

# Notice of Intent Application

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April 11, 2019

Subject Property

88-90 Varnum Street

Parcel ID: 4-5-12

Arlington, Massachusetts

Applicant and Property Owner

Home Helpers Real Estate Services, LLC.

Attn: Christopher Manley

1 Great Meadow Road

Newbury, MA 01730

**LEC Environmental Consultants, Inc.**

380 Lowell Street

Suite 101

Wakefield, MA 01880

781-245-2500

781-245-6677 fax

*[www.lecenvironmental.com](http://www.lecenvironmental.com)*



April 11, 2019

## Hand Delivery

Arlington Conservation Commission  
Arlington Town Hall Annex  
730 Massachusetts Avenue  
Arlington, MA 02476

**Re: Notice of Intent Application**  
**88-90 Varnum Street**  
**Parcel ID: 4-5-12**  
**Arlington, Massachusetts**

[LEC File #: HHRES\18-430.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant and Property Owner, Home Helpers Real Estate, LLC, (contact: Christopher Manley), LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Arlington Conservation Commission to refurbish an existing multi-family dwelling at the above-referenced property, by adding a dormer within the existing roofline, demolishing a garage and extending off-street parking, removal and re-grading of existing paved areas, installation of porous paver patios and walkways, and in-kind replacement of footings associated with a third story wooden deck. Portions of the property and proposed activities are located within Bordering Land Subject to Flooding (BLSF). The Applicant proposes to implement erosion controls to protect adjacent properties during construction, and provide compensatory flood storage to mitigate for any impacts to BLSF.

LEC was retained to identify Wetland Resource Areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Act Regulations*), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*), and to prepare this NOI Application. Gala Simon Associates, Inc., has prepared the enclosed *Site Grading Plan* dated April 9, 2019 (Appendix B).

Enclosed please find two checks made payable to the Town of Arlington in the amounts of Two Hundred Sixty-Two Dollars and Fifty Cents (\$262.50) and Two Hundred Dollars (\$200.00) for the purpose of filing this Application under State and Local guidelines, respectively. A check payable to the Commonwealth of Massachusetts in the amount of Two Hundred Thirty-Seven Dollars and Fifty Cents (\$237.50) for the state portion of the *Act* filing fee was sent to the DEP Lockbox.

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### LEC Environmental Consultants, Inc.

[www.lecenvironmental.com](http://www.lecenvironmental.com)

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508-748-9491  
508-748-9492 (Fax)

PLYMOUTH, MA

380 Lowell Street  
Suite 101  
Wakefield, MA 01880  
781-245-2500  
781-245-8677 (Fax)

WAKEFIELD, MA

100 Grove Street  
Suite 302  
Worcester, MA 01605  
508-753-3077  
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 580  
Rindge, NH 03461  
603-899-6726  
603-899-6726 (Fax)

RINDGE, NH



Thank you for your consideration of this Application. We look forward to meeting with you at the April 25, 2019 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at [rkirby@lecenvironmental.com](mailto:rkirby@lecenvironmental.com).

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink, appearing to read "Richard A. Kirby", with a long horizontal flourish extending to the right.

Richard A. Kirby

Senior Wetland Scientist

cc: DEP, Northeast Region  
Home Helpers Real Estate Services, LLC  
Gala Simon Associates, Inc.

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i.	WPA Form 3 – Notice of Intent
ii.	WPA Appendix B – Wetland Fee Transmittal Form
iii.	Town of Arlington Appendix 3 – Bylaw Filing Fees and Transmittal Form
iv.	Legal Notice Charge Authorization Form
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vi.	Letter to Abutters
vii.	Abutter Notification Form
viii.	Certified List of Abutters

### **Wetland Resource Area Analysis and Report**

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### **Literature Referenced**

**Appendix A**

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

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**Appendix B**

*Site Grading Plan*, dated April 9, 2019, prepared by Gala Simon Associates, Inc.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

**Important:**

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

### A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

88-90 Varnum Street

a. Street Address

Arlington

b. City/Town

02474

c. Zip Code

Latitude and Longitude:

42.401474 N

d. Latitude

-71.142696 W

e. Longitude

Parcel ID: 4-5-12

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Christopher

a. First Name

Manley

b. Last Name

Home Helpers Real Estate, LLC

c. Organization

1 Great Meadow Road

d. Street Address

Newbury

e. City/Town

MA

f. State

01922

g. Zip Code

617-835-0555

h. Phone Number

n/a

i. Fax Number

chris@homehelpertoday.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Richard

a. First Name

Kirby

b. Last Name

LEC Environmental Consultants, Inc.

c. Company

380 Lowell Street, Suite 101

d. Street Address

Wakefield

e. City/Town

MA

f. State

01880

g. Zip Code

781-245-2500

h. Phone Number

781-245-6677

i. Fax Number

rkirby@lecenvironmental.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$500.00

a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50

c. City/Town Fee Paid



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### A. General Information (continued)

#### 6. General Project Description:

The Applicant proposes to refurbish an existing multi-family dwelling, by adding a dormer within the existing roofline, demolishing a garage, extending off-street parking, removal and re-grading of existing paved areas, installation of porous paver patios and walkways, and in-kind replacement of footings associated with a 3<sup>rd</sup> story wooden deck within a previously-developed lot. Portions of the property are located within Bordering Land Subject to Flooding (BLSF).

#### 7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input checked="" type="checkbox"/> Other: Multi-Family Dwelling   |   |

#### 7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

#### 2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

#### 8. Property recorded at the Registry of Deeds for:

Middlesex South

a. County

71983

c. Book

n/a

b. Certificate # (if registered land)

246

d. Page Number

### B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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### B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	989± 1. square feet Existing Flood Storage: 508± 3. cubic feet of flood storage lost	2,101± 2. square feet Proposed Flood Storage: 1,200± 4. cubic feet replaced

e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>
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2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: \_\_\_\_\_ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.





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### B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	

a. square feet of BVW

b. square feet of Salt Marsh

#### 5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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### C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581

2017

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

- (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b) ☐ Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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### C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm)).  
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. ☐ Separate MESA review ongoing. \_\_\_\_\_ a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP
3. ☐ Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☒ Not applicable – project is in inland resource area only      b. ☐ Yes    ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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Bureau of Resource Protection - Wetlands

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

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### C. Other Applicable Standards and Requirements (cont'd)

**Online Users:**

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2. ☐ A portion of the site constitutes redevelopment
  3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☒ No. Check why the project is exempt:
1. ☐ Single-family house
  2. ☐ Emergency road repair
  3. ☒ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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**D. Additional Information (cont'd)**

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Grading Plan

a. Plan Title

Gala Simon Associates, Inc.

Al Gala, PE

b. Prepared By

c. Signed and Stamped by

April 9, 2019

1" = 10'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

**E. Fees**

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1035

2. Municipal Check Number

3/7/19

3. Check date

1034

4. State Check Number

3/7/19

5. Check date

Home Helpers Real Estate Services LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



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**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

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City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3/7/19

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

4-10-19

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

## A. Applicant Information

### 1. Location of Project:

88-90 Varnum Street

a. Street Address

1034

c. Check number

Arlington

b. City/Town

\$237.50

d. Fee amount

### 2. Applicant Mailing Address:

Christopher

a. First Name

Manley

b. Last Name

Home Helpers Real Estate Services, LLC

c. Organization

1 Great Meadow Road

d. Mailing Address

Newbury

e. City/Town

MA

f. State

01730

g. Zip Code

617-835-0555

h. Phone Number

n/a

i. Fax Number

chris@homehelperstoday.com

j. Email Address

### 3. Property Owner (if different):

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2j. any other activity	1	\$500.00	\$500.00
Step 5/Total Project Fee:			\$500.00

**Step 6/Fee Payments:**

Total Project Fee:	\$500.00
	a. Total Fee from Step 5
State share of filing Fee:	\$237.50
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:	\$262.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



**APPENDIX 3**  
**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):**

<u>\$</u>	<u>NO./Area</u>	<u>Category</u>
_____	_____	(R1) <u>RDA</u> - \$150 local fee, no state fee
<u>\$200.00</u>	_____	(N1) <u>Minor project</u> - \$200 (house addition, tennis court, swimming pool, utility work, work in, on or affecting any body of water, wetland or floodplain).
_____	_____	(N2) <u>Single Family Dwelling</u> - \$600
_____	_____	(N3) <u>Multiple dwelling structures</u> - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
_____	_____	(N4) <u>Commercial, industrial, and institutional projects</u> : \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.)
_____	_____	(N5) <u>Subdivisions</u> . \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding
_____	_____	(N6) Other Fees: <u>copies, printouts</u> - Per public records law
_____	_____	(N7) <u>Minor project change</u> - \$50
_____	_____	(N8) <u>Work on docks, piers, revetments, dikes, etc</u> – \$4 per linear foot
_____	_____	(N9) <u>Resource boundary delineation (ANRAD)</u> - \$1 per linear foot
_____	_____	(N10) <u>Certificate of Compliance (COC or PCOC)</u> – No charge if before expiration of Order, \$200 if after that date.
_____	_____	(N11) <u>Amendments</u> - \$300 or 50% of original local filing fee, whichever is less
_____	_____	(N12) <u>Extensions</u> a. Single family dwelling or minor project - \$100.
_____	_____	b. Other - \$150.
_____	_____	(N13) <u>Consultant Fee</u> Per estimate from consultant
<u>\$200.00</u>	<b>TOTAL</b>	

**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."

**APPENDIX 6**

**LEGAL NOTICE CHARGE AUTHORIZATION**

DATE:

TO:   legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to  
be published in the Arlington Advocate newspaper on \_\_\_\_\_ for a public  
hearing with the Arlington Conservation Commission to review a project at the following  
location: 88-90 Varnum Street

Thank you.

Signed:



Send bill to:

Christopher Manley - Home Helpers Real Estate Services, LLC

1 Great Meadow Road - Newbury, MA 01922

Phone: 617-835-0555   *EMAIL : CHRIS@HOMEHELPERS TODAY.COM*

## **AFFIDAVIT OF SERVICE**

Under the Massachusetts Wetlands Protection Act

and

the Town of Arlington Wetlands Protection Bylaw

I, Sharon A. Sullivan, on behalf of Home Helpers Real Estate Services, LLC, hereby certify under the pains and penalties of perjury that on April 11, 2019 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and 310 CMR 10.05 (4) (a) in connection with the following matter:

A Notice of Intent Application filed under the Massachusetts Wetlands Protection Act and the Town of Arlington Wetlands Protection Bylaw by LEC Environmental Consultants, Inc. on behalf of the Applicant, Home Helpers Real Estate Services, LLC, with the Town of Arlington Conservation Commission on April 11, 2019 for property located at 88-90 Varnum Street (Assessor's Parcel ID: 4-5-12) in Arlington, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Sharon A. Sullivan  
Sharon A. Sullivan  
Permitting Technician

4/11/2019  
Date

April 11, 2019

**CERTIFIED MAIL**

«Name»

«Name2»

«Address»

«City», «State» «Zip»

**Re: Notice of Intent Application  
88-90 Varnum Street  
Assessor's Parcel ID: 4-5-12  
Arlington, Massachusetts**

[LEC File #: HHRES\18-430.02]

Dear Abutter:

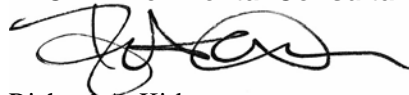
On behalf of the Applicant, Home Helpers Real Estate Services, LLC, LEC Environmental Consultants, Inc. (LEC) has filed a Notice of Intent Application with the Arlington Conservation Commission to refurbish an existing multi-family dwelling, by adding a dormer within the existing roofline, demolishing a garage and extending off-street parking, removal and re-grading of existing paved areas, installation of porous paver patios and walkways, and in-kind replacement of footings associated with a 3<sup>rd</sup> story wooden deck at the above-referenced property. Portions of the property are located within Bordering Land Subject to Flooding (BLSF). The Applicant proposes to implement erosion controls to protect adjacent properties during construction, and compensatory flood storage to mitigate for any impacts to BLSF, in accordance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40) and its implementing Regulations (310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8) and its *Wetlands Protection Regulations*.

The Notice of Intent Application and accompanying plans are available for review by the public at the Arlington Conservation Commission. The Public Hearing will be held at the Arlington Town Hall Annex, 730 Massachusetts Avenue, on April 25, 2019 beginning at 7:30 p.m., in accordance with the provisions of the *Massachusetts Wetlands Protection Act* (M.G.L. Ch. 131, s. 40, as amended) and its implementing Regulations (310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8) and its *Wetlands Protection Regulations*. Further information regarding this application will be published at least five (5) days in advance in *The Arlington Advocate*. Notice of the Public Hearing will also be posted at the Arlington Town Hall at least 48 hours in advance.

Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

**LEC Environmental Consultants, Inc.**



Richard A. Kirby  
Senior Wetland Scientist

Enclosure

**Notification to Abutters Under the**  
**Massachusetts Wetlands Protection Act**  
**and**  
**the Town of Arlington Wetlands Protection Bylaw**

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

- A. The name of the Applicant is Home Helpers Real Estate Services, LLC, Attn: Christopher Manley, 1 Great Meadow Road, Newbury, MA 01922.
- B. The Applicant has filed a Notice of Intent Application with the Conservation Commission for the municipality of Arlington, Massachusetts seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Arlington Wetlands Protection Bylaw.
- C. The activity is proposed on a lot located at 88-90 Varnum Street (Assessor's Parcel ID: 4-5-12), Arlington, Massachusetts.
- D. Copies of the Notice of Intent Application may be examined by contacting the Arlington Conservation Commission at (781) 316-3012.

For more information, call: LEC Environmental Consultants, Inc. (the applicant's representative) at (781) 245-2500.

- E. Copies of the Notice of Intent Application may be obtained from LEC Environmental Consultants, Inc. (the applicant's representative) by calling (781) 245-2500 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A fee may be charged for each copy requested.
- F. Information regarding the public hearing may be obtained from the Arlington Conservation Commission (the regulatory agency) by calling (781) 316-3012.

NOTE: Notice of the Public Hearing, including its date, time, and place, will be published at least five (5) days in advance in The Arlington Advocate.

NOTE: Notice of the public hearing will also be posted at the Arlington Town Hall not less than 48 hours in advance.

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

**Northeast Region: 978-694-3200**



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

### **Abutters List**

Date: March 12, 2019

Subject Property Address: 88-90 VARNUM ST Arlington, MA  
Subject Property ID: 4-5-12

Search Distance: 100 feet

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

*Karen L. Feeley*  
*Robert E. Greeley*  
*[Signature]*

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**Board of Assessors**

Prop ID: 4-4-12  
Prop Location: 89-91 VARNUM ST Arlington, MA  
Owner: STEVENS SYLVIA-BROOK  
Co-Owner: COBURN KEITH  
Mailing Address:  
89 VARNUM ST  
ARLINGTON, MA 02474

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Prop ID: 4-4-13  
Prop Location: 95 VARNUM ST Arlington, MA  
Owner: TAMANAKIS RHEA A &  
Co-Owner: GAVRIEL MATTHEW G  
Mailing Address:  
93 VARNUM STREET  
ARLINGTON, MA 02474

---

Prop ID: 4-4-14  
Prop Location: 97-99 VARNUM ST Arlington, MA  
Owner: VERENINI MATTHEW D &  
Co-Owner: FERREIRA KELLY M  
Mailing Address:  
99 VARNUM ST  
ARLINGTON, MA 02474

---

Prop ID: 4-5-10  
Prop Location: 96-98 VARNUM ST Arlington, MA  
Owner: BREIDING DAVID E  
Co-Owner: BREIDING SYLVIA M  
Mailing Address:  
98 VARNUM STREET  
ARLINGTON, MA 02474

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Prop ID: 4-5-11  
Prop Location: 92-94 VARNUM ST Arlington, MA  
Owner: MCLAUGHLIN MAURA D  
Co-Owner: FERRARA RYAN J  
Mailing Address:  
92 VARNUM ST  
ARLINGTON, MA 02474

---

Prop ID: 4-5-12  
Prop Location: 88-90 VARNUM ST Arlington, MA  
Owner: HOME HELPERS REAL ESTATE  
Co-Owner: Services LLC  
Mailing Address:  
1 GREAT MEADOW RD  
NEWBURY, MA 01922

---

Prop ID: 4-5-13  
Prop Location: 62 HERBERT RD Arlington, MA  
Owner: SANTELLO MARK /TRUSTEE &  
Co-Owner: MILLER SANDRA A/TRUSTEE  
Mailing Address:  
62 HERBERT ROAD  
ARLINGTON, MA 02474

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Prop ID: 4-5-15  
Prop Location: 0-LOT MAGNOLIA ST Arlington, MA  
Owner: TOWN OF ARLINGTON  
Co-Owner:  
Mailing Address:  
730 MASS AVE  
ARLINGTON, MA 02476

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Prop ID: 4-7-6  
Prop Location: 73-75 VARNUM ST Arlington, MA  
Owner: MIROGIANNIS PETER & KATHY  
Co-Owner: TRUSTEES/KALAGANIS RLTY TR  
Mailing Address:  
24 CLEVELAND STREET  
ARLINGTON, MA 02474

---

Prop ID: 4-8-1  
Prop Location: 78-80 VARNUM ST Arlington, MA  
Owner: MOODY MARGARET T--ETAL  
Co-Owner: LIN CHARLES P  
Mailing Address:  
78 VARNUM STREET  
ARLINGTON, MA 02474

---

Prop ID: 4-8-10  
Prop Location: 67-69 MAGNOLIA ST Arlington, MA  
Owner: VOGT MARY W  
Co-Owner:  
Mailing Address:  
67 MAGNOLIA STREET  
ARLINGTON, MA 02474

---

Prop ID: 4-8-8  
Prop Location: 65 MAGNOLIA ST Arlington, MA  
Owner: IVERSON RALPH B  
Co-Owner: WHITMORE JANE P  
Mailing Address:  
65 MAGNOLIA ST  
ARLINGTON, MA 02474

---

Prop ID: 4.A-4-1  
Prop Location: 85 VARNUM ST UNIT 1 Arlington, MA  
Owner: COLUCCIO LYNNE  
Co-Owner:  
Mailing Address:  
85-87 VARNUM ST UNIT 1  
ARLINGTON, MA 02474

---

Prop ID: 4.A-4-2  
Prop Location: 85 VARNUM ST UNIT 2 Arlington, MA  
Owner: FERSENHEIM BENJAMIN J  
Co-Owner: FERSENHEIM TANIA AH  
Mailing Address:  
85-87 VARNUM ST UNIT 2  
ARLINGTON, MA 02474

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- Places by Category
  - Police Station
  - Fire Station
  - School
  - Library
  - Public Works
- Parcel Map - Misc (traffic is)
- Recreation - Facilities
  - Recreation - Fields Courts
  - Recreation - Fields Courts
  - Open Space: Conservation
  - Open Space - Minuteman Trail
  - Open Space - Labels
  - Open Space
    - Town, State, or Private
    - Other Town Owned
- Parcels
- Buildings
- MA Highways
  - Interstate
  - US Highway
  - Numbered Routes
- Town Boundary
- Abutting Towns
- Roads - OneWay (for Base)
- Roads - For Small Scale (ft)
  - Major Road
  - Local Road
- Roads - For Large Scale (ft)
- Cemetery - Roads
  - Road1
  - Road2
  - Road3
  - Road4
- Water Line
- Water Body

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.





## Notice of Intent Application

88-90 Varnum Street  
Parcel ID: 4-5-12  
Arlington, Massachusetts

April 11, 2019

---

## 1. Introduction

On behalf of the Applicant and Property Owner, Home Helpers Real Estate, LLC, (contact: Christopher Manley), LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Arlington Conservation Commission (Commission) to refurbish an existing multi-family dwelling located at 88-90 Varnum Street in Arlington. Proposed activities include: adding a dormer within the existing roofline; demolishing a garage and extending off-street parking; removal and re-grading of existing paved areas; installation of porous paver patios and walkways; installation of porous paver patios and walkways; and in-kind replacement of footings associated with a third story wooden deck.

A portion of the property and proposed activities are located within Bordering Land Subject to Flooding (BLSF), as jurisdictional under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing *Regulations* (310 CMR 10.00, the *Act Regulations*), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*). As part of this filing, the Applicant proposes to implement mitigation measures, including the installation of erosion controls and compensatory flood storage. A reduction of impervious area also is proposed.

Gala Simon Associates, Inc. has prepared the *Site Grading Plan* dated April 9, 2019 (*Plan*, Appendix B) showing existing and proposed conditions and Flood Storage Calculations.

## 2. General Site Description

The 5,020± square foot property is located off the south side of Varnum Street, west of Herbert Road, and north of Magnolia Park within the southeastern portion of Arlington, Massachusetts. More specifically, the property is located south of the Varnum Street/Herbert Road Intersection. Single-family and multi-family dwellings and residential development associated with Varnum Street and Herbert Road generally surround the property. A community garden contained within Magnolia Park is located immediately south of the property.

The property contains a two-story, multi-family dwelling with a detached, two-car garage located within the southeastern portion of the property. Access to the front (north) entrance of the dwelling is provided via a concrete walkway and stairs extending from Varnum Street. A side (east) entrance to the dwelling is provided via a paved walkway extending from Herbert Road. Access to the garage is provided via a concrete driveway extending from Herbert Road. The land within the property to the west and south of the dwelling is paved with bituminous concrete, while the land to the north and the east of the dwelling contains lawn and landscape plants. An enclosed second story deck supported by wooden posts and concrete footings is located off the rear (south) façade of the dwelling. Wooden stairs provide access/egress from the second-story deck. Topography within the property is generally flat, with a gentle grade descending southerly, with an elevation gradient of roughly 3 feet.

## 2.1 **Natural Heritage and Endangered Species Program Designation**

According to the 14th edition of the Massachusetts Natural Heritage Atlas (2017) published by the Natural Heritage & Endangered Species Program (NHESP), no areas of Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species occurs within or near the site (Appendix A, Figure 3).

## 3. **Wetland Boundary Determination Methodology**

LEC conducted a site evaluation on December 12, 2018 to identify and characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site, and determined that the only resource area present on or within 100 feet of the site is BLSF. Alewife Brook is located greater than 800 feet south of the property, and no Bordering Vegetated Wetlands (BVW) or other Wetland Resource Areas were observed within at least 100 feet of the site.

## 4. **Wetland Resource Area**

The Wetland Resource Area associated with the site is limited to Bordering Land Subject to Flooding, or BLSF.

4.1

### **Bordering Land Subject to Flooding**

According to 310 CMR 10.57 (2) (a) 1, *Bordering Land Subject to Flooding (BLSF)* is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.

According to Section 4 B. (38), *LAND SUBJECT TO FLOODING OR INUNDATION* – shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall be that determined by reference to the most recently available flood profile data prepared for Arlington within which the work is proposed under the National Flood Insurance Program “(NFIP)”...

According to the June 4, 2010 *Federal Emergency Management Agency Flood Insurance Rate Map* for Middlesex County, Massachusetts (Map No: 25017C0419E), the property is located within Zone AE: – *Special Flood Hazard Areas (SFHAs) subject to Inundation by the 1% Annual chance Flood; Base Flood Elevations determined* (Appendix A, Figure 2). According to the FEMA FIRM, the Zone AE occurs at the Elevation 7 contour (Datum: NAVD 88). Roughly the southern half of the property is located at or below Elevation 7, which intercepts a portion of the existing foundation. All land occurring at or below Elevation 7 on the site is jurisdictional as BLSF.

5.

### **Proposed Construction Activities**

The Applicant proposes to add a third story to the existing dwelling by constructing a dormer within the existing roofline. No change to the dwelling footprint is proposed. A third story deck will be constructed off the rear (south) façade, above the existing second story enclosed porch. The Applicant (and his Site Contractor) anticipates using the same concrete footings and wooden support posts (or in-kind replacement of one or both) for construction of the third story deck. The 369± square foot garage will be razed, and the 290± square foot concrete parking area will be replaced and expanded to 620± square feet to accommodate 4 off-street parking spaces, as required by the Arlington Zoning Board. A portion of the bituminous concrete to the west and south of the dwelling will be removed and replaced with lawn, and a 178± square foot porous paver patio and walkway. A retaining wall and planter will be located north of the proposed patio. An

additional 107± square foot porous paver patio will be located west of the dwelling, north of the new parking area. A 6-foot high, wood stockade fence with an 8-inch gap on the bottom will be installed along the southern and western property boundaries, as well as north and east of the patio proposed east of the dwelling. In total, a 761± square-foot reduction of impervious area is proposed, with existing impervious area measuring roughly 3,380 square feet, and proposed impervious area measuring roughly 2,619 square feet.

Site grading is proposed to accommodate the proposed site appurtenances and to provide compensatory flood storage, with roughly 1± foot of cut and fill proposed between elevations 5.5 and 7 (see attached *Plan*, with Flood Storage Calculations). All site grading has been designed to meet the performance standards for work within BLSF required under the *Act Regulations* and the *Bylaw Regulations* as discussed in greater detail below in Section 7.

---

## 6. Mitigation Measures

In addition to the 761± square-foot decrease in impervious surface, the Applicant intends to implement erosion controls to protect adjacent property during construction, and provide compensatory flood storage to mitigate for any potential impacts to BLSF, and to improve the flood storage capacity on the site. A description of each of these mitigating measures is provided below.

### 6.1 Erosion and Sedimentation Control

The Applicant proposes to implement an erosion control program to protect the adjacent sites from sedimentation during construction activities. The plan for the control of potential impacts to the adjacent Wetland Resource Areas is based on DEP guidelines, and will consist of compost filter tubes. The erosion controls will be installed along the Limit-of-Work line encapsulating the development along the southern and portions of the eastern and western property boundaries. All barriers will remain in place until work is complete and any exposed soil is stabilized by vegetation. The location of the proposed erosion controls is shown on the *Plan* (Appendix B).

6.2

**Compensatory Flood Storage**

Project Engineer Al Gala of Gala Simon Associates, Inc., has designed the project to provide a >2:1 ratio of proposed flood storage compared to existing flood storage, as provided on the Flood Storage Calculations section of the *Plan*. Work is proposed within BLSF between elevations 5.5 and 7. Under existing conditions, 508 cubic feet of flood storage are available between these elevations (15 cubic feet between elevations 5.5 and 6.0; and 493 cubic feet between elevations 6.0 and 7.0). Under proposed conditions, 1,200 cubic feet of flood storage will be available (152 cubic feet between elevations 5.5 and 6.0; and 1,048 cubic feet between elevations 6.0 and 7.0). The proposed design results in an overall 2.3:1 ratio of proposed flood storage to existing flood storage.

7.

**Regulatory Performance Standards**

The *Act Regulations* and *Bylaw Regulations* provide specific performance standards for work within BLSF. Citations of the pertinent performance standards are provided below, along with a description of how the project meets these standards.

7.1

**Bordering Land Subject to Flooding Performance Standards**

The *Act Regulations* at 310 CMR 10.57 (4) state that *work within BLSF shall conform to the following criteria:*

(a) *Bordering Land Subject to Flooding*

- (1) *Compensatory storage shall be provided for all flood storage volume that will be lost as a result of the proposed work.*

The project will result in a 2.3:1 increase of flood storage volume compared to existing conditions, as depicted in the Flood Storage Calculations section of the *Plan*.

- (2) *Work within BLSF...shall not restrict flows so as to cause an increase in flood stage or velocity.*

No flow restrictions or increase in flood stage or velocity will result as part of the proposed project.

- (3) *within BLSF shall not impair its capacity to provide important wildlife habitat functions.*

According to the BLSF Preamble at 310 CMR 10.57 (1) (a) 3:

*Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or bordering vegetated wetland (whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain), and all vernal pool habitat on the 100 year floodplain, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated (such "altered" areas include paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas lawfully existing on November 1, 1987 and maintained as such since that time).*

The portion of land located within BLSF is "altered" and is therefore not significant to the protection of wildlife habitat.

(b) Protection of Rare Wildlife Species

*(1) Notwithstanding the provisions of 310 CMR 10.57(4)(a) or (b), no project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species.*

The site is not located within Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species (see section 2.1, above).

7.2

**Bylaw Performance Standards for Work within the Floodplain**

Section 23 D. of the *Bylaw Regulations* states: *The Commission may permit activity on land subject to flooding provided it shall not result in the following:*

*(1) Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area.*

The project has been designed to provide more compensatory flood storage than currently exists, and will not result in any increased lateral displacement of water.

*(2) Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material.*

- (2) *Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material.*

The project will not result in any increase in pollutants that could otherwise potentially result in an adverse effect on public or private water supply or groundwater supply.

- (3) *An adverse effect on the capacity of said area to prevent pollution of the groundwater, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck.*

LEC did not observe any such conditions within or near the subject property.

### 7.3

#### **BLSF Climate Change Impacts**

*The Bylaw Regulations (Section 23 D.) also state that the applicant shall take into consideration the impacts of climate change on the activities proposed on land subject to flooding, especially in terms of the compensatory flood storage as a climate change resilience strategy. Any such activity shall provide compensatory flood storage for all flood storage volume that will be lost at each elevation. Compensatory flood storage shall be at a 2:1 ratio, minimum, for each unit volume of flood storage lost at each elevation.*

As described above in Section 6.2 of this NOI Report, Project Engineer Al Gala of Gala Simon Associates, Inc., has designed the project to provide a >2:1 ratio of proposed flood storage compared to existing flood storage, as provided on the Flood Storage Calculations section of the *Plan*. Work is proposed within BLSF between elevations 5.5 and 7. Under existing conditions, 508 cubic feet of flood storage are available between these elevations (15 cubic feet between elevations 5.5 and 6.0; and 493 cubic feet between elevations 6.0 and 7.0). Under proposed conditions, 1,200 cubic feet of flood storage will be available (152 cubic feet between elevations 5.5 and 6.0; and 1,048 cubic feet between elevations 6.0 and 7.0). The proposed design results in a >2:1 ratio of proposed flood storage and existing flood storage for each incremental elevation, and an overall 2.3:1 ratio of proposed flood storage to existing flood storage.



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## 8. Summary

On behalf of the Applicant, Home Helpers Real Estate, LLC, (contact: Christopher Manley), LEC is filing this NOI Application with the Arlington Conservation Commission to refurbish an existing multi-family dwelling at 88-90 Varnum Street. Proposed activities include: adding a dormer within the existing roofline; demolishing a garage, and extending off-street parking; removal and re-grading of existing paved areas; installation of porous paver patios and walkways; and in-kind replacement of footings associated with a third story wooden deck. Portions of the proposed activities will occur within BLSF, as jurisdictional under the *Act*, the *Act Regulations*, the *Bylaw*, and the *Bylaw Regulations*.

In an effort to mitigate for the proposed activities, the Applicant proposes to implement mitigation measures, including erosion controls to protect the adjacent properties during construction, compensatory flood storage at a 2.3:1 ratio which exceeds the requirements enumerated in the *Act Regulations* and the *Bylaw Regulations*, and an overall reduction of impervious area by 761± square feet. The project, including the proposed mitigating measures, meets the performance standards enumerated in the *Act*, the *Act Regulations*, the *Bylaw*, and all but one of the *Bylaw Regulations*, and the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed herein.

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

Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)

Massachusetts Endangered Species Act (M.G.L. c. 131A)

Massachusetts Endangered Species Act Regulations (321 CMR 10.00)

Massachusetts Natural Heritage and Endangered Species Program Atlas of Estimated Habitat of State-listed Rare Wetlands Wildlife. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, Route 135, Westborough, MA 01581, [www.state.ma.us/dfwele/dfw](http://www.state.ma.us/dfwele/dfw)

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways 1995. *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, A Handbook*. 89 pp.

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map, Middlesex County, Massachusetts, Middlesex County, June 4, 2010.

New England Hydric Soils Technical Committee. June 2018, 4th ed., *Field Indicators for Identifying Hydric Soils in New England*

Reed, P.B. 1988. *National List of Plant Species that Occur in Wetlands: 1988 Massachusetts*. U.S. Department of the Interior, Fish and Wildlife Service. NERC-88/18.21

Town of Arlington, Massachusetts. Arlington Conservation Commission. *Town of Arlington Wetlands Protection Bylaw* (Article 8).

Town of Arlington, Massachusetts. Arlington Conservation Commission. *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection*, March 1, 2018.

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## **Appendix A**

### Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

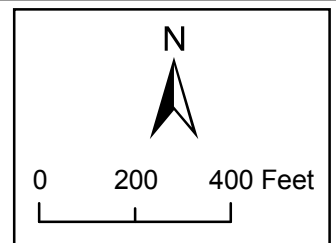
Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map



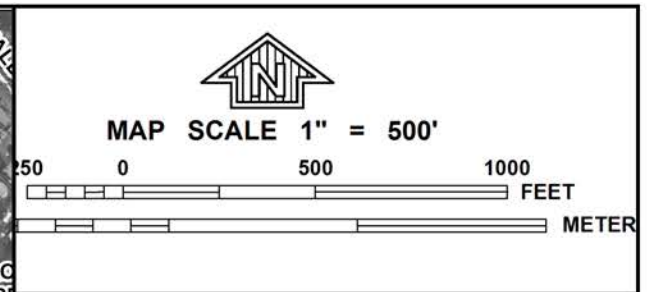


Figure 1: USGS Topographic Map  
88-90 Varnum Street  
Arlington, MA

March 13, 2019







NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0419E

## FIRM

FLOOD INSURANCE RATE MAP

MIDDLESEX COUNTY,  
MASSACHUSETTS  
(ALL JURISDICTIONS)

PANEL 419 OF 656

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ARLINGTON, TOWN OF	250177	0419	E
BELMONT, TOWN OF	250182	0419	E
CAMBRIDGE, CITY OF	250186	0419	E
SOMERVILLE, CITY OF	250214	0419	E
WATERTOWN, TOWN OF	250223	0419	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
25017C0419E

EFFECTIVE DATE  
JUNE 4, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

Figure 2: FEMA Flood Insurance Rate Map



# LEGEND



## SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

<b>ZONE A</b>	No Base Flood Elevations determined.
<b>ZONE AE</b>	Base Flood Elevations determined.
<b>ZONE AH</b>	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
<b>ZONE AO</b>	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
<b>ZONE AR</b>	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
<b>ZONE A99</b>	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
<b>ZONE V</b>	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
<b>ZONE VE</b>	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



## FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



### ZONE X

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



## OTHER AREAS

### ZONE X

Areas determined to be outside the 0.2% annual chance floodplain.

### ZONE D

Areas in which flood hazards are undetermined, but possible.



## COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



## OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



1% annual chance floodplain boundary



0.2% annual chance floodplain boundary



Floodway boundary



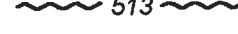
Zone D boundary



CBRS and OPA boundary



Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.



Base Flood Elevation line and value; elevation in feet\*

(EL 987)

Base Flood Elevation value where uniform within zone; elevation in feet\*

\* Referenced to the North American Vertical Datum of 1988



Cross section line



Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

2476000mN

1000-meter Universal Transverse Mercator grid values, zone 19

600000 FT

5000-foot grid values: Massachusetts State Plane coordinate system, Mainland zone (FIPZONE 2001), Lambert Conformal Conic projection

DX5510 x

Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M1.5

River Mile

## MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE  
FLOOD INSURANCE RATE MAP

June 4, 2010

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL





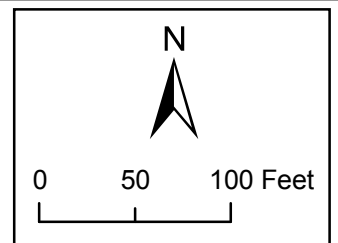
Environmental Consultants, Inc.

Wakefield, MA  
781.245.2500

[www.lecenvironmental.com](http://www.lecenvironmental.com)

Figure 3: MassGIS Orthophoto  
88-90 Varnum Street  
Arlington, MA

March 13, 2019

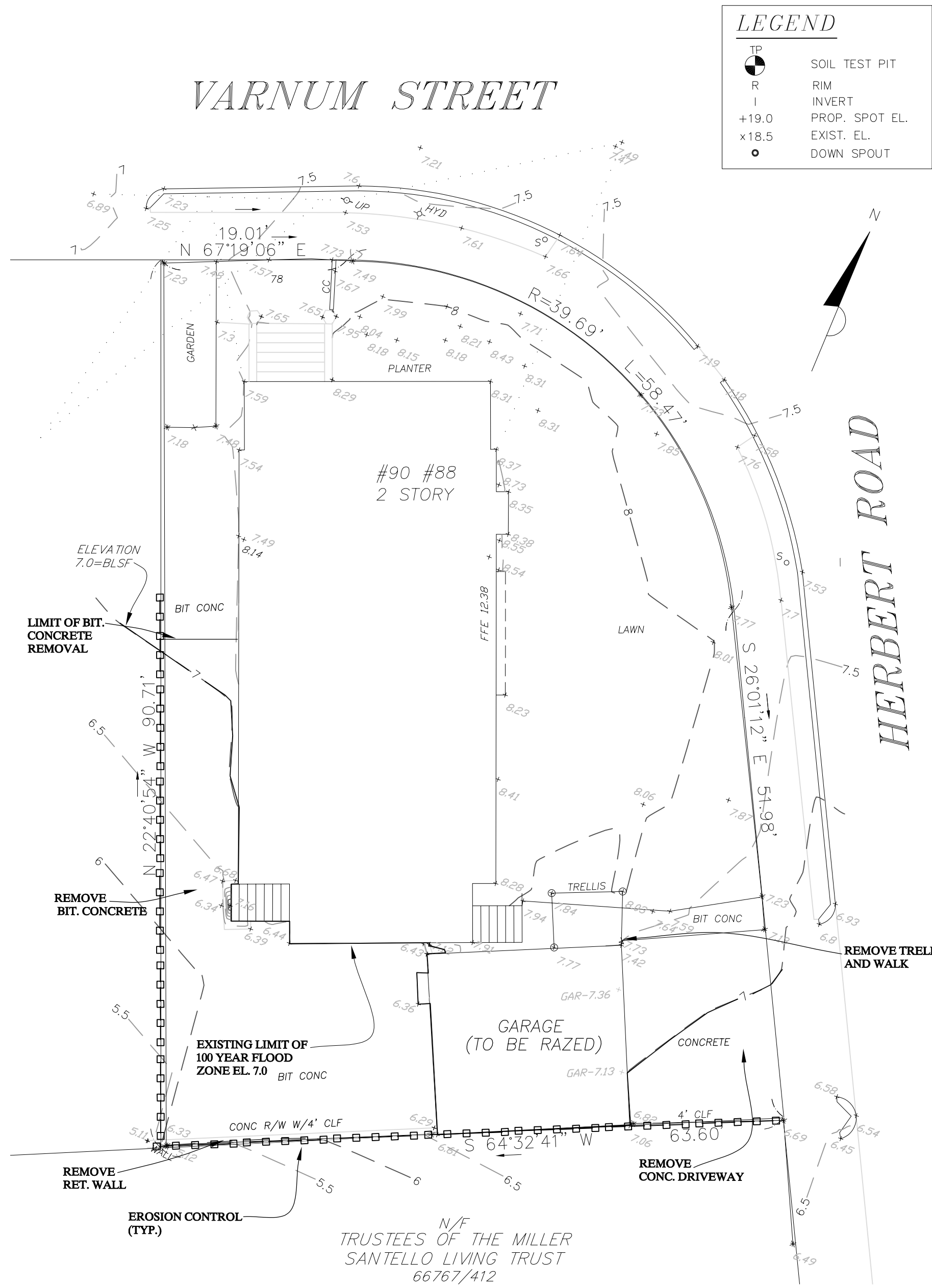


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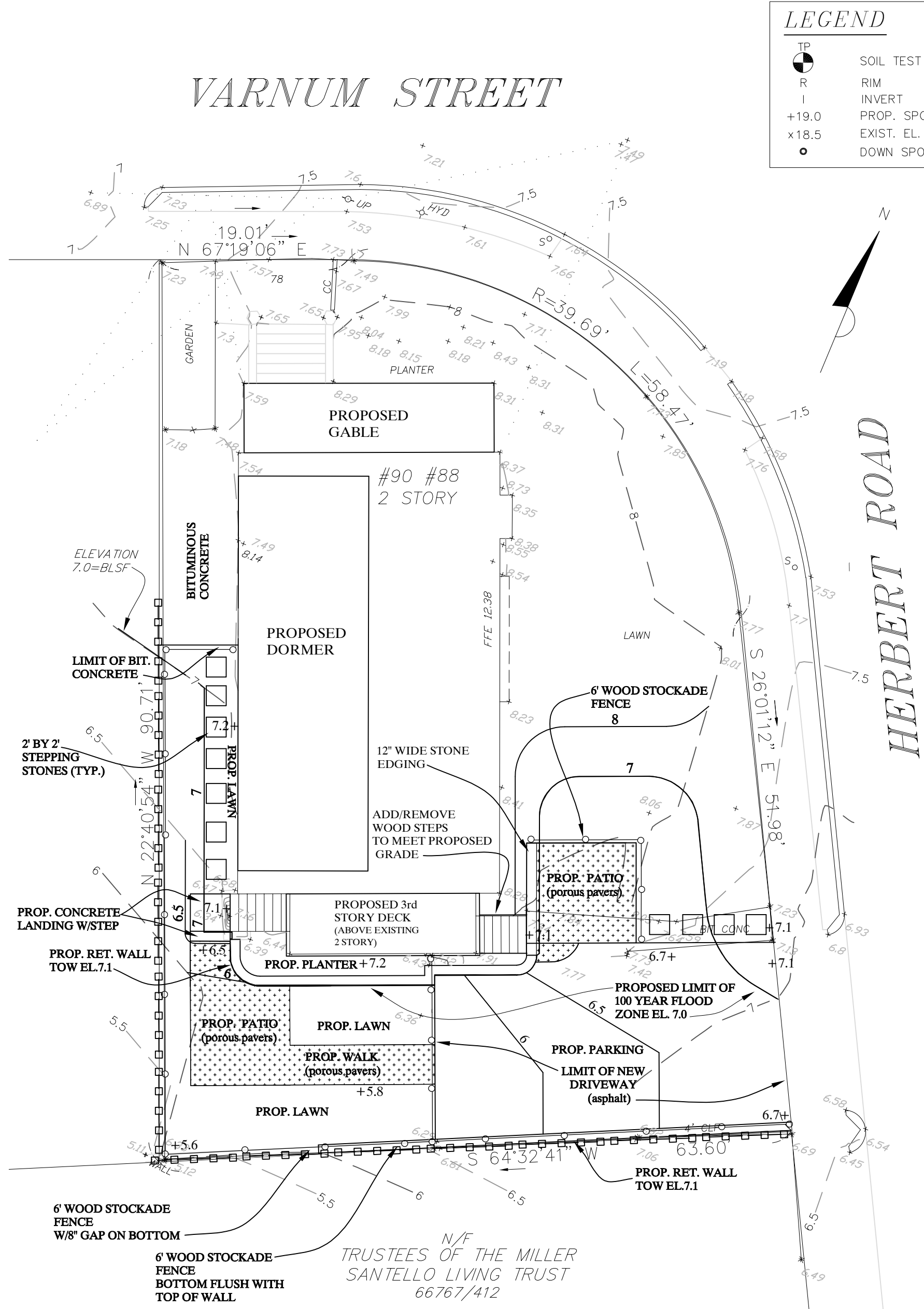
## **Appendix B**

*Site Grading Plan*, dated April 9, 2019, prepared by Gala Simon Associates, Inc.





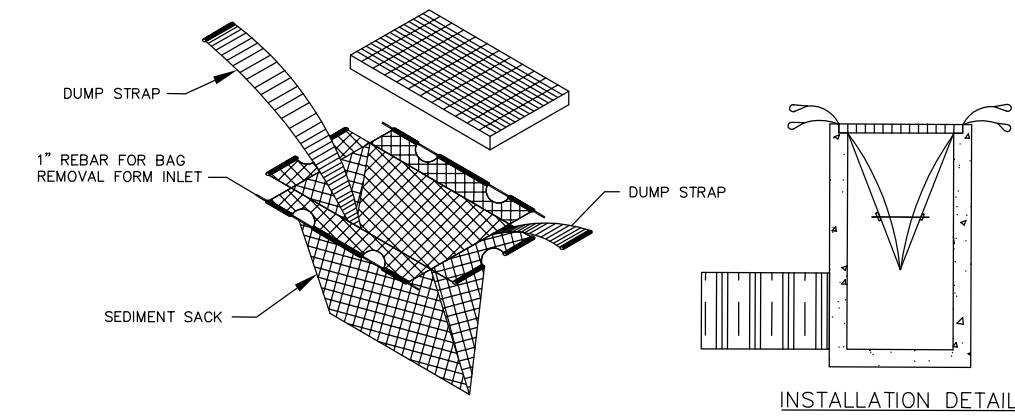
EXISTING CONDITIONS  
SCALE: 1" = 10'



PROPOSED CONDITIONS  
SCALE: 1" = 10'

## LAYOUT & GRADING NOTES

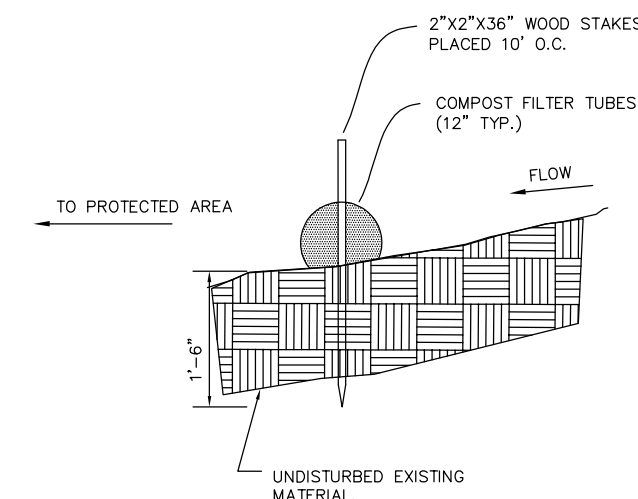
- CONSULT ALL DRAWINGS AND SPECIFICATIONS FOR COORDINATION REQUIREMENTS BETWEEN ALL TRADES PRIOR TO COMMENCING NEW CONSTRUCTION.
- LOCATION OF EXISTING UTILITIES SHOWN ARE DIAGRAMMATIC ONLY. CONTRACTOR SHALL CONTACT THE PROPER AUTHORITIES IN WRITING TO CONFIRM THE LOCATIONS OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE INCURRED DURING CONSTRUCTION TO ANY UTILITY SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO OWNER.
- CONTRACTOR TO REFER TO A PROFESSIONAL LAND SURVEYOR FOR ACCURATE OFFSETS TO TO PROPERTY LINE.



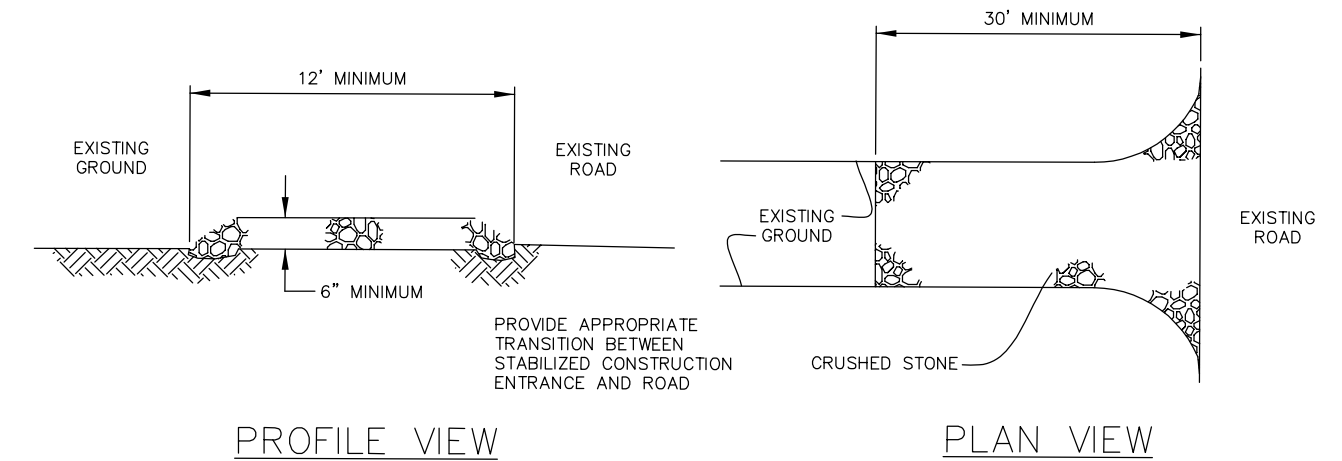
- NOTES:
- SOME MUNICIPALITIES DO NOT ALLOW GUTTER PROTECTION ON PUBLIC ROADS. SILT BAGS SHOULD BE USED WITH THESE CASES.
  - BAGS SHOULD BE CLEANED OUT AFTER EVERY RAIN EVENT AND/OR AS NEEDED.

## 2 SILT SACK C-0 SCALE: NTS

Note: To be installed at nearest downstream catch basin grate.



## 3 EROSION CONTROL C-0 SCALE: NTS

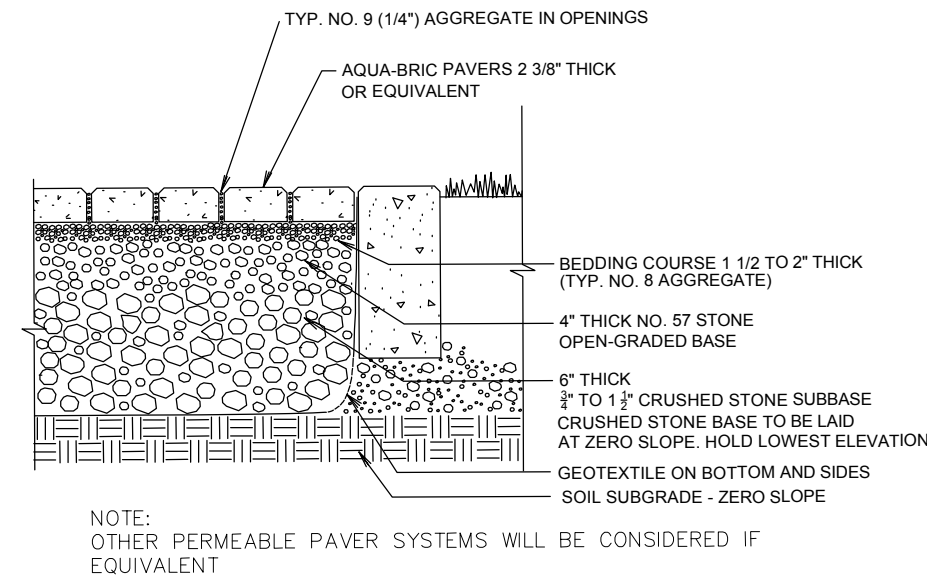


PROFILE VIEW

PLAN VIEW

THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO EXISTING ROAD. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO EXISTING ROAD SHALL BE REMOVED IMMEDIATELY.

## 4 STABILIZED CONSTRUCTION ENTRANCE C-0 SCALE: NTS



NOTE: OTHER PERMEABLE PAVER SYSTEMS WILL BE CONSIDERED IF EQUIVALENT

## 1 POROUS PAVER SECTION C-0 SCALE: NTS

Existing Flood Storage			Proposed Flood Storage		
El.	Area (s.f.)	Volume (c.f.)	El.	Area (s.f.)	Volume (c.f.)
5.5	4	15	5.5	4	152
6.0	56	493	6.0	607	1048
7.0	929		7.0	1490	
Total Storage Volume: 508			Total Storage Volume: 1200		

### FLOOD STORAGE CALCULATIONS

Note: for calculations purposes, the area below the deck was calculated as solid.

RUNOFF SURFACE	EXISTING (SF)	PROPOSED (SF)	Δ
ROOFS/DRIVEWAY/WALKS/GARAGE	3380	2619	-761

### PRE VS. POST IMPERVIOUS AREAS

## DRAINAGE NOTES:

- CONTRACTOR IS RESPONSIBLE FOR THE VERTICAL AND HORIZONTAL CONTROLS OF THE PROJECT.
- INSTALLATION OF OF ALL DRAINAGE COMPONENTS IS TO BE PERFORMED ACCORDING TO RECOMMENDATIONS FROM THE MANUFACTURER.

## GENERAL NOTES

- EXISTING CONDITIONS SURVEY INFORMATION OBTAINED FROM ROBER SURVEY, INC. ARLINGTON, MA. OWNER/CLIENT ASSUMES ALL RESPONSIBILITY FOR SOURCES AND AUTHORIZATION TO USE ELECTRONIC AND RECORD FILES.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING INFORMATION ON THE GROUND AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER IMMEDIATELY FOR A DECISION PRIOR TO CONSTRUCTION.
- ALL AREAS OUTSIDE OF THE LIMIT OF WORK LINES SHALL NOT BE DISTURBED IN ANY MANNER BY THE CONTRACT OPERATIONS. THE CONTRACTOR SHALL KEEP OUT OF THESE AREAS AND PRESERVE THEIR EXISTING CHARACTER.
- INSTALL TEMPORARY EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION FOR APPROVAL BY THE DESIGN ENGINEER.
- PROVIDE SMOOTH TRANSITION AT CHANGES IN GRADE EXCEPT AS INDICATED ON THE DRAWINGS AND AS DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNDERGROUND UTILITY LINES; ACTIVE OR NOT, AND SHALL MAINTAIN A CLOSE AND CONSTANT CONTACT WITH ALL UTILITY COMPANIES INVOLVED. CALL DIG-SAFE 888-344-7233
- ALL ELEVATIONS ARE REFERENCED TO AN NAVD88 DATUM.
- CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS, PERMITTING, AND LICENSES ISSUED AT THE FEDERAL, STATE AND LOCAL AGENCIES.
- CONTRACTOR SHALL COORDINATE ALL SITE UTILITY IMPROVEMENTS WITH THE TOWN OF ARLINGTON AND MWRA OFFICIALS.
- ENGINEER IS TO BE CONTACTED BY CONTRACTOR TO PERFORM AS BUILT MEASUREMENTS.
- OWNER/DEVELOPER IS TO COMPLY WITH ALL OF MASSACHUSETTS DEP SITE DEVELOPMENT REGULATIONS.
- ROADWAY IS TO BE SWEEP, OR OTHERWISE CLEANED OF DEBRIS AND SEDIMENT, AT THE END OF EACH WORKDAY.
- CONTRACTOR IS TO COORDINATE INSPECTIONS OF THE POROUS PAVEMENT SYSTEMS WITH THE TOWN OF ARLINGTON ENGINEERING DIVISION. ONE INSPECTION WILL BE REQUIRED FOR THE BOTTOM OF THE BED AND ANOTHER AFTER INSTALLATION. ENGINEERING DIVISION REQUIRES 24 HOURS ADVANCE NOTICE.
- SITE GRADING SHALL NOT DIRECT CONCENTRATED STORMWATER RUNOFF ONTO ADJUTING PROPERTIES.
- ANY PROPOSED AND/OR FUTURE SUMP PUMP INSTALLATION SHOULD NOT BE DISCHARGED TOWARDS THE PUBLIC WAY.
- THE TOWN OF ARLINGTON IS NOT A MEMBER OF DIGSAFE. THE CONTRACTOR, IN ADDITION TO CALLING DIGSAFE, MUST ALSO CONTACT THE TOWN OF ARLINGTON WATER AND SEWER DIVISION (781-316-3301 OR 781-316-3310) AT LEAST 72 HOURS PRIOR TO ANY EXCAVATIONS.
- CONTRACTOR IS TO VERIFY ARCHITECTURAL PLANS.

## UTILITY NOTES:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THIS PLAN, PRIOR TO ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION BEFORE PROCEEDING WITH THE WORK. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES SUCH AS CATCH BASINS, MANHOLES, WATERGATES, ETC. AND COMPILED FROM PLANS SUPPLIED BY VARIOUS UTILITY COMPANIES AND GOVERNMENT AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, ALL UTILITY COMPANIES OR AGENCIES PRIOR TO ANY EXCAVATION WORK. CALL DIGSAFE AT 1-888-344-7233.

Gala Simon  
Associates Inc.  
394 LOWELL STREET, SUITE 18  
LEXINGTON, MA 02420  
Tel: (781) 676-2962  
www.gsadesign.com

GSA  
Civil Engineers

SITE GRADING PLAN

88 - 90 VARNUM STREET  
ARLINGTON, MASSACHUSETTS

Job No. 1904 Date: 04/09/19  
Drawn By: AG Scale: AS SHOWN  
Rev# Date: Description:



C-0