

ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 93 Sunnyside Ave
MassDEP File # 091-0319
UNDER THE WETLANDS PROTECTION ACT and ARLINGTON BYLAW FOR WETLANDS PROTECTION
4/16/2020

DOCUMENTS REVIEWED

1. Notice of Intent Packet for 93 Sunnyside Ave, Arlington, MA dated February 13, 2020.
2. Notice of Intent Narrative for 93 Sunnyside Ave, Arlington, MA dated February 13, 2020; revised March 2, 2020.
3. Proposed Site Plan Set for 93 Sunnyside Ave, prepared by Blanchard A+D, dated February 13, 2020, revised March 2, 2020.
4. Topographic Plan of Land for 93 Sunnyside Ave, prepared by Medford Engineering and Survey, stamped by Richard J Mede PLS #36864, dated January 17, 2020.
5. Unilock Permeable Paver Specifications, prepared by Unilock, dated June 24, 2019.

PROCEEDINGS

The Conservation Commission held a public hearing for the Notice of Intent on February 27, 2020. The hearing was continued to March 5, 2020 and April 2, 2020. The public hearing was closed on April 2, 2020. The Commission deliberated on April 16, 2020 and voted **xxxx to approve** the Project with conditions under the Wetlands Protection Act (the “Act”) and voted **xxxx to approve** the Project with conditions under the Arlington Wetlands Protection Bylaw (the “Bylaw”).

**FINDINGS OF FACT AND LAW
UNDER ARLINGTON WETLANDS PROTECTION BYLAW
AND WETLANDS PROTECTION ACT**

- A. The project as approved involves: (1) building an addition on the back of the existing house on top of new footings; (2) constructing an elevated deck behind the addition, on top of an existing concrete slab and knee walls; (3) expanding the existing mudroom at the front of the house; (4) installing a permeable paver driveway at the back of the property; and, (6) installing shrubs and native ground cover, as well as drywells for mitigation.
- B. The ~~subject~~ **project** site **is approximately 2,983 square feet containing** ~~consists of~~ a residential unit located at 93 Sunnyside Avenue in Arlington, Massachusetts. The site is developed with a residential home attached to the residential home at 91 Sunnyside Avenue.
- C. **The following Resource Areas are present on the site or within 100 feet of the lot lines: Adjacent Upland Resource Area (“AURA”) (Bylaw) and Buffer Zone (Act) are both outside of the limits of work, the 200-foot Riverfront Area encompasses the limits of work, Floodway, 1% Annual Flood Chance Hazard Floodplain, and Alewife Brook. The Commission finds accurate the delineation of Resource Areas shown on the approved Proposed Site Plan for 93 Sunnyside Ave.**
- D. The **work** proposes **a** back addition **of** 180 square feet **and a** deck off the back addition **of** 145 square feet **and the deck** will be constructed to be permeable. The proposed expanded front mudroom is 46 square feet, and the existing mudroom is 17 square feet (a 29 square foot increase). The project as approved will create a 209 square foot increase in impervious surface within the 200-foot River Front Area.

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- E. As mitigation, this project proposes to install a 400 square foot vegetated mitigation area **where** with native and pollinator plants. This project will also remove all invasive species onsite, and plant the front yard with native grasses. For stormwater mitigation, this project will install three dry wells that will collect and manage all of the stormwater runoff from the entire footprint of the structure. Finally, a 466 square foot permeable paver driveway will be installed in the back of the property.
- F. The project as approved proposes building compensatory flood storage for the footings that will be constructed to support the back addition. The footings will create 2.08 cubic feet of encroachment, and 4.16 cubic feet of compensatory flood storage will be provided through regrading.
- G. ~~The following Resource Areas are present on the site or within 100 feet of the lot lines: Adjacent Upland Resource Area (“AURA”) (Bylaw) and Buffer Zone (Act) are both outside of the limits of work, the 200 foot Riverfront Area encompasses the limits of work, Floodway, 1% Annual Flood Chance Hazard Floodplain, and Alewife Brook. The Commission finds accurate the delineation of Resource Areas shown on the approved Proposed Site Plan for 93 Sunnyside Ave.~~
- H. Based on the testimony at the public hearing, and review of the application materials and the documents listed above submitted during the public hearing, the Commission concludes that the proposed Project will not alter Resource Areas under the Act and Bylaw, the work as conditioned will not have significant or cumulative effects upon the interests of the Wetlands Protection Act or the Resource Area values of the Arlington Wetlands Bylaw when the conditions imposed are implemented to protect the Resource Area values. With the conditions contained herein, the Project meets the performance standards in the Bylaw Regulations and State Wetlands Regulations, 310 CMR 10.00.

Additional Special Conditions

In addition to the General Conditions (numbered 1 – 20 above), the Project is subject to the following Additional Special Conditions (under both the Act and Bylaw):

Pre-Construction

- 21. Work permitted by this Order and Permit shall conform to the Notice of Intent, the approved plans and documents (listed above), and oral representations (as recorded in hearing minutes) submitted or made by the Applicant and the Applicant’s agents or representatives, as well as any plans and other data, information or representations submitted per these Conditions and approved by the Commission.
- 22. The provisions of this Order and Permit shall apply to and be binding upon the Applicant and Applicant’s assignees, tenants, property management company, employees, contractors, and agents.
- 23. No work shall begin under this Order until: (a) all other required permits or approvals have been obtained and (b) the appeal period of ten (10) business days from the date of issue of this Order has expired without any appeal being filed, and (c) this Order has been recorded in the Registry of Deeds..

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24. The Applicant shall ensure that a copy of this Order of Conditions and Permit for work, with any referenced plans, is available on site at all times, and that contractors, site managers, foremen, and sub-contractors understand its provisions.
25. Prior to starting work, the Applicant shall submit to the Commission the names and 24-hour phone numbers of project managers or the persons responsible for site work or mitigation.
26. Before work begins, erosion and sediment controls shall be installed at the limits of the work area. These will include a silt fence and 12 inch straw or silt wattle around the entire work area (hay bales are not allowed and silt socks are preferred).
27. The contractor shall contact the Conservation Agent (concomm@town.arlington.ma.us ; 781-316-3012) to arrange for a pre-construction meeting with the on-site project manager to walk through the Order of Conditions and walk the site to confirm the installation and placement of erosion controls prior to the start of any grading or construction work.
28. The contractor shall provide written Notice of the work start date to the Conservation Agent 48 hours prior to start of work.
29. The 1% Annual Flood Chance Hazard Floodplain boundary shall be staked prior to construction and the pre-construction meeting with the Conservation Agent. The Conservation Agent shall review the staking during the pre-construction meeting. The floodplain boundary stakes shall remain intact for the entire duration of the project.
30. The Commission, its employees, and its agents shall have the right of entry onto the site to inspect for compliance with the terms of this Order of Conditions and Permit until a Certificate of Compliance has been issued.

Post-Construction

31. When requesting a Certificate of Compliance for this Order of Conditions, the Applicant must submit a written statement from a Massachusetts professional engineer, registered land surveyor, or registered landscape architect certifying that the completed work complies with the plans referenced in this Order, or provide an as-built plan and statement describing any differences.

Dumpsters

32. All dumpsters must be covered at the end of each work day, and no dumpsters will be allowed overnight within the 100 foot Buffer Zone or Adjacent Upland Resource Areas ("AURA") or other Resource Areas.

Stockpiling

33. No uncovered stockpiling of materials shall be permitted overnight within 100 feet of any waterway or water body. Stockpiling shall occur only where noted on approved plans.

Erosion Control

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34. Areas that are disturbed by construction and access activities shall as soon as possible be brought to final grade and reseeded and restabilized, and shall be done so prior to the removal of erosion control barriers.
35. Erosion control measures shall be installed per the approved plans and confirmed during the pre-construction inspection.

Equipment

36. No heavy equipment may be stored overnight within 50 feet of the wetland and no refueling or maintenance of machinery shall be allowed within the 100-foot Buffer Zone, 200-foot Resource Area, and Adjacent Upland Resource Area or within any Resource Area.
37. Construction entrances shall be used and maintained only where noted on approved plans.
38. Arrangements shall be made for any rinsing of tools, equipment, etc. associated with on-site mixing or use of concrete or other materials such that the waste water is disposed of in the concrete wash out station-at least 50 feet from the resource area. In no case may water be discharged into or onto Resource Areas on or adjacent to the site. Any spillage of materials shall be cleaned up promptly.

Sweeping

39. Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.

Fill and Excavation

40. This project shall not increase the water surface in the floodplain. At the project's completion, the site must conform to the elevations and compensatory flood storage outlined on the revised plans dated March 2, 2020. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

Plantings

41. All plantings shall be native and be installed and maintained according to the standards of the American Association of Nurserymen (AAN). **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**
42. All plantings planted through this project shall be maintained for three years. A survival rate of at least 75% must be maintained for the approved plantings. **The Conservation Agent shall be contacted by the Property Owner to conduct annual inspections of the plantings sometime between September 15- November 1 2021, 2022, and 2023.**

Chemicals

43. To avoid adding excess nitrogen runoff, the Applicant shall only treat the vegetated area with slow release nitrogen fertilizer. Application of this fertilizer cannot occur in the summer, or after storm events. New plantings shall only be fertilized once, during the initial planting year. No pesticides or rodenticides shall be used to treat pest management issues. **This shall be a continuing condition that**

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survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.

Pervious Surfaces

44. Pervious surfaces shown on the project plans shall be maintained and not be replaced by impervious surfaces. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**
45. The porous pavers shall be maintained per the manufacturer's Operation and Maintenance Specifications, the Unilock specifications dated July 24, 2019. At minimum, the porous pavers shall be maintained as follows: no winter sanding is permitted on the driveway or patio, and annual vacuum sweeping. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

Stormwater

46. The Applicant shall protect all adjacent catch basins using silt socks.
47. If the water level in the backyard is too high for the proposed backyard drywell, the alternative drywell shall be installed per the revised plan dated March 2, 2020.