to construct an above-ground exercise swim spa partially within the Wetlands 100-ft Buffer and Adjacent Upland Resource Area (AURA) of No Name Brook. The swim spa will be set in a lawn area next to the back of the house and stairs down to the back yard.

K. Moriarty stated that the minor increase in impervious surface due to the swim spa will be offset by additional native plantings. K. Moriarty stated that the proposed location of the swim spa was as least intrusive into the resource area as it could be due to setback requirements.

S. Chapnick asked when the shed on the property was constructed. K. Moriarty stated that she did not know, that it was constructed prior to her purchase of the property.

N. Stevens asked if the bikeway was at grade with the backyard. K. Moriarty stated that the bikeway was at a higher elevation than her backyard and that no drainage from the

backyard flows towards No Name Brook which is located on the other side of the bikeway.

N. Stevens asked if the swim spa requires regular water changes and drainage. K. Moriarty stated that it is functional year-round so does not require seasonal drainage. K. Moriarty stated she would drain the unit on the lawn, away from the resource area.

D. Kaplan observed that there is a lot of lawn in the resource area, and asked whether environmentally friendly lawn care was practiced. K. Moriarty stated that she uses all natural lawn care.

M. Gildesgame asked whether excavation is required for the swim spa. C. Tirone asked if a small retaining wall was required for the swim spa. K. Moriarty stated that a small retaining wall would be installed to level the installation area.

C. Tirone recommended that K. Moriarty look into the Operation & Maintenance requirements of the swim spa and be weary of where draining occurs. C. Tirone stated that the swim spa should not be treated with chemicals in the days prior to draining the unit.

P. Heidell stated that this project is low impact and is at the outer edge of the resource area. N. Stevens agreed with P. Heidell, stating the retaining wall was low impact. D. White stated he agreed with P. Heidell and N. Stevens. S. Chapnick stated that she also agreed.

The hearing was opened for public comment.

J. Meyer stated that there was a swale at the end of the property that eventually drains to No Name Brook. J. Meyers stated that the proposed plantings were good, and could possibly mitigate any chlorine from entering No Name Brook.

S. Chapnick recommended installing the plantings along the property's fence line closest to No Name Brook. N. Stevens informed K. Moriarty of the Commission's recommended planting list, accessible on the Commission's webpage.

N. Stevens motioned to issue a negative determination for 59 Lowell Street, that although the work is within jurisdiction, it does not require a Notice of Intent (Negative Determination #3), D. White seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, Pam Heidell voted yes, Dave Kaplan voted yes, Nathaniel Stevens voted yes, Chuck Tirone voted yes, and David White voted yes.

**Discussion: Warrant Article: Zoning Bylaw Amendment/Allow cemetery use in the open space district**

A. Tosti, Town Meeting Member from Precinct 17, presented a proposal for a warrant article for 2021 Annual Town Meeting. The warrant article proposes to amend the

zoning bylaw to allow cemetery use for only cremated remains in the Open Space zoning district, including conservation lands. A. Tosti gave the example of a program at the First Parish Church in Arlington, through which cremated remains can be placed in the courtyard of the Church. The cremated remains cannot be in a container and are placed in holes dug 1 foot deep. The Church uses the revenue generated by this program to maintain and enhance the courtyard.

A. Tosti provided four reasons why this warrant article would be beneficial for the Town:

1. There is limited burial space at the Mt Pleasant Cemetery
2. Traditional burial and funeral practices are incredibly expensive and this is a much more affordable option
3. This could be a potential revenue source for the Commission and help with maintenance costs of conservation lands
4. Arlington residents are spiritually connected to Arlington open spaces

A. Tosti clarified that the intent of this warrant article is not to turn open spaces into cemeteries. Final approval for the warrant article would need to come from Town Meeting.

S. Chapnick stated that according to Massachusetts state law, people are allowed to spread cremated remains anywhere on public open space unless there is a local ordinance or bylaw that explicitly prohibits it.

S. Chapnick wondered if allowed cremated remains in open spaces would impact resource areas by the need to create pathways or structures. S. Chapnick also stated that she did not support cremation because of the carbon emissions generated through cremations.

N. Stevens stated that he was sympathetic to Mr. Tosti's stated goals of his proposal and alternative burial options. N. Stevens also stated that he was concerned with possible conflicts of use of open spaces that this warrant article could create. He stated that it could be difficult for the Commission to accommodate a program like this and ensure that is a secondary or tertiary purpose to open space and passive recreation.

N. Stevens asked if A. Tosti reached out to the Open Space Committee about this proposal. D. White stated that this concept needs more public discussion.

A. Tosti stated that ultimately the Arlington Redevelopment Board would need to be consulted on specific language since it would require a zoning bylaw change.

D. White stated that the cemetery was expanded to include a columbarium, which might address some of the need for alternative burial options. D. White also stated that this needs a lot more discussion in the Town and it is premature for a warrant article at this time.

A. LeRoyer, Chair of the Open Space Committee, stated that the Open Space Committee had not discussed this concept. A. LeRoyer asked if this was an acceptable use of Article 97 protected lands. A. LeRoyer said this concept would be discussed during the Committee's update of the Open Space and Recreation Plan, kicking off this month.

C. Tirone stated he was open to discussing this concept more, and would like to see more discussion with other town committees.

The Commission agreed that this should be discussed with the Open Space Committee, the Cemetery Commission, the Redevelopment Board, and the Park and Recreation Commission.

A. Tosti stated that he already submitted the warrant article, but that he would pull it back so that there could be more public discussion on the concept over the next year.

A. LeRoyer recommended that A. Tosti research Mt. Auburn Cemetery's alternative burial practices.

#### **ZBA Update – 40B Projects**

D. White recused himself from the discussion regarding the Thorndike Place proposal.

S. Chapnick updated the Commission on the status of the Thorndike Place Comprehensive 40B Permit. The Commission submitted a comment letter for the ZBA's December 22, 2020 Thorndike Place hearing. C. Tirone stated that during this meeting, he made a comment regarding a trail connection to the bikeway. C. Tirone stated that a trail was likely feasible given the local and state wetlands regulations, but that the Applicant had not proposed the connect trail so the Commission could not provide feedback on the concept.

S. Chapnick updated the Commission on the status of the 1165R Mass Ave Comprehensive Permit. The 1165R Mass Ave proposal was presented to the ZBA at its first hearing on January 5, 2021. During this hearing, Town Counsel and Special Town Counsel reviewed the process for a 40B Comprehensive Permit Application, and went through what information the ZBA can expect to review as part of the permitting. The ZBA has not yet published a schedule with the hearing topics yet, so the Commission does not know when wetlands and stormwater information will be reviewed. N. Stevens stated that there does not seem to be a need for a third party reviewer to review wetlands information, but should review stormwater information. C. Tirone stated that the project must include onsite environmental improvements. The Commission discussed drafting a comment letter when the hearing schedule is released.

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

Meeting adjourned at 10:00pm.