

Arlington MA City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important: When filling out 1. forms on the computer, use only the tab key to move your cursor - do not use the return key.





1.	Applicant:					
	Robert Morgan					
	Name	E-Mail Address	E-Mail Address			
	37 Sunnyside Ave Mailing Address					
	Arlington	MA	02474			
	7.tim.g.c.	State	Zip Code			
	Phone Number	Fax Number (if	applicable)			
2.	Representative (if any):					
	n/a					
	Firm					
	Contact Name	E-Mail Address				
	Mailing Address					
	City/Town	State	Zip Code			
	Phone Number	Fax Number (if	applicable)			
		`	,			
_						
В.	. Determinations					
1.	I request the Arlington make the fol Conservation Commission	lowing determination(s). Check any that apply:			
	a. whether the area depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.					
	b. whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.					
	□ c. whether the work depicted on plan(s) referenced below is subject to the Wetlands Protection Act.					
	d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of:					
	Arlington MA					
	Name of Municipality					
	e. whether the following scope of alternatives is a depicted on referenced plan(s).	adequate for work in the	e Riverfront Area as			

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C. Project Description

1. a. Project Location (use	a. Project Location (use maps and plans to identify the location of the area subject to this request):						
37 Sunnyside Ave Arlington							
Street Address							
33-3-6	33-3-6 A1						
Assessors Map/Plat Number		Parcel/Lot Number					
b. Area Description (us	b. Area Description (use additional paper, if necessary):						
side of the house and to	The area is a residential property on Sunnyside Ave. The proposed project would be located to the side of the house and to the back of the house, within the 200-ft Riverfront Area, but outside of the 100-ft Wetlands Buffer and 100-year Floodplain						
c. Plan and/or Map Ref	c. Plan and/or Map Reference(s):						
Wetland and Flood GIS r	Wetland and Flood GIS map, Google Map of 37 Sunnyside Ave,						
Title		<u> </u>	Date				
National Flood Hazard La	National Flood Hazard Layer FIRMette, Arlington GIS Aerial Image,						
Title			Date				
	ip, and Mortgate Plan Ma	р	2019-11-18				
Title			Date				
2. a. Work Description (us	a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):						
•							
See "Work Description" s	See "Work Description" section of the attached Project Narrative and Description of Work						

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C. Project Description (cont.)

o. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).				
See "Applicability of Resource Areas and Associated Regulations" section of attached Project Narrative and Description of Work				
a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.				
Single family house on a lot recorded on or before 8/1/96				
☐ Single family house on a lot recorded after 8/1/96				
☐ Expansion of an existing structure on a lot recorded after 8/1/96				
☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96				
☐ New agriculture or aquaculture project				
☐ Public project where funds were appropriated prior to 8/7/96				
Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision				
Residential subdivision; institutional, industrial, or commercial project				
☐ Municipal project				
☐ District, county, state, or federal government project				
Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.				
b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)				
See attached image from property card showing "One Family" classification and "Built about 1947"				

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner: Robert Morgan Name 37 Sunnyside Ave Mailing Address Arlington City/Town MA 02474 State Zip Code Signatures: I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations. 2019-11-20 Signature of Applicant Date Signature of Representative (if any) Date

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Project Narrative and Description of Work

Work Description:

(Form 1 C. 2. a. "Work description")

Overview:

The proposed project site is located at 37 Sunnyside Avenue in Arlington Massachusetts. The site is near the Alewife Brook. The proposed project consists of two components: build a front entry porch, and build a rear deck. The two components of this project are described in more detail below, and are depicted in the included images/sketches.

Component 1: Entry Porch:

We propose to remove the existing concrete stairs and replace them with a newly constructed entry porch. The porch will have a roof to provide a covered entry, but will not be enclosed with walls. The porch, exclusive of two stairs, will measure roughly 3.5 feet by 7 feet, for a total area of 24.5 square feet. The existing concrete stairs, which are uneven and in poor condition, shall be broken into pieces and removed from the Project Site by the contractor for proper disposal. New footings will be installed, and the new deck, steps, and roof will be constructed. The whole area to be converted to porch, as well as its immediate surroundings, are presently impervious, being entirely covered by concrete. No pervious surfaces shall be made impervious due to this component of the project.

Component 2: Rear Deck:

We propose to build a deck on the rear of our house. The deck will serve as outdoor living space in fair weather, and will also offer an additional means of egress from the home. Its size is planned to be roughly 6 feet by 16 feet, for a total area of 96 square feet, exclusive of stairs and a landing. At present there is no deck. To build the new deck, footings will be installed and the deck will be constructed on them. The materials used will be: concrete footings, treated lumber for the structural elements, with composite decking and railings. These materials are naturally resistant to weather, and eliminate the need for protective coatings that could leach into groundwater or require scraping/sanding in the future. All existing surfaces under the proposed deck are presently impervious, being wholly covered by concrete and asphalt. As such, no pervious surfaces shall be made impervious due to this component of the project.

Applicability of Resource Areas and Associated Regulations:

(Form 1 C. 2. a. "NOI exemption")

The resource areas potentially relevant to our project arise due to proximity to the Alewife Brook. Our project is entirely outside of the 100 year floodplain, and is thus not "Land Subject to Flooding" per 310 CMR 10.57(2)(a)3. Additionally, the entire proposed project is farther than 100ft from the bank of the Alewife Brook, and is therefore not in any "Buffer Zone" per 310 CMR 10.02(2)(b). The entire project is, however, within a "Riverfront Area", because it is within 200ft of the bank of the Alewife Brook.

M.G.L c. 131, Section 40, 310 CMR, 10.02, 10.58 and Arlington Regulations, Title 5 Article 8 have jurisdiction over Riverfront Area. These regulations generally align on the following definition: "the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away." Also, 310 CMR 10.02(2)(e) stipulates that minor activities including decks, sheds, patios, and pools are not otherwise subject to regulation under MGL chapter 131 section 40, provided that they comply with 310 CMR 10.02(2)(b).

The proposed project qualifies as a "minor activity". Per 310 CMR 10.02(2)(b)1e, "minor activity" includes the conversion of lawn to uses accessory to residential structures such as decks, sheds, patios, and pools. In the proposed project, the areas to be converted to deck and to porch are presently entirely impervious, being covered wholly by concrete and asphalt and, as such, are not "lawn" per se. Nonetheless, the environmental and drainage impact of constructing a deck or porch over an already impervious paved surface is even more "minor" than the impact of constructing a deck or porch over vegetated surfaces such as lawn. Furthermore, 310 CMR 10.02(2)(b)1f also designates as a "minor activity" the conversion of impervious surfaces. Thus the activities proposed in this project shall be considered "minor".

Wherefore, being qualified as a "minor activity" under 310 CMR 10.02(2)(b)1. and 2., the proposed project shall not be subject to regulation under MGL chapter 131 section 40 (Wetlands Protection Act), and shall be "Exempted from Requirements for the Riverfront Area" per 310 CMR 10.58(6)(b), and therefore shall also be exempt from Arlington Regulations Title V Article 8 per Arlington Regulations for Wetlands Protection per Section 1A (including without limitation the portion of Arlington Regulations for Wetlands Protection relating to floodplains and climate change resilience, because no portion of this project is within a floodplain as defined therein).

Consideration of Arlington Wetlands Protection and Climate Change Resilience

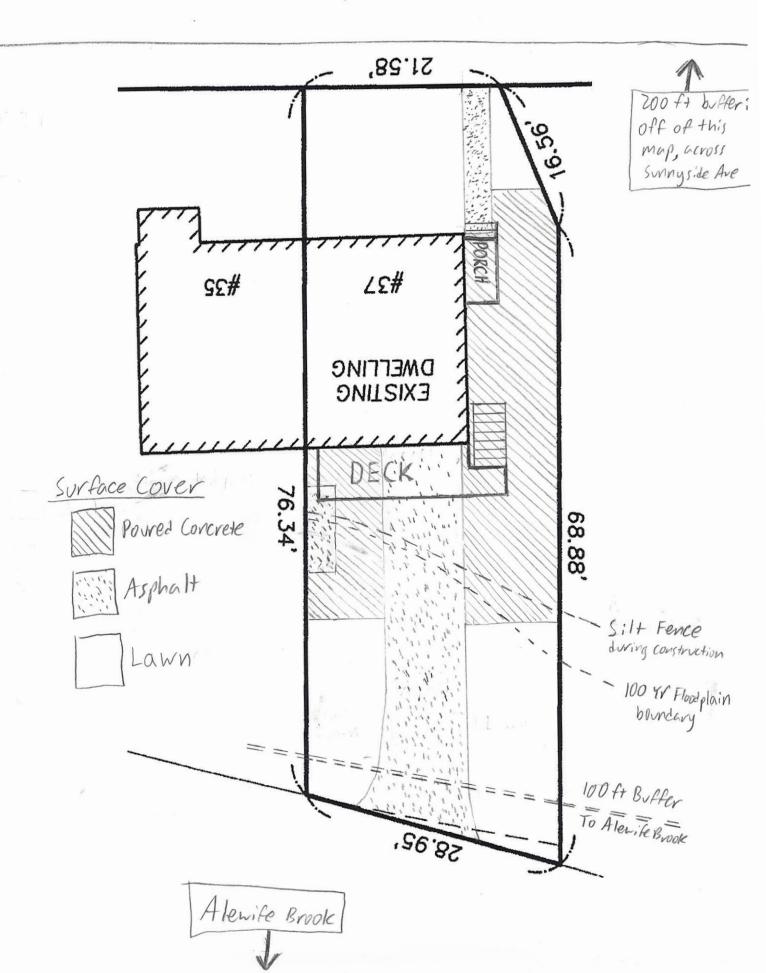
While not legally subject to them, as described above, this project gives voluntarily consideration to the Climate Change Resilience standards in Section 31 of the Arlington Wetlands Protection Regulations.

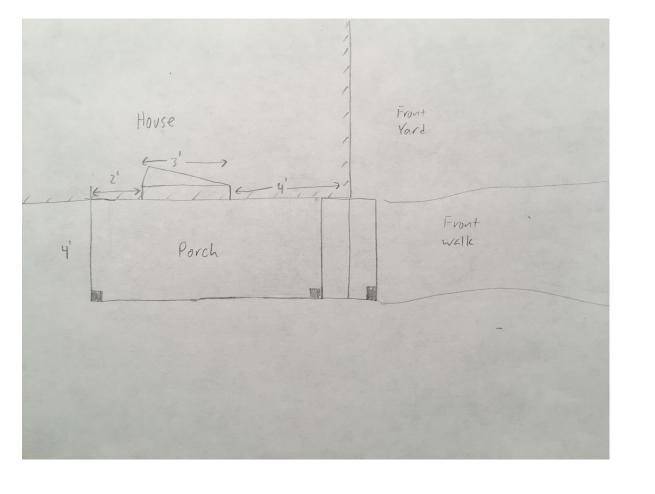
- No filling will occur
- No building will occur in a floodplain
- All proposed activities are outside of Lands Subject to Flooding, and thus will not laterally displace flood waters
- Materials of construction have been selected for durability and resistance to weather, eliminating the need for coatings that can be released by flaking off or require sanding/scraping as ongoing maintenance.
- No surface permeability will be modified in this project.

Anticipated for future improvements

While not covered in this RDA application, our future plans involve conversion of poured concrete to pervious patio, such as decomposed granite or properly spaced pavers, in the area around the new porch. Plans for a future side yard patio area would also give consideration to surface permeability. We intend to pursue these improvements in 2020 (and will of course file a separate RDA for that project when the time comes). So while we are not specifically improving the site permeability in this stage of proposed work, this porch and deck are the first steps in our broader plan to improve the environmental and functional characteristics of these spaces.

< Sunnyside Ave >>





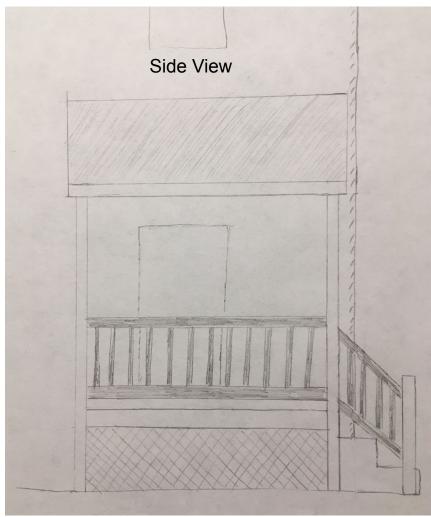
Proposed porch, top view.

Note: dimensions will be reduced slightly following consultation with building inspector, to comply with zoning and setback requirements.

Approximate new dimensions will be 3.5ft by 7ft (drawing shows 4ft by 8ft)

Overall layout of Porch and Stairs will be the same





Sketch of proposed porch



Rear view of project site where proposed deck would be constructed. Proposed deck will be below the sliding doors, and above the garage door, with stairs to the side yard area on the right.



Side Yard, viewed from rear of house.

Alewife brook is to the photographer's back, approximately 110ft away from where photographer is standing



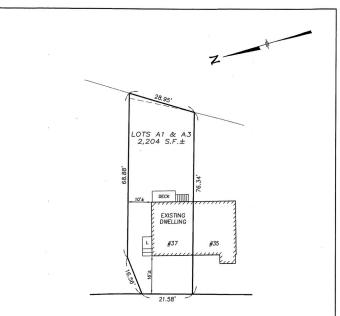
Detail view of impervious surfaces under proposed deck



Side Yard, viewed from front of house.

Sunnyside ave is to photographer's back

The proposed porch will replace the existing deteriorating concrete steps.



SUNNYSIDE AVENUE

ALL TIES SUBJECT TO WHAT AN ACCURATE INSTRUMENT SURVEY WOULD REVEAL THIS MOTROSE INSPECTION FLAN IS NOT TO BE USED FOR PROPERTY LINE DETERMINATION, THE LOCATION OF FENCES OR THE LOCATION OF ANY OTHER STRUCTURES. THIS CERTIFICATION IS MADE TO: MEMBERS MORTGAGE, INC. AND BECOMES NULL AND VOID UPON FUTURE CONVEYANCE.

I HEREBY CERTIFY THAT I HAVE EXAMINED THE PREMISES AND ALL BULDINGS ARE LOCATED ON THE GROUND AS SHOWN. FURTHER CERTIFY THAT THE PRINCIPAL BULDING, WHEN CONSTRUCTED, DID CONFORM TO THE DIMENSIONAL CONNEC LAWS OF: ARLINGTON OR IS EXEMPT FROM MOLATION ENFORCEMENT ACTION UNDER G.L. TITLE VI CHAPTER 40A SECTION 7.

I HEREBY CERTIFY THAT THE DWELLING IS NOT LOCATED IN AN ESTABLISHED FLOOD HAZARD AREA. COMMUNITY No.: 250177 REVISION DATE: JUNE 4, 2010



MORTGAGE INSPECTION PLAN 37 SUNNYSIDE AVENUE ARLINGTON, MA.

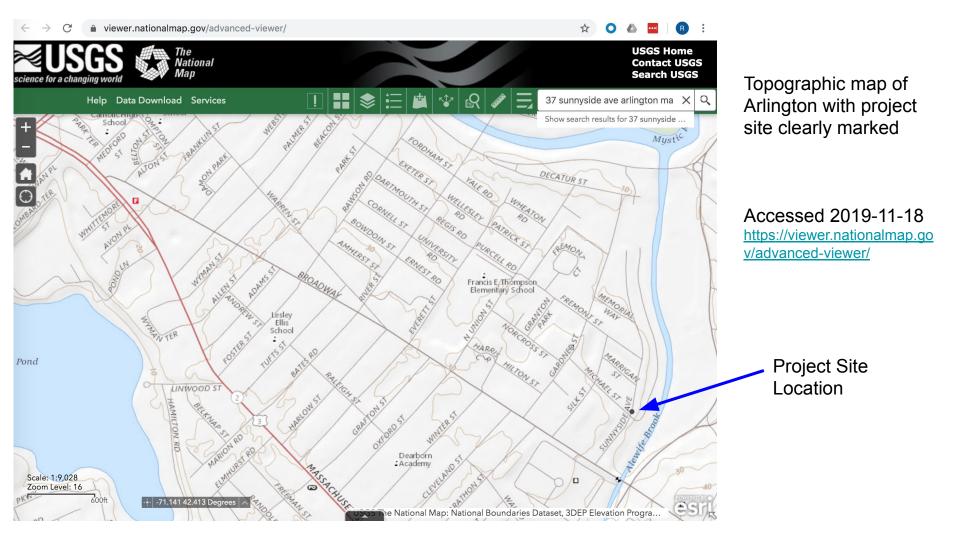


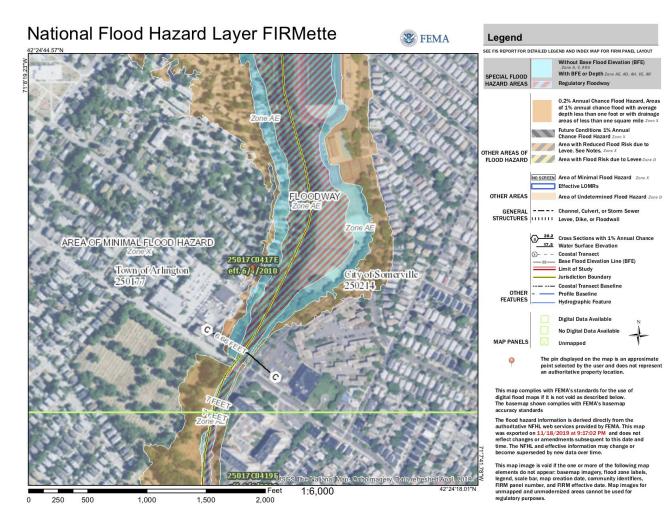
Mortgage Plan Map

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	Map		Block	L	ot
PROPE	RTY LO	CATION			IN
No	Alt No	D	irection/St	reet/City	L
37		SUNNYS	SIDE AVE,	ARLINGTON	10
OWNER	RSHIP		Unit #		\Box \vdash
Owner	MORGAN	ROBER	T & MADE	LEINE	
Owner					
Owner					
Street	37 SUNN	YSIDE AV	/E		
Street					
Twn/Cit	ARLINGT	ON			PI
St/Prov	MA	Cntr		Own Oc Y	Ta
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Owner	INMAN CI	HERYLA	-		20
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Street	37 SUNN	YSIDE AV	/E		20
Twn/Cit	ARLINGT	ON			20
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Postal:	02474				
	TIVE DE				S
	cel contain				
classified as One Family with a(n) Row House				IN	
	Building Built about 1947, Having Primarily Aluminum Exterior and Asphalt Shgl Roof Cover,				
					G
				4 Baths, 5 Ro	
OTHER	ASSESS		5	0 11	

In support of WPA Form 1, question C. 3. b.

Source: property card, accessed by property search through arlingtonma.gov website https://www.mapsonline.net/arlingtonma/forms/tablet.html.php?id=22509116&inject=cama_final:033.0-0003-0006.0



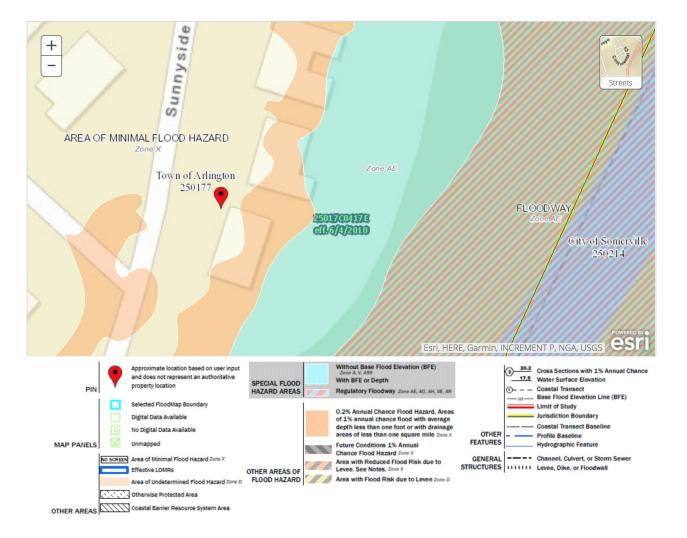


Flood map of project site

Accessed through FEMA website on 2019-11-18

Source:

https://msc.fema.gov/portal



Flood map of project site

Accessed through FEMA website on 2019-11-17

Source:

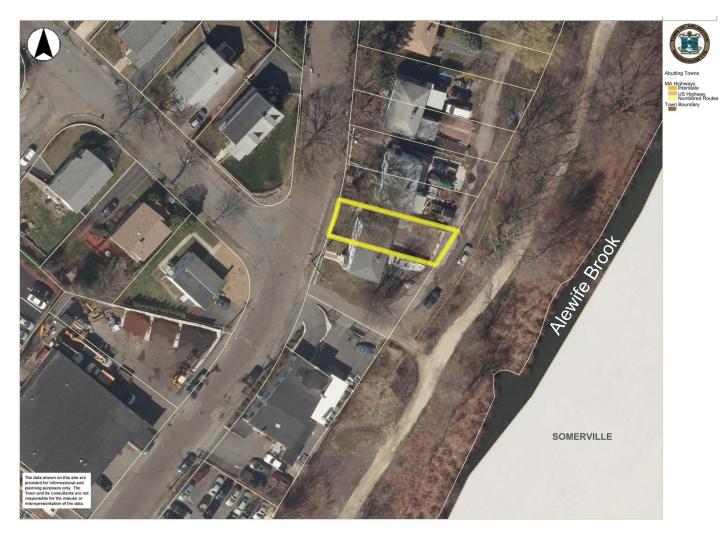
https://msc.fema.gov/portal



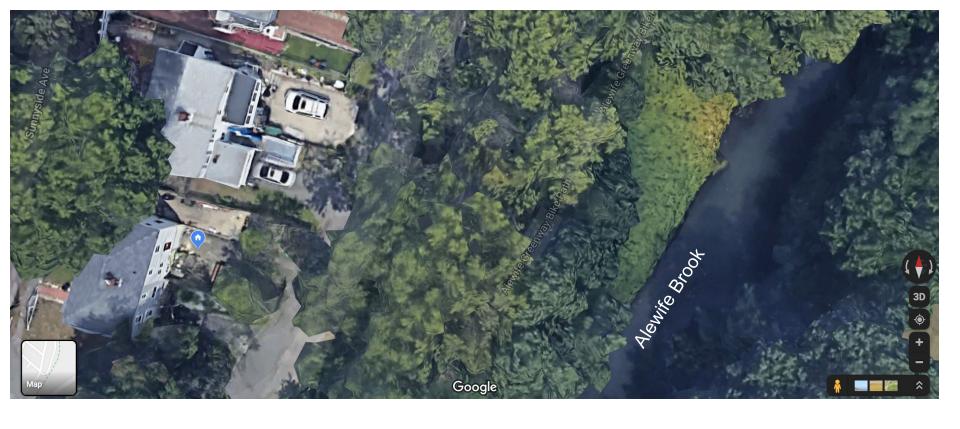
Wetlands GIS Map



Flood Zone GIS Map



Aerial Image 2012



Satellite Image Circa 2018 Source: Google maps

Bylaw Filing Fees and Transmittal Form

Rules:

- 1. Fees are payable at the time of filing the application and are non-refundable.
- 2. Fees shall be calculated per schedule below.
- 3. Town, County, State, and Federal Projects are exempt from fees.
- 4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
\$150		(R1) RDA- \$150 local fee, no state fee
		(N1) Minor Project - \$200 (house addition, tennis court, swimming
		pool, utility work, work in/on/or affecting any body of water, wetland
		or floodplain).
		(N2) Single Family Dwelling - \$600
		(N3) Multiple Dwelling Structures - \$600 + \$100 per unit all or part
		of which lies within 100 feet of wetlands or within land subject to
		flooding.
		(N4) Commercial, Industrial, and Institutional Projects -
		\$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or
		buffer zone disturbed.
		(N5) Subdivisions - \$600 + \$4/l.f. feet of roadway sideline within
		100 ft. of wetlands or within land subject to flooding.
		(N6) Other Fees - copies, printouts; per public records law
		(N7) Minor Project Change - \$50
		(N8) Work on Docks, Piers, Revetments, Dikes, etc - \$4 per linear
		foot
		(N9) Resource Boundary Delineation (ANRAD) - \$1 per linear foot
		(N10) Certificate of Compliance (COC or PCOC) - No charge if
		before expiration of Order, \$200 if after that date.
		(N11) Amendments - \$300 or 50% of original local filing fee,
		whichever is less.
		(N12) Extensions -
		a. Single family dwelling or minor project - \$100.
		b. Other - \$150.
		(N13) Consultant Fee -per estimate from consultant
\$150	TOTAL	

Note: Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

Affidavit of Service

(Please return to Conservation Commission)

I, Cobert Morgan , being duly sworn, do hereby state as follows: on 20 Nov 2019 , I mailed a "Notification to Abutters" in compliance with the second	
paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of	
the Town of Arlington Bylaws in connection with the following matter:	
A proposed project located at 37 Sunnyside Avenue in Arlington Massachusetts, where the owners propose to build a front entry porch and build a rear deck.	
The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.	
Signed under the pains and penalties of perjury, this 20 day of Nov 2019.	
Robert Morgan	
Robert Morgan	

Notification as mailed

Abutter Notification Letter

Notification to Abutters Under the Massachusetts Wetlands Protection Act And Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a public hearing in the second floor conference room of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, on Thursday, December 5th, 2019, at 7:45pm, in accordance with the provisions of the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Town of Arlington Bylaws Article 8, Bylaw for Wetland Protection, for a Request for Determination of Applicability (RDA) from Robert Morgan, for the construction of a rear deck and entry porch at 37 Sunnyside Avenue, within 200 feet of a Riverfront, on Assessor's Property Map #33-3-6, Lot #A1.

A copy of the application and accompanying plans are available for inspection Mon. - Thurs. 8am-4pm and Fri. 8am-noon at the Conservation Commission office, first floor of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476. For more information call the applicant at 978-985-9625 or the Arlington Conservation Commission at 781-316-3012, or the DEP Northeast Regional Office at 978-694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) business days in advance in *The Arlington Advocate* and will also be posted at least 48 hours in advance in the Arlington Town Hall.

The second of th

The meeting information for your hearing is:

Date: 2019-12-05

Time: 7:45pm



Office of the Board of Assessors Robbins Memorial Town Hall Arlington, MA 02476 (781) 316-3050 Assessors@town.arlington.ma.us

Abutters List

Date: November 19, 2019

Subject Property Address: 37 SUNNYSIDE AVE Arlington, MA

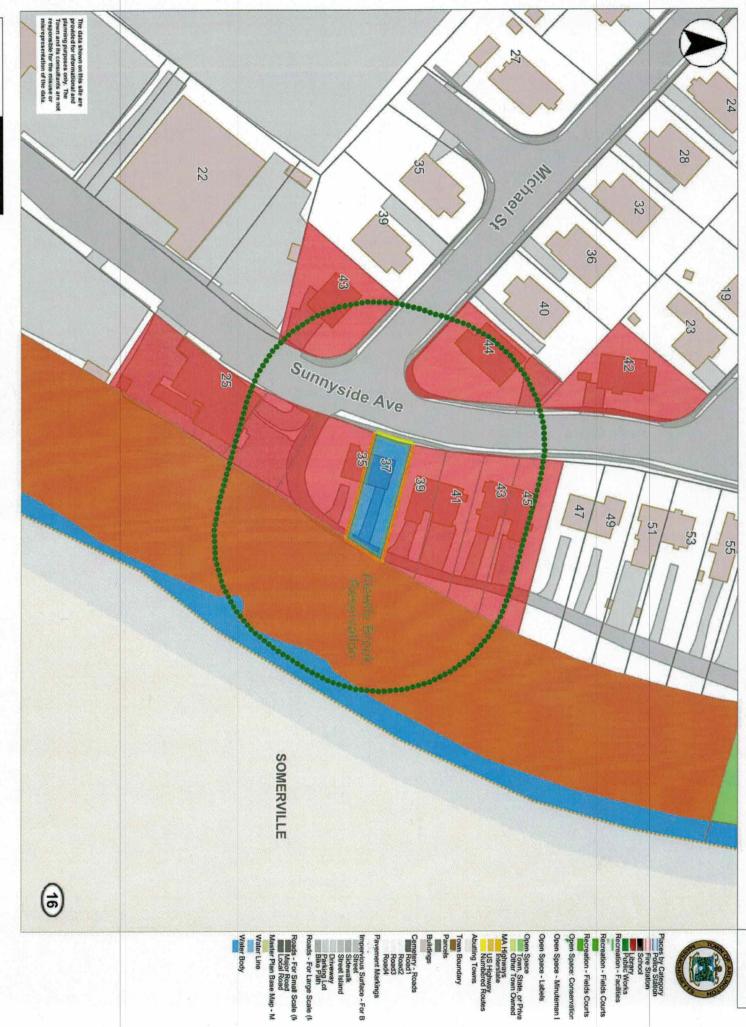
Petet E. Greeky

Subject Property ID: 33-3-6

Search Distance: 100 Feet - Conservation

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to a single parcel within 100 feet.

Board of Assessors



100

Printed on 11/19/2019 at 08:20 AM

Abutters List

Date: November 19, 2019

Subject Property Address: 37 SUNNYSIDE AVE Arlington, MA

Subject Property ID: 33-3-6 Search Distance: 100 Feet

Prop ID: 33-2-19

Prop Location: 43 MICHAEL ST Arlington, MA

Owner: CROWLEY PRISCILLA

Co-Owner: Mailing Address: 43 MICHAEL STREET ARLINGTON, MA 02474

Prop ID: 33-3-1

Prop Location: 25 SUNNYSIDE AVE Arlington, MA

Owner: BOYLE DAVID T/TRUSTEE Co-Owner: D & B REALTY TRUST Mailing Address:

Mailing Address: 16 SHORT STREET BROWNFIELD, ME 04010

Prop ID: 33-3-10

Prop Location: 45 SUNNYSIDE AVE Arlington, MA

Owner: SOUSA JOHN D

Co-Owner: Mailing Address:

45 SUNNYSIDE AVENUE ARLINGTON, MA 02474

Prop ID: 33-3-4

Prop Location: 0-LOT SUNNYSIDE AVE Arlington, MA

Owner: BOYLE DAVID T/TRUSTEE Co-Owner: D & B REALTY TRUST

Mailing Address: 16 SHORT STREET BROWNFIELD, ME 04010

Prop ID: 33-3-5

Prop Location: 35 SUNNYSIDE AVE Arlington, MA

Owner: JOSEPH REGINE C

Co-Owner: Mailing Address: 28 CRANMORE LN MELROSE, MA 02176

Subject Property ID: 33-3-6

Subject Property Address: 37 SUNNYSIDE AVE

Arlington, MA

Owner: MORGAN ROBERT & MADELINE

Co-Owner: Mailing Address: 37 SUNNYSIDE AVE ARLINGTON, MA 02474

Prop ID: 33-3-7

Prop Location: 39 SUNNYSIDE AVE Arlington, MA

Owner: SANTACROCE CAITLIN & Co-Owner: ROCK BRENDEN

Mailing Address: 39 SUNNYSIDE AVE ARLINGTON, MA 02474 Prop ID: 33-3-8

Prop Location: 41 SUNNYSIDE AVE Arlington, MA

Owner: SCHAEJBE VERNARD A ETAL/ TRS

Co-Owner: KEEFE/SHAEJBE FAMILY REVOCABLE

Mailing Address: 41 SUNNYSIDE AVE ARLINGTON, MA 02474

Prop ID: 33-3-9

Prop Location: 43 SUNNYSIDE AVE Arlington, MA

Owner: RYGIEL ZARKO E--ETAL

Co-Owner: RYGIEL CATHERINE DOLORES

Mailing Address: 43 SUNNYSIDE AVE ARLINGTON, MA 02474

Prop ID: 33-4-7

Prop Location: 44 MICHAEL ST Arlington, MA

Owner: CABRE MIQUEL MUNOZ &

Co-Owner: BRODER LEAH

Mailing Address: 44 MICHAEL ST

ARLINGTON, MA 02474

Prop ID: 33-4-8.A

Prop Location: 42 SUNNYSIDE AVE Arlington, MA

Owner: WILLBANKS NANCY J

Co-Owner: Mailing Address: 42 SUNNYSIDE AVE ARLINGTON, MA 02474

Prop ID: 33-6-1

Prop Location: 0-LOT BROADWAY Arlington, MA Owner: DEPT/CONSERVATION & RECREATION

Co-Owner: WATER SUPPLY PROTECTION DIV

Mailing Address: 20 SOMERSET ST BOSTON, MA 02108

Legal Notice Charge Authorization

DATE: 70	9-11-20	
TO:	legals@wickedlocal.com	
in the Arlington C	horize Community Newspapers to bill me directly for the legal notice to be published ton Advocate newspaper on for a public hearing with the inservation Commission to review a project at the following location: le Avenue, Arlington MA 02474.	
Thank you		
Signed:	Robert Morgan	
Send hill to		

Robert Morgan 37 Sunnyside Ave Arlington MA 02474