



TOWN OF ARLINGTON

730 Massachusetts Ave.
Arlington, MA 02476
781-316-3012

ARLINGTON CONSERVATION COMMISSION

Notice of Enforcement Order

August 15, 2019

Mr. Peter Howard
39 Wellington Street
Arlington, MA 02476

RE: Tree and Vegetation Clearing on Adjacent Town-Owned Property, 0-Lot Pond Lane Parcel ID 121-6-2

Dear Mr. Peter Howard,

It has come to the Conservation Commission's attention that you undertook the clearcutting of vegetation including approximately 37 trees, ranging from 1 to 9 inches in diameter on town-owned land abutting your property to the east, without Conservation Commission approval. The land is owned by the Park and Recreation Commission which did not conduct this activity or authorize it. One small caliper tree was planted in the area, as well as some shrubs.

This site is within the 100-foot Buffer Zone/Adjacent Upland Resource Area associated with Spy Pond, which are Wetland Resource Areas regulated by the Conservation Commission. Work in this area requires review and permission by the Conservation Commission under the State Wetlands Protection Act (G.L. c. 131, § 40) and the Town of Arlington Wetlands Protection Bylaw (Title V, Article 8 of the Town Code). Since this is Town-owned land, work in this area also would have required review and permission by the Park and Recreation Commission.

Arlington's Conservation Agent conducted an inspection of the site to determine the extent of non-compliance on August 6, 2019. Please see the attached pictures from the site visit, documenting the vegetation and tree removal with before and after photos. Based on the inspection, as well as conversations with the Arlington Tree Warden and Arlington Boys and Girls Club, the Commission believes you contracted the illegal work. Additionally, a hose watering some of the newly planted shrubs runs from your property, under your fence, and onto the site (Photo 5).

Please read the enclosed Enforcement Order. Per the order, you are required to immediately install sedimentation barriers and erosion controls to protect Spy Pond, as well as develop a restoration plan to restore the site back to its previous state, submitted to the Commission in time for its September 5, 2019 meeting where it will be discussed. The restoration plan shall conform to the plan requirements in Arlington's Wetland Regulations. You are also required to fund all associated restoration costs. You may also be subject to additional fines and fees pursuant to the town's Tree Warden.

Please do not hesitate to contact the Conservation Commission with any questions regarding this matter.

Sincerely,

Emily Sullivan
Environmental Planner & Conservation Agent, Town of Arlington
esullivan@town.arlington.ma.us
(781) 316-3012

Cc: Park and Recreation Commission
Department of Public Works
Town Counsel, D. Heim
Ms. Aimee Laura Taberner, 41 Wellington Street
MassDEP – Northeast Regional Office
File



Photo 1. Photo of site after it was clear cut from Wellington Street (date: August 6, 2019).



Photo 2. Photo of site after it was clear cut from Spy Pond's bank (date: August 6, 2019).



Photo 3. Photo of the town-owned property before it was clear cut (source: Google Street View, July 2018).



Photo 4. Example of an existing tree stump after site was clear cut (date: August 6, 2019).



Photo 5. Photo of newly planted shrubs on the site, with sprinkler leading to 41 Wellington Street (date: August 6, 2019).