



## Arlington Conservation Commission

**Date:** Thursday, March 18, 2021  
**Time:** 7:30 PM  
**Location:** Conducted by Remote Participation

Please note: The listing of matters are those reasonably anticipated which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

### Agenda

#### 1. Administrative

- a. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the March 18, 2021 public meeting of the Arlington Conservation Commission shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

Topic: Conservation Commission Meeting

Time: March 18, 2021 07:30 PM Eastern Time (US and Canada)

***Register in advance for this meeting:***

<https://town-arlington-ma-us.zoom.us/meeting/register/tJAvcu-gqj4uHdUW9IGtNb6ncO3N6WjZNs72>

Members of the public are strongly encouraged to send written comment regarding any of the hearings listed below to Conservation Agent Emily Sullivan at [esullivan@town.arlington.ma.us](mailto:esullivan@town.arlington.ma.us).

Please read Governor Baker's Executive Order Suspending Certain Provision of Open Meeting Law for more information regarding virtual public hearings and meetings: <https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

- b. Review draft 02/18/2021 minutes.
- c. Review draft 03/04/2021 minutes
- d. Community Preservation Act Update
- e. Review draft comment letter for 1165R Mass Ave comprehensive permit application.
- f. Review draft ZBA decision for Thorndike Place comprehensive permit application.
- g. Review National Grid's Notice of Maintenance Work for gas mains in East Arlington.

#### 2. Discussion

- a. Discussion: AC Turf Field and Resource Areas

#### 3. Hearings

**Request for Certificate of Compliance**

**Request for Certificate of Compliance:46 Spy Pond Parkway  
MassDEP File #091-0300**

The project as approved proposed to raze and rebuild an existing single family home and add resource area improvements through a native vegetation buffer along Spy Pond and pervious 7:45pm paver driveway, walkways, and patio in the 100-ft wetlands buffer and AURA of Spy Pond. The project was approved on 11/20/2018.



## Town of Arlington, Massachusetts

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### Review draft 02/18/2021 minutes

#### Summary:

Review draft 02/18/2021 minutes.

#### ATTACHMENTS:

Type	File Name	Description
▢ Minutes	02182021_Minutes_Conservation_Commission.pdf	Draft 02/18/2021 Minutes



## **Arlington Conservation Commission**

Date: February 18, 2021

Time: 7:30pm

Location: Conducted through Remote Participation using Zoom

### **Minutes**

Attendance: Commission Members Susan Chapnick (Chair), Mike Gildesgame, Pam Heidell, Chuck Tirone (Vice Chair), and David White; Associate Commissioner Cathy Garnett and Doug Kilgour; and Conservation Agent Emily Sullivan. Commissioners Dave Kaplan and Nathaniel Stevens were not present. Members of the public included John Barrows, Christine Carney, and Mickey Marcus.

### **02/04/2021 Meeting Minutes**

The Commission discussed edits to the draft 02/04/2021 minutes. D. White motioned to approve the minutes as edited, M. Gildesgame seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, C. Tirone voted yes, and D. White voted yes.

### **Water Bodies Working Group Update**

D. White summarized the WBWG's presentation to the Finance Committee on 02/17/2021. D. White stated that the Finance Committee asked follow-up questions on the status of the McClennen Park detention basins and MassDEP's response to the Woods Hole Group's 2019 report on the ecological health of the detention basins.

S. Chapnick summarized the 2019 report, which reported that the detention basins did not exceed any Massachusetts Contingency Plan standards. There were several surface water samples that exceeded the National Recommended Water Quality Criteria for iron. Additionally, some sediment data exceeded MassDEP sediment screening level benchmarks for arsenic, lead, and zinc. Overall, the 2019 report concluded that "the observed iron flocculation at Reeds Brook does not constitute a condition of readily apparent harm" to the environment of the wetland resource area.

The Commission discussed that the operation and maintenance plan of the detention basins had not been implemented, and that sediment build-up ~~is~~ may be above the permissible depth per the Order of Conditions, MassDEP #091-0134 issued by the Commission in 1997, amended in 2001. The WBWG agreed to work with the Department of Public Works to make sure the operation and maintenance plan ~~was is~~ implemented.



**Request for Determination of Applicability: 25 Henry Street  
Arlington File #A21.2**

*Documents Reviewed:*

- 1) *25 Henry Street RDA packet, submitted by John Barrows for Applicant John Carney, dated February 3, 2021.*

*Resource Areas:*

- 1) *200-ft Riverfront Area*
- 2) *Reeds Brook*

The project proposes to construct a driveway and stormwater management system partially within the 200-ft Riverfront Area of Reeds Brook. The 200-ft Riverfront Area extends partially within the front of the site [\(based on Arlington's GIS maps\)](#). This project is part of a larger project to construct a single-family home on the lot, which is currently undeveloped.

J. Barrows stated that the Applicant was working with the Arlington Tree Warden on the protection and removal of trees on the property. The Applicant is also working with the Town Engineer to comply with the Stormwater Mitigation Bylaw. J. Barrows stated that the driveway would be impervious with a trench drain to recharge stormwater runoff.

C. Tirone asked J. Barrows if he had used USGS StreamStats to see if the property is actually within the Riverfront Area. J. Barrows stated that he did not check StreamStats because the Town's Resource Area Map shows the property partially within the Riverfront Area. The Commission confirmed that the property is partially within the Riverfront Area based on the Town's definition of stream in the Regulations for Wetlands Protection.

C. Tirone asked if the stormwater system included any separators. J. Barrows stated that the stormwater system did not include any separators, but there will be a sump for sand and total suspended solids removal.

P. Heidell asked if the Town Engineer had reviewed and commented on the project's stormwater report. J. Barrows stated that the Town Engineer has not responded yet. P. Heidell asked about the operation and maintenance plan for the stormwater system. P. Heidell asked whether maintenance once per year was sufficient for a property with such steep grading. J. Barrows stated that he will change the maintenance requirement to twice per year.

P. Heidell asked whether the size of the proposed stormwater units could be increased. J. Barrows stated that the stormwater units were sized based on TR-55 data, and that the NOAA Atlas data would not change the stormwater calculations significantly. J. Barrows stated that the proposed units will still reduce flooding. J. Barrows stated that any runoff from this site that does not enter the site's stormwater system will go directly into the Town's stormwater system, and will not enter Reed's Brook based on topography and location of Town catch basins.

M. Gildesgame asked for clarification on the proposed backyard stormwater system. J. Barrows stated that the backyard stormwater system would only receive roof runoff.

S. Chapnick stated that once the Commission adopts its revised wetlands regulations, the Commission will require using NOAA Atlas + data for stormwater calculations.

C. Tirone motioned to issue a negative determination for 25 Henry Street, that although the work is within jurisdiction, it does not require a Notice of Intent (Negative Determination #3), P. Heidell seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, C. Tirone voted yes, and D. White voted yes. The Commission decided on the following conditions for the determination: 1) change the stormwater system operation & maintenance frequency from once a year to twice a year, 2) protect the storm drain across the street of the site during construction, 3) install erosion controls at the base of the site during construction, and 4) sweep the street in front of the site at the end of each work day.

### **Request for Certificate of Compliance: Arlington Reservoir Phase 1 MassDEP File #091-0304**

#### *Documents Reviewed:*

- 1) *Arlington Reservoir Phase 1 Notice of Intent packet, prepared by Weston & Sampson for Applicant Town of Arlington, dated December 5, 2018.*
- 2) *Arlington Reservoir Phase 1 Plans, prepared by Weston & Sampson for Applicant Town of Arlington, dated November 20, 2018, revised January 3, 2019.*
- 3) *Arlington Reservoir Phase 1 MassDEP File #091-0304 Order of Conditions, issued by the Arlington Conservation Commission, dated January 4, 2019.*
- 4) *Request for Certificate of Compliance, prepared by SWCA Environmental Consultants, dated February 5, 2021.*

#### *Resource Areas:*

- 1) *Bank*
- 2) *Land Under Waterbodies and Waterways*
- 3) *Bordering Land Subject to Flooding*
- 4) *100-ft Wetlands Buffer*
- 5) *Adjacent Upland Resource Area*
- 6) *Arlington Reservoir*

M. Marcus presented the Request for Certificate of Compliance for Phase 1 of the Arlington Reservoir Master Plan project. Phase 1 work included renovation of the bathing beach pump house, temporary alteration of Bank and Bordering Land Subject to Flooding, and work within the 100-ft Wetlands Buffer and Adjacent Upland Resource Area.

C. Tirone asked whether the Order of Conditions for Phase 1 was recorded. E. Sullivan said the Lexington Order of Conditions was recorded, but that she needed to check the paper files to see if the Arlington Order of Conditions was recorded.

D. White motioned to issue a complete Certificate of Compliance for the Phase 1 Reservoir Project MassDEP File #091-0304, M. Gildesgame seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, C. Tirone voted yes, and D. White voted yes.

### **Update: Thorndike Place Comprehensive Permit**

S. Chapnick updated the Commission on the status of the Thorndike Place Comprehensive 40B Permit. The Zoning Board of Appeals (ZBA) is beginning to draft conditions for the comprehensive permit application, and has asked Town departments and boards to submit draft conditions.

The Commission discussed the permanent conservation protection of the remaining ~12 acres that would not be developed as part of the comprehensive permit. The Property Owner recently proposed giving the undeveloped land to the Town with a one-time \$100,000 donation for clean-up of the land. The Property Owner also proposed donating \$25,000 to the Town annually for a period of ten years after the Town accepted the land for the maintenance and restoration of the land. The Arlington Land Trust also released a comment letter recommending that the land be given to the Massachusetts Department of Conservation and Recreation.

Some members of theThe Commission stated that the Town should not accept the land without the land going through clean-up prior to acceptance. Ultimately, the Commission agreed that the Zoning Board of Appeals should decide the best arrangement for the land ~~and that the Commission would assist with the arrangement once it was determined~~. The next ZBA hearing for Thorndike Place is scheduled for Thursday, 03/11/2021 at 7:30pm.

### **Regulatory Update: Full Draft**

The Commission reviewed and discussed a full draft of the updated regulations.

### **2021 Goals**

The Commission reviewed the goals it established in 2020 and discussed the progress made. The Commission discussed its goals for 2021, including:

1. Strengthen and update regulations for performance standards, permitting efficiency, and process clarity
  - Revise the Arlington Regulations for Wetlands Protection
  - Add administrative project/general project process to regulations
  - ~~▪ Have Commission review/approve special conditions and OOCs for permits prior to permit issuance~~
2. Host additional collaborative community clean-up and educational events

- Devote 1-2 hours of a meeting to a wetland topic training and invite an expert to give the training
  - Open space clean-ups depending on COVID-19 protocols
3. Improve the stewardship of conservation lands and other town open spaces
- Identify maintenance needs/gaps for ACC-managed properties and secure town resources for implementation
  - Vegetative buffers (C. Garnett's project)
  - Floating wetlands pilot project
  - Coordinate regional management of Upper/Lower Mystic Lakes
4. Improve communication and educational outreach to residents in resource areas
- Create a floodplain guidance document / resource area document
5. Other
- Maintain a master permit tracking list

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

Meeting adjourned at 9:55pm.



## Town of Arlington, Massachusetts

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### Review draft 03/04/2021 minutes

#### Summary:

Review draft 03/04/2021 minutes

#### ATTACHMENTS:

Type	File Name	Description
▢ Minutes	03042021_Minutes_Conservation_Commission.pdf	Draft 03/04/2021 minutes



## Arlington Conservation Commission

Date: March 04, 2021

Time: 7:30pm

Location: Conducted through Remote Participation using Zoom

### Minutes

Attendance: Commission Members Susan Chapnick (Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan, Nathaniel Stevens, Chuck Tirone (Vice Chair), and David White; Associate Commissioner Cathy Garnett and Doug Kilgour; and Conservation Agent Emily Sullivan. Members of the public included Kelly Lynema (Department of Planning and Community Development), Rich Kirby (Representative for 55 Orient Ave), Liz Stanton (Owner of 55 Orient Ave), and member of the public G Sonder.

### 1165R Mass Ave 40B Comprehensive Permit Update

The Commission discussed the 1165R Mass Ave comprehensive permit application. The Zoning Board of Appeals will review the stormwater and wetlands components of the applicant on Tuesday, March 23. The ZBA has requested that the Commission provide comments regarding the proposal prior to the hearing.

The Commission discussed the proposed relocation of Ryder Brook. Ryder Brook currently bisects the property from north to south. The proposed relocation would relocate the brook along the northern boundary of the property. The relocation would reduce the daylight portion of Ryder Brook from 120 linear feet to 100 linear feet, a reduction of 20 linear feet of daylight brook. The proposed relocation would also include increasing the capacity of the pipe for the underground culverted portion of the brook.

In 2020, the Conservation Commission issued a determination of Applicability that Ryder Brook was only jurisdictional under the local Wetlands Bylaw, and not jurisdictional under the Wetlands Protection Act. The RDA did not seek a determination under the Bylaw; the Commission noted that Ryder Brook previously has been deemed jurisdictional under the Arlington Wetlands Bylaw.

S. Chapnick stated that the Applicant agreed to use the NOAA Atlas+ data for the project's stormwater calculations.

The Commission discussed the wildlife habitat value of Ryder Brook. Some of the Commission agreed that there was limited habitat value to the brook, but the most habitat value can be found in the upstream section of Ryder Brook, closest to the bikeway.

D. Kaplan asked whether the relocation of the brook and new shading patterns along the brook would impact the vegetation growing along the daylight portion of the brook. D. Kaplan also asked whether the daylight portion of the brook could be enlarged.

N. Stevens stated that the Arlington Wetlands Bylaw and regulations do not explicitly state that brooks cannot be relocated; rather, the Bylaw and regulations state that ~~performance standards~~ certain characteristics and functions must be maintained or enhanced. N. Stevens stated that the relocated brook's water carrying capacity cannot be inhibited, but relocation is not the same as inhibition. However, N. Stevens stated that he was skeptical of the engineering of the relocation, since the proposal included adding a 90 degree angle to the brook's conveyance.

C. Tirone asked if there were any open determinations on Ryder Brook. E. Sullivan said that the only open determination was the determination issued in 2020 for 1165R Mass Ave asserting that Ryder Brook is jurisdictional under the Arlington Bylaw, and not the Wetlands Protection Act.

C. Tirone stated that the proposed relocation did not appear to be a 2:1 value replacement for Ryder Brook's resource area functions. C. Tirone stated that he did not interpret the regulations the way N. Stevens had interpreted them.

P. Heidell stated that she was willing to work with the Applicant so that they did not have to file for a waiver for the Bylaw. P. Heidell stated that the relocation could comply with the Bylaw's performance standards and the Applicant could enhance the resource area. P. Heidell stated that she was amenable to the relocation.

C. Tirone asked if the Commission had to sign something stating that Ryder Brook was not jurisdictional. N. Stevens stated that the Commission was not asserting that the brook was not jurisdictional, but that the Commission would be asserting that the brook has limited resource area functions and the proposal could maintain ~~complies with the performance standards of~~ those resource area functions. N. Stevens stated that the resource area functions appeared to him to be included storm damage prevention and flood control. C. Tirone and D. White stated that wildlife habitat was also a resource area function served by this stream.

D. Kaplan stated that the Town Engineer should review the proposed relocation to assess the 90 degree angle and the increased capacity of the conveyance pipe. D. Kaplan expressed concern that increased pipe capacity could result in exacerbated downstream flooding.

S. Chapnick stated that when the Commission conducted a site walk of Ryder Brook in August 2020, it did not observe any hydric soils.

D. Kaplan and P. Heidell stated that the Applicant should create a vegetated buffer between the Mill Brook and the proposed walking path.

| D. White and N. Stevens recommended that the Applicant look at the Brigham Square stormwater swale, and try to create a similar swale as part of this project.

C. Tirone stated that the project should include 2:1 resource area enhancement, and noted that the current proposal does not seem to meet that enhancement. C. Tirone stated that he was not amenable to relocating Ryder Brook.

D. White and D. Kaplan agreed to draft a comment letter to the ZBA, which the Commission would review at its 03/18/2021 meeting.

### **Working Session: 55 Orient Avenue**

The Commission discussed the jurisdiction of a drainage ditch that flows along a portion of the northern property line that eventually discharges to a bordering vegetated wetland. The drainage ditch originates from a private catch basin installed on a neighboring property.

R. Kirby stated that he conducted an investigation of the site to assess soils and vegetation. R. Kirby did not observe any hydric soils and did not see a preponderance of wetland plants. R. Kirby stated that he would do another vegetation assessment once snow had melted.

R. Kirby asked the Commission whether this drainage ditch was considered jurisdictional with a 100-ft Wetlands Buffer, Adjacent Upland Resource Area, or 200-ft Riverfront Area. S. Chapnick stated that the drainage ditch is considered a jurisdictional intermittent stream and therefore has a 100-ft Wetlands Buffer, but does not have a 200-ft Riverfront BufferArea. The drainage ditch is jurisdictional under the Arlington Wetlands Bylaw from the point of pipe discharge.

| P. Heidell stated that the drainage ditch should not be considered jurisdictional because it is man-made, it was not historically a ditch. N. Stevens ??? stated that the Commission only assesses historical conditions using USGS StreamStats data.

| S. Chapnick and N. Stevens stated-felt that the drainage ditch had limited resource area functions similar to Ryder Brook.

### **Spy Pond Treatment Plan for 2021**

The Commission reviewed the draft Spy Pond Treatment Plan developed by Brad Barber and the Spy Pond Committee, with input from the Water Bodies Working Group. D. White motioned to approve the treatment plan, D. Kaplan seconded, all were in favor, motioned approved. A roll call vote was taken. S. Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, D. Kaplan voted yes, N. Stevens voted yes, C. Tirone voted yes, and David White voted yes.

E. Sullivan stated that she would work with Solitude Lake Management to file a new Notice of Intent for the treatment of Spy Pond, since the current permit will expire in June 2021.



### **Regulatory Update: Full Draft**

The Commission reviewed and discussed a full draft of the updated regulations. The Commission particularly discussed which brooks and streams should have the 200-ft Riverfront Area and the definition of the Riverfront Area. [N. Stevens to discuss with Town Counsel.](#)

### **Map Jurisdictional Areas**

The Commission reviewed the jurisdictional resource areas delineated on the [Town's Town's](#) Wetlands GIS map. P. Heidell stated that she would use USGS StreamStats to assess the brooks and streams to determine Riverfront Area. E. Sullivan stated that she would assess the culverted sections of the brooks and streams to determine Riverfront Area.

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

Meeting adjourned at 9:50pm.

DRAFT



## Town of Arlington, Massachusetts

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### 1165R Mass Ave 40B Comprehensive Permit Update

#### Summary:

Review draft comment letter for 1165R Mass Ave comprehensive permit application.

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	ACC_Comment_Letter_to_ZBA_1165R_Mass_Ave_40B_03182021.pdf	Draft 1165R Mass Ave Comprehensive Permit Comment Letter



TOWN OF ARLINGTON  
MASSACHUSETTS

## CONSERVATION COMMISSION

March 18, 2021

Zoning Board of Appeals  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: 1165R Mass Ave – Application for Comprehensive Permit  
First Set of Comments from Conservation Commission**

Dear Chairman Klein and Members of the Board:

The Arlington Conservation Commission (ACC) provides this first set of comments to the ZBA to consider the wetlands and stormwater components of the 1165R Mass Ave Comprehensive Permit Application. The Conservation Commission is providing this comment letter to assist the ZBA as it moves forward with its review of the permit application, including under the Town of Arlington Wetlands Protection Bylaw (the Bylaw).

### **Environmental Resource Areas**

Mill Brook bisects the Property and Ryder Brook flows from the Minuteman Bikeway north of the Property to Mill Brook. The Applicant filed a Request for Determination of Applicability (RDA) to determine the Resource Area jurisdictions of the property under the Wetlands Protection Act. The Commission issued a determination that Ryder Brook is not jurisdictional as a stream under the Wetlands Protection Act on 10/27/2020. However, the Commission distinguished that Ryder Brook is jurisdictional as a stream under the Arlington Bylaw for Wetlands Protection.

Due to the location of the Mill Brook and Ryder Brook, most of the jurisdictional Resource Areas within the site are the 100-ft Wetlands Buffer, the Adjacent Upland Resource Area (AURA), and the 200-ft Riverfront Area. The floodway and floodplain ~~is~~ are generally confined to the channelized Mill Brook.

In addition to reviewing the jurisdiction of Ryder Brook through the RDA ~~Request for Determination of Applicability~~ process, the Conservation Commission also determined that part of the site was exempt from the Riverfront Standards of the Wetlands Protection Act and Bylaw due to the Historic Mill Complex Exemption (310 CMR, Section 10.58 (6) (k)). The limits of the Historic Mill Complex are

delineated on the plan entitled "Pre-1946 Mill Complex Footprint Exhibit" prepared by Bohler Engineering, dated August 7, 2020, revised September 21, 2020.

#### Pervious Area

The Property is largely impervious with hardscape and building, covering approximately 94% of the site. There is very limited open pervious and vegetated space on the site. The proposed development proposes to reduce the impervious hardscape, increase the impervious building, and overall increase the open pervious and vegetated space. The impervious cover will decrease to approximately 77% as a result of the project.

By increasing the amount of pervious surface on the site, less stormwater runoff will enter Mill Brook. Instead, more stormwater will enter the site's soil or stormwater management systems? and recharge the groundwater table. The pervious open space is proposed to include native vegetation enhancements. We hope to see as much greening of the area as is practicable, especially along resource areas.

#### Stormwater Management

Not enough information has been provided on the proposed stormwater management system. Neither a stormwater report and calculations, nor stormwater system details have been provided for review. Basic statements have been provided stating that the stormwater management system will include pretreatment units and that the pipes will be sized appropriately. However, the Commission cannot comment on the stormwater management system without more information on the proposed system. During the February 23, 2021 ZBA hearing, the Applicant stated that the stormwater report would be calculated using the NOAA Atlas 14+ data. The Commission ~~agrees believes that the NOAA 14+ dataset captures current impacts of severe storms and is adequate to use in designing the~~ is data is sufficient to calculate future climate change impacts and increased storm events on the site ~~proposed~~ stormwater management system.

The Applicant has requested a Waiver of the local Bylaw and implementing Wetlands Regulations for Ryder Brook. The Applicant refers to Ryder Brook as a man-made ditch; however, the Commission has consistently protected this brook as an intermittent stream under our local Wetlands Regulations. In 2006, the Commission supported a limited restoration including invasive plant removal and native plantings along the bank of Ryder Brook.

Stormwater alterations are proposed for Ryder Brook, including rerouting Ryder Brook from the middle of the site to the northern edge of the property. Additionally, the project proposes to increase the diameter of the conveyance pipe for Ryder Brook from 24-inches to 30-inches. Overall, these proposed changes will reduce the daylight portion of Ryder Brook by 20 linear feet, from 120 linear feet to 100 linear feet.

On March 4, 2021 at a scheduled public meeting of the Conservation Commission, the Commission discussed the potential effects of moving Ryder Brook on the resource area values under our protection and concluded that the proponent should first consider developing the site in a manner that improves and enhances Ryder Brook's values including but not limited to stormwater management, flood control, and habitat in its current location and footprint. Site designs could take advantage of an improved

**Comment [DK1]:** For discussion. There wasn't consensus at the last meeting, so I recommended putting additional burden on the applicant to demonstrate why the project will fail by designing around the resource in its current location.

condition of this linear corridor to meet alternative transportation, connectivity, and open space needs, while honoring historic flow paths.

If enhancing and leaving the stream in place puts an undue burden on the applicant, the Conservation Commission believes that ~~the current proposal rerouting and reduction in the daylight portion of Ryder Brook~~ needs additional compensatory measures. Some possibilities are: (1) Increase the length of proposed open channel to at least the length of what is being developed, preferably more daylight the western rerouted section rather than burying it, i.e. maximize open channel to the west as it wraps around the building to the south, and/or grade additional channel to receive flows further east than proposed; (2) improved the habitat value of the open portion a longer channel with appropriate native plantings tolerant of anticipated channel shading (Shadow Study July 28, 2020); (3) concentrate plantings, not pathways directly adjacent to Mill Brook to enhance riverfront values. We recommend that the applicant look at what was done at the Brighams project next to the High School. Perhaps Ryder Brook could even be part of the stormwater system and also provide an amenity at the site.

#### **Wildlife Habitat and Vegetation Removal and Replacement**

Since the Property is largely impervious, it does not currently have ~~productive~~ wildlife habitat (other than that provided by Ryder Brook). There are no known endangered, threatened, or special concern species onsite. There is very limited vegetation on the site. The proposal mentions that native plantings will be added to the site; however no planting plan has been included in the application materials for review detailing vegetation removal and replacement.

The ZBA should require now, or include as a condition of approval, that the Applicant show the species, numbers, locations, and care instructions of all plants in the design. The Applicant needs to describe how these plantings will compensate for the numbers, density, species and variety of vegetation that will be removed for the Project, and how the planting plan complies with Section 24 of the Arlington Regulations for Wetlands Protection. The Commission recommends that the area directly along Mill Brook be revegetated as much as possible, and that any pathway along the brook include a vegetative buffer between the path and the brook.

#### **Conclusion**

We hope the ZBA finds the above comments helpful in providing clarity on missing information for Stormwater Management and Vegetation Removal and Replacement. The Applicant should submit more information regarding these topics. The reduction in impervious surface and the addition of more planted space will be a significant improvement to the current conditions. Please contact us should you have questions.

Very truly yours,

*Susan*

Susan Chapnick, Chair  
Arlington Conservation Commission



## Town of Arlington, Massachusetts

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### Thorndike Place 40B Comprehensive Permit Update

#### Summary:

Review draft ZBA decision for Thorndike Place comprehensive permit application.

#### ATTACHMENTS:

	Type	File Name	Description
▯	Reference Material	Thorndike_Place_Comprehensive_Permit_Draft_Decision_-_for_Release_21_0310.pdf	Draft ZBA Decision Thorndike Place

# TOWN OF ARLINGTON

## Zoning Board of Appeals

730 Massachusetts Avenue

Arlington, MA 02476

### DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT

G.L. c. 40B, §§ 20-23

APPLICANT: ARLINGTON LAND REALTY, LLC (“Applicant”)

PROPERTY: Off Dorothy Road and Parker Road (the “Property”)

ASSESSORS’ MAP: Assessors Parcels 17-6-6A, 16-8-8, 16-8-2, 16-8-3, 16-8-4, 16-8-5, 16-8-6, 16-8-7A, 13-12-5A, 14-2-8 and 14-2-5

DEVELOPMENT NAME: Thorndike Place

DATE: \_\_\_\_\_, 2021

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#### I. PROCEDURAL HISTORY

1. An application for a Comprehensive Permit was received by the Town of Arlington Zoning Board of Appeals (“Board”) on or about August 31, 2016 (“Application”). The Application proposes the development of twelve (12) home ownership units in six (6) townhouse-style structures, and two hundred and seven (207) rental units in a single four-story structure for a total of two hundred and nineteen (219) units located at the Property (the “Project”).
2. The Board’s public hearing on the Application was duly opened on September \_\_, 2016. On October 6, 2016 the Board submitted a notification to the Applicant pursuant to 760 CMR 56.03(8) that it met the 1.5% Land Area Minimum Safe Harbor. On October 21, 2016 the Applicant appealed the Board’s determination to the Department of Housing and Community Development (“DHCD”). On November 17, 2016 the DHCD issued a decision ruling that the Board’s Safe Harbor notification was in error, and determining that no such safe harbor was applicable. The Board timely appealed this decision to the Housing Appeals Committee (the “HAC”). On October 15, 2019 the HAC issued a decision upholding the determination of the DHCD, and remanding the matter back to the Board. At the request of the Applicant, the hearing was resumed on December 10, 2019. At the December 10, 2019 hearing, the Applicant requested a further delay of public hearings until April 14, 2020. Due to the onset of the COVID-19 pandemic, the hearing did not actually resume until August 25, 2020. Subsequent

sessions of the public hearing were held on October 13, 2020, November 24, 2020, December 8, 2020, December 22, 2020, January 26, 2021, February 16, 2021, March 11, 2021 and \_\_\_\_\_, 2021. The public hearing was closed on \_\_\_\_\_, 2021.

3. The Project is located on the Property, which is located off Dorothy Road and Parker Road, Arlington, Massachusetts.
4. The Property is located in the Planned Unit Development (PUD) Zoning District. Nearby uses consist of residential uses along Dorothy Road and Parker Road, Salem Street, and Thorndike Field, located to the west of the Property.
5. The Property consists of approximately 17.7 +/- acres, of which 11.5 acres consist of floodplains, while 5.6 acres consist of buildable upland.
6. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
7. The Applicant submitted revised plans on November 3, 2020 reducing the number of units in the Project to one hundred and seventy-six (176) units. This revision also eliminated the six (6) two-family townhouse structures originally proposed by the Applicant, in favor of an all-rental development in a single structure.
8. The Applicant submitted revised architectural plans dated February 16, 2021, revising the proposed rental structure to step-back above the first two floors of the structure along Dorothy Road near abutting single-family residences.
9. During the public hearing, the Applicant was assisted primarily by its principals Gwen Noyes, Arthur Klipfel, its counsel Stephanie Kiefer of Smolak and Vaughan, LLP, its civil engineer John Hession, P.E., of BSC Group, and its traffic engineer Scott Thornton, P.E., of Vanasse and Associates, Inc.
10. The Board utilized the services of its review engineers BETA Group, Inc., with Marta Nover, P.E., Todd Undzis, P.E., and William McGrath, P.E. handling civil engineering and wetlands peer review, and Greg Lucas, P.E. for traffic. The Board also utilized the services of Town Counsel Douglas Heim, Esq., Planning Director Jenny Raitt, and other town staff. The Board was also represented during the course of the hearing by Special Town Counsel Jonathan Witten, Esq. of KP Law, and Paul Haverty, Esq., of Blatman, Bobrowski & Haverty, LLC as its Chapter 40B technical consultant through a grant from the Massachusetts Housing Partnership.



11. During the public hearing, there was significant public input. The Board heard input from abutters and other interested persons throughout the hearing process. The Board also heard significant input from town departments, including the Conservation Commission, the Department of Planning and Community Development, the Transportation Advisory Committee, Select Board, and Engineering Division. The Board also received significant input from the Arlington Land Trust and the Mystic River Watershed Association, both independent local non-profits.

## II. JURISDICTIONAL FINDINGS

12. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
  - a. The Applicant is a limited liability company, and has indicated in its application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 222 Berkley Street, Boston, MA 02116.
  - b. The Applicant has received a written determination of Project Eligibility from MassHousing dated December 4, 2015 under the New England Fund Program, a copy of which was provided to the Board with the original application.
  - c. The Applicant provided deeds dated September 8, 2015, recorded in the Middlesex South in Book 1479, at Page 27. Thus, the Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.
  - d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.
13. The Town of Arlington ("Town") did not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7) at the time the original application was filed, except as noted below:
  - a. At the time of the filing of the Application, the number of low or moderate income housing units in the Town constituted 5.64% of the total year-round housing units in the Town, based on the most recent publicly

available copy of the DHCD Subsidized Housing Inventory, dated \_\_\_\_\_ . Thus, the Town does not meet the ten percent (10%) statutory minimum.

- b. The Board has asserted a claim that there are existing affordable housing units that are on sites that comprise more than one and one half percent (1.5%) of the total land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts, or any political subdivision thereof). The Board timely asserted this claim pursuant to 760 CMR 56.03(8). The Applicant appealed this claim to the Department of Housing and Community Development, which issued a decision dated November 17, 2016, reversing the Board's Safe Harbor determination. The Board appealed this decision to the Housing Appeals Committee. On October 15, 2019, the Housing Appeals Committee upheld the decision of the Department of Housing and Community Development. Because this decision was not a final decision, the Board was not able to pursue an appeal pursuant to G. L. c. 30A, § 14 at this time. The Board reserves its rights regarding this Safe Harbor claim.
- c. The granting of this Comprehensive Permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
- d. The Town has an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but is not currently within (or eligible for) certification.
- e. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
- f. The Project as originally submitted does not constitute a Large Project pursuant to 760 CMR 56.03(6).
- g. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

### III. FACTUAL FINDINGS

#### Location of Project

14. The Project is located on a 17.7 acre parcel of land located between Concord Turnpike (Route 2) to the south and residential neighborhoods to the north and east of the Property, off Dorothy Road and Parker Road. The Property is bordered to the east by Burch Street and the Arlington Thorndike playing fields. The Property is located within the Planned Unit Development (PUD) Zoning District.

Civil Engineering, Site Design, and Stormwater Impact

15. The Board engaged in review of potential civil engineering, site design, traffic, stormwater and floodplain impacts of the Project.
16. The Project will connect to the Arlington municipal water and sewer system.
17. The Applicant originally proposed 315 parking spaces for the Project, a ratio of 1.44 parking spaces per unit. The Applicant subsequently reduced the parking ratio to 193 spaces, or approximately 1.12 spaces per unit. The Arlington Transportation Advisory Committee recommended that, as a Transit Oriented Development, the Project should not have more than one (1) parking space per unit.
18. The Applicant did not originally propose bicycle parking. With the reduction in the number of units, the Applicant revised the number of proposed bicycle spaces to 176 interior spaces with additional exterior spaces.
19. On-site amenities will include recreational areas and structures as shown on the Approved Plans, referenced below.
20. Approximately \_\_\_\_% of the site will consist of impervious surface with the remainder consisting of pervious surface. The Board finds that the total amount of impervious area is \_\_\_\_\_.
21. The Board finds that the tree planting and landscaping details proposed by the Applicant, and as conditioned by this decision, is insufficient in light of the site disturbance that the Project will entail. Given the extent of vegetation proposed to be removed within a resource area (BLSF) and AURA, the Applicant must provide a Landscape Plan as described in Section 24 and should include the elements described in the guidance provided in Section 24 E as follows:
  - a. Narrative describing existing conditions, proposed plantings, list of existing and proposed species, size of existing species and proposed species, quantity plants before and after revegetation and the rational the

- removal and maintenance plan.
  - b. Affirmation of the Revegetation Activities, all plans must be accompanied by written testimony and scale diagram from a certified arborist or wetland scientist or landscape architect. The document must include at a minimum the necessity of vegetation removal, surface area to be removed, quantity of individual plants by species.
  - c. Planting Plan – drawn to scale, properly identified resource area and buffer zone and the project site, location of replacement species, comply with (AAN), erosion controls, estimated tree canopies after 15 years of growth, name, sizes and locations of trees to be planted, and total area of SF of the area shaded by the canopies.
  - d. Existing species list.
  - e. Replacement species list,
  - f. Rational for Removal,
  - g. Maintenance Plan.
  - h. The Plan shall include monitoring reports submitted annually in June for a three-year monitoring period. The reports shall include photo documentation, the health of new plantings and any mitigation. This report can be combined and submitted with the ISMP report.
22. Stormwater management has been designed in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) through (q) and defined in detail in the MassDEP Stormwater Management Handbook. The system incorporates best management practices (BMP's) to facilitate total suspended solids (TSS) removal, infiltration and detention of stormwater flows.
23. The Board finds that the Applicant must provide a Compensatory Flood Storage Mitigation Plan for the proposed compensatory flood storage area to mitigate the negative environmental impacts associated with vegetation removal and grading to create this new flood storage area. Said Plan shall provide the following:
- a. A minimum ratio of 2:1 cubic feet of compensatory flood storage of a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project.
  - b. With at least a 3-year monitoring schedule with a 100% survival rate.
  - c. Only native non-cultivar species shall be planted on the site.
  - d. Plants shall be installed and maintained in accordance with standards of the American Association of Nurserymen (AAN).
  - e. A monitoring report shall be submitted annually in June for the three-year monitoring period. The report shall include the health of the new plantings

and the success of the invasive plant management. The report shall include photo documentation and yearly recommendations for future success.

24. The Board finds that the Applicant must provide adequate quantity of vegetation and that said vegetation shall be maintained to provide the resource area values protected by the Bylaw. Further, the Applicant shall submit an Invasive Species Management Plan for work in the AURA and other resource areas which identifies the location of invasive species management, species and quantities of invasive plants to be managed, and methods of removal and control of each species.
25. The Board finds that the Applicant must abide by the requirement that no work activities are authorized nor shall occur within the 25-foot No Disturb Zone of Isolated or Bordering Vegetated Wetlands on the Site.
26. The Project, as conditioned herein, will address the lack of affordable rental units in the Town.
27. The Board heard testimony from the Applicant and the Board's peer review traffic consultant, including the Applicant's Traffic Impact Study prepared by Vanesse Associates, Inc., that the Project is expected to result in approximately thirty-one (31) vehicle trips during the weekday morning peak hour and approximately thirty-eight (38) vehicle trips during the weekday afternoon peak hour. There will be an estimated four hundred, eighty-six (486) total vehicle trips on an average weekday. These figures are based upon the proposal for one hundred, seventy-six (176) units.
28. During the course of the hearing, the Applicant submitted a plan showing a reduction in the number of rental units to one hundred and seventy-six (176) units. The Applicant introduced further modifications to its design during the hearing process which further reduced the number of units to one hundred and seventy-two (172) units.
29. The Board finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
30. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.

31. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with abutting residential uses, particularly relating to stormwater and floodplain impacts, as well as traffic and parking impacts. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
32. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.
33. The Applicant has proposed that the portion of the Property outside of the development area, shown on the plans as containing approximately \_\_\_\_ acres will be either placed under a conservation restriction or deeded to the Town. The Applicant has proposed a one-time payment of \$100,000, plus annual payments of \$25,000 for a period of ten (10) years for cleaning up the existing debris and invasive species on this portion of the Property.

#### IV. CONDITIONS

##### A. **General**

- A.1 The holder of this Comprehensive Permit is Arlington Land Realty, LLC. The Property is defined as the property located between Concord Turnpike (Route 2) to the south and residential neighborhoods to the north and east of the Property, off Dorothy Road and Parker Road, shown on a plan entitled "Thorndike Place Comprehensive Permit, Dorothy Road, Arlington, Massachusetts" prepared by BSC Group, dated March 13, 2020, with revisions through November 3, 2020. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Director of Planning and Community Development who shall have the authority to approve such changes

as immaterial changes. If the Director of Planning and Community Development determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, they shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from Millennium Engineering, Inc.:

“Thorndike Place Comprehensive Permit, Dorothy Road, Arlington, Massachusetts” dated March 13, 2020, with revisions through February 16, 2021, and consisting of the following sheets:

G-100	Title Sheet
G-101	General Notes and Legend
V-100	Existing Conditions Plan
C-100	Existing Environmental Resources Plan
C-101	Site Preparation Plan
C-102	Overall Site Plan
C-103	Layout and Materials Plan
C-104	Garage Level Plan
C-105	Grading and Drainage Plan
C-106	Utility Plan
L-100	Planting Plan
C-200-203	Civil and Landscape Details

Architectural details contained in the plans entitled Thorndike Apartments, 3D Visualization, Dorothy Road Looking West, Dated November 3, 2020, with revisions through February 16, 2021, prepared by Bruce, Ronayne, Hamilton Architects, and consisting of the following sheets:

Sheet 1	Cover Sheet
Sheet 2	Garage Plan
Sheet 3	Ground Floor Plan
Sheet 4	Typical Floor Plan
Sheet 5	Fourth Floor Plan
Sheet 6	East/West Elevation
Sheet 7	North Elevation
Sheet 8	South Elevation
Sheet 9	Schematic Building Section

- A.3 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.

- A.4 The Project shall consist of not more than \_\_\_\_\_ (\_\_\_\_) rental apartment units, located in a single residential structure, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of no more than \_\_\_\_\_ (\_\_\_\_) bedrooms.
- A.5 There shall be \_\_\_\_\_ (\_\_\_\_) vehicle parking spaces (inclusive of required handicap spaces).
- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Arlington Zoning Bylaw and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions in the Final Plans, referenced below, that requires additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.7 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Director of Planning and Community Development or other Town Departments, the Director of Planning and Community Development or applicable Department Head will use reasonable efforts to review and provide a written response within forty-five (45) days following submission. For submissions that require assistance from an outside consultant, as determined by the Director of Planning and Community Development or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant. Should forty-five (45) days elapse without a response as aforesaid, said plans or documents shall be deemed approved.
- A.8 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- A.9 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The applicable limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.



- A.10 The sidewalks, driveways, roads, utilities, drainage systems, and all other on-site infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, landscape maintenance, and hydrant maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.
- A.11 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

**B. Affordability**

- B.1 Except as may otherwise be allowed by the Subsidizing Agency MassHousing or other Subsidizing Agency, pursuant to the applicable subsidy program, a minimum of twenty-five percent (25%) or \_\_\_\_\_ ( ) units of the rental units shall be reserved for income-eligible households, meaning that they shall be rented to and occupied by households, as proposed by the Applicant, whose income (adjusted for household size) is not more than eighty percent (80%) of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and the Subsidizing Agency (the "Affordable Units"). Affordable Units shall, upon initial designation, be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency, except for fluctuations based on changes of household eligibility income allowed by the Regulatory Agreement. The Applicant shall be responsible for maintaining records sufficient to comply with the Subsidizing Agency guidelines for the location of Affordable Units in the Project and occupancy of such Affordable Units by income-eligible households. As will be set forth more fully in the Regulatory Agreement, the location of the affordable units may change in the event that the income of a household occupying an affordable unit increases beyond allowable program limits. The Board acknowledges that affordable unit location is an issue within the exclusive jurisdiction of the Subsidizing Agency.
- B.2 All of the Project's Affordable Units shall be restricted for rental to households earning no more than the maximum allowable household income, adjusted for household size, as determined by MassHousing or any substitute Subsidizing Agency. The Affordable Units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply with applicable zoning requirements without the benefit of this Comprehensive Permit.

- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an Affirmative Fair Housing Marketing Plan (“AFHMP”) prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency’s Fair Housing requirements.
- B.4 For the initial rent-up of the Project, the maximum number of Affordable Units allowed by law and the applicable subsidy program, but not more than seventy percent (70%) of the Affordable Units, shall be reserved for households that qualify under a local preference definition which must be approved by the Subsidizing Agency prior to any marketing efforts as part of the AFHMP. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project’s Monitoring Agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Department of Planning and Community Development in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Department of Planning and Community Development in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

**C. Submission Requirements**

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit (except as allowed by the Director of Planning and Community Development, as noted below), the Applicant shall:
- a. Deliver to the Board a check in a reasonable amount determined by the Director of Planning and Community Development to be used for staff to retain outside experts, if necessary, for technical reviews and inspections required under these conditions but at inception shall not exceed \$6,500 unless an alternate amount has been agreed upon by the Board and the Applicant. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be

returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.

- b. Obtain and file a copy of a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.
- c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans (“Final Plans”), such approval to be that the plans conform to the requirements of this Comprehensive Permit and incorporate the relevant conditions herein. The Final Plans shall also incorporate all relevant conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the “Final Site Plan Submission Date”).
- d. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
  - i. Overall planting plan that includes a demarcation of clearing and the limits of work;
  - ii. Planting plans for drives showing shade trees and lighting fixture locations;
  - iii. Plans of walkways in open space and recreation areas;

- iv. Prototype planting plans for each building that include shade trees (minimum caliper 3”), ornamental trees (minimum caliper 3”), shrubs, and groundcovers;
- v. Prototype screening plans for dumpsters, depicting plantings and fencing;
- vi. Planting details for coniferous and deciduous shade trees (minimum caliper 3”), ornamental trees (minimum caliper 3”), and shrubs;
- vii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- viii. Tree protection and preservation plans
- ix. Construction fencing along abutting property lines; and
- x. Construction details.

All plantings shall consist of native, non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The contract with the Management Company shall address ongoing maintenance of landscaping features.

- e. Submit to the Director of Planning and Community Development a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Director of Planning and Community Development, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Director of Planning and Community Development and other applicable staff has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Director of Planning and Community Development concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

- f. The Applicant shall include on the Final Plans all of the various changes that have occurred during the hearing process. These plans should reflect the changes to number of units, site plan changes including but not limited to surface parking, proposed grading, stormwater systems, garage elevation, location of tot lot, and other relevant site features.
  - g. The Final Plans shall include final design and details for the proposed roof stormwater storage system. This is to include impacts from potential changes to the roofline along Dorothy Road and Littlejohn Street. The limits of rooftop storage shall be delineated and the outlet control for the rooftop storage is to be detailed.
  - h. The Final Plans shall have labeled the dimensions of the proposed rip-rap and provide a detail. The rip-rap dimensions shall be provided in calculations submitted as part of the Stormwater Report dated January, 2021.
  - i. The Final Plans shall show designated snow storage areas. The Applicant has indicated in their February 16, 2021 response letter that snow storage will be to the west of the surface parking and within the landscape areas at the courtyard entrance and adjacent to the courtyard entrance.
  - j. The Final Plans shall include the detail of the Outlet Control Structure shown on Sheet C-203 to be revised to more accurately depict that the invert of the 12" outlet pipe is at the top of the 30" inlet and to show the installation of the proposed backflow preventer.
  - k. Provide a Compensatory Flood Storage Mitigation Plan for the proposed compensatory flood storage areas, to mitigate the environmental impacts associated with vegetation removal and grading to create the new flood storage area.
  - l. The Applicant must provide notification to the Arlington Assessor's Office for address and unit numbering.
- C.2 Prior to the issuance of any building permits, the Applicant shall:
- a. Record this Comprehensive Permit and the Subdivision Plan endorsed by the Board with the Middlesex South Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Board.
  - b. Submit to the Board and the Director of Planning and Community Development evidence of Final Approval from the Subsidizing Agency

(DHCD), as required by the Project Eligibility letter and the Chapter 40B regulations.

- c. Submit to the Board a copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with DHCD shall be complete prior to the issuance of any building permit. It is understood and agreed that Monitoring provisions may be included with the Regulatory Agreement, in lieu of a separate Monitoring Services Agreement.
- d. Submit to the Building Commissioner final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Commissioner may request pursuant to the State Building Code.
- e. An automatic sprinkler system conforming with NFPA 13 and a fire alarm system conforming to NFPA 72 shall be required in all residential buildings. Both systems shall be monitored by a UL approved central station monitoring service.
- f. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- g. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.
- h. The Applicant will be responsible for all applicable sewer permit, capacity impacts and privilege fees, as applicable.
- i. The Applicant will be responsible for all applicable water and sewer system fees as per officially promulgated fee schedules uniformly applicable to all other Town of Arlington projects.
- j. Submit to the Board a revised Stormwater Report documenting the various changes in design that have occurred during the hearing process.
- k. The Applicant shall perform additional test pits at the proposed stormwater basins to confirm groundwater elevations. These test pits shall be done during seasonal high groundwater conditions and shall be witnessed by the Town and/or its agent.

1. The Applicant shall provide calculations to confirm that the proposed trench drain gate at the drop-off area at the front of the proposed residential structure (Subcatchment 4S) has the capacity to capture all runoff without bypass to Dorothy Road. The stormwater design for the trench drain assumes that no runoff bypasses the drain and enters Dorothy Road. However, the calculated runoff for the 100-year storm is 1.3 cfs. If the Applicant is unable to provide calculations confirming that Subcatchment 4S does not have the capacity to capture all runoff without bypass to Dorothy Road, the Applicant shall revise the driveway grading so that it does not flow to Dorothy Road.

**D. Construction Completion/Certificate of Occupancy**

- D.1 Prior to issuance of a certificate of occupancy for any structure in the Project, the Applicant shall:
  - a. Submit engineer's interim certification of compliance with utilities plan and profiles for such Phase (as applicable) to the Building Commissioner.
  - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the structure and supporting infrastructure has been constructed in compliance with the Final Plans in all material respects.
  - c. Obtain acceptance from the Arlington Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units of the structure.
  - d. Obtain a sewer connection sign-off from the Arlington Department of Public Works for the structure.
- D.2 Prior to issuance of the certificate of occupancy for the Project, the Applicant shall:

- a. Submit to the Board, in digital file format and full-size paper copies, a final as-built plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
- b. The Applicant shall provide to the Board evidence of a property management plan (if property management will be done in-house), or shall provide a copy of a contract with a Management Company if property management will be conducted by a third-party. The Applicant shall submit to the Board all information relating to the issues of building security, public access, pet policy, staffing, trash removal, and smoking policies, and other issues addressed in the conditions herein.

**E. Project Design and Construction**

- E.1 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with representatives from the Arlington Fire Department, the Department of Public Works (Arlington Water and Sewer Division and Engineering Division), Planning and Community Development and other Town staff and consultants as may be determined. The Applicant and the site general contractor shall host a meeting open to all members of the public to review the construction schedule, hours, policies, procedures, and other neighborhood impacts at least fourteen (14) days prior to the start of construction.
- E.2 Prior to the pre-construction conference, the Applicant shall submit a Construction Management Plan (“CMP”) for administrative approval by the Board. The CMP shall provide documentation of various construction related activities, including:
  1. A Project Description and outline of primary construction tasks,
  2. A Project Schedule including hours of operation, duration of primary construction tasks and estimated completion date,
  3. Project logistics, including staging areas, truck routes, laydown areas, contractor parking, and construction traffic management,
  4. Site Management including noise mitigation, dust control and security,



5. Public Safety and Coordination, including contact information and site inspections.
- E.2 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
- E.3 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.4 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
- E.5 During construction, the Applicant shall conform to all local, State, and Federal laws and provide advance notice to abutters per the Town's Residential Construction Control Agreement regarding noise, vibration, dust, and blocking of Town roads in order to accommodate delivery of materials to the site or for other construction staging purposes. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
- E.6 Appropriate signage shall be shown on the Final Plans, consistent with the sign information shown on the Approved Plans. A temporary sign including the name and address of the project and contact information for the Applicant, general contractor, engineers, architect, and other relevant parties shall be posted on site for the duration of construction operations. The sign must be legible and able to be read from Dorothy Road.
- E.7 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.8 The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.

- E.9 The Applicant shall install lighting on the site that conforms to the Town of Arlington's Zoning Bylaw and Town Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties and comply with dark sky requirements. Management of outdoor lighting shall be the responsibility of the Applicant.
- E.10 Utilities, including but not limited to telephone, electric, and cable, shall be located underground. The contract with the Property Management Company shall note that no satellite dishes shall be allowed. The general contractor shall be responsible for coordinating all subsurface work with Dig Safe prior to the commencement of any excavation.
- E.11 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.
- E.12 The Applicant shall test the soil during construction to confirm soil types in the areas of the infiltration system. Such testing shall be witnessed by the Board's designee. All unsuitable material, if any, discovered in excavation for the infiltration system shall be removed and disposed of in accordance with State and local regulations.
- E.13 Construction activities shall be conducted between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays, Sundays, or legal holidays. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; loading of construction dumpsters and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.
- E.14 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.

- E.15 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.16 All dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction). The Board shall review the dumpster location as part of the approval of the Final Plans if different from what has been shown on the Approved Plans.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Commissioner based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.18 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site. Snow may not be placed in or adjacent to resource areas.
- E.19 The Applicant shall comply with all applicable local, state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001 as well as the Arlington Noise Abatement Bylaw contained at Title V, Section 12. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles. Neither snow nor sand may be placed in or adjacent to resource areas.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.

- E.22 The Applicant shall comply with DPW requirements regarding curb-cut permits.
- E.23 To the extent earth removal is necessary, the Applicant shall prepare an earth removal plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal.
- E.24 Prior to commencing earth removal, the Applicant shall provide the Board with the results of a Phase I Site Assessment pursuant to G. L. c. 21E.
- E.25 All catch-basins shall have oil/water separators as shown on the Approved Plans.
- E. 26 Project sidewalks and pathways/walkways shall be compliant with the requirements of the Americans with Disabilities Act (“ADA”) and the requirements of the Massachusetts Architectural Access Board (“AAB”).
- E. 27 This Comprehensive Permit shall be a master permit which is issued in lieu of all other local permits or approvals that would otherwise be required, except for the issuance of Building Permits and Certificates of Occupancy by the Building Department under the State Building Code; provided, however, the Applicant shall pay all local fees for such permits or approvals as published in the Town regulations or bylaws, including but not limited to building permits, inspections, water and sewer connections, and curb cuts.

**F. Traffic/Traffic Safety Conditions / Sidewalks**

- F.1 Access and egress to the Project shall be via Dorothy Road, consistent with the Approved Plans.
- F.2 The Applicant shall implement an annual Transportation Demand Management monitoring program in consultation with the Department of Planning and Community Development.
- F.3 The Applicant shall provide bicycle repair stations with repair stands and air pumps in the bicycle storage area.
- F.4 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Arlington Fire Department shall review the Final Plans to ensure compliance with this condition.
- F.5 The Applicant shall provide \_\_\_\_ long-term bicycle parking spaces that are covered and secure.

- F.6 The Applicant shall provide \_\_\_\_ outdoor short-term bicycle parking spaces. These spaces shall be near a location of public building access, such as the courtyard area.
- F.7 The Applicant shall provide new residents with transportation information packets with information on getting around Arlington sustainably.
- F.8 The Applicant shall provide Transitscreen installation in the building lobby which depicts accurate real-time information for public transit, car sharing, and ride sharing services within one (1) mile of the site.
- F.9 The Applicant shall provide \_\_\_\_ parking spaces, for a ratio of 1.12 spaces per unit.
- F.10 With the exception of designated affordable housing units, parking for units shall be subject to an additional monthly fee, separate from rent, in order to discourage motor vehicle ownership in the Project.
- F.11 The Board shall review and administratively approve the parking fee structure. Any changes in the parking fee structure must be approved by the Board prior to fees becoming effective.
- F.12 The Applicant's property management team shall investigate paying for membership either with the 128 Business Council or the Alewife TMA, in order to provide ride matching opportunities for residents of the Project to regional transportation connections and places of employment in the region.
- F.13 The Applicant shall provide a one-month Charlie Card with an unlimited bus/subway service to each adult member of a unit, up to two per household.
- F.14 The Applicant or Property Management Company shall designate an on-site employee as the site's Transportation Coordinator to oversee marking and promoting of transportation options and monitoring and management of all related Transportation Demand Management requirements at the Property.
- F.15 The Applicant shall provide electric vehicle charging stations at 5% of the parking spaces in the garage. The Applicant shall provide for the expansion of the number of charging stations in accordance with tenant demand.

- F.16 The Applicant shall provide an annual update to the Arlington Department of Planning and Community Development. Such annual report shall include the number of leased/occupied units, the number of leased/occupied parking spaces, annual unit turnover, a summary of the parking fee structure, and any proposed changes to the parking fee structure.
- F.17 The Applicant shall provide for the installation of at least two (2) Bluebike stations, including purchase of the docks and installation costs pursuant to the Town's existing Bluebikes contract. Such Bluebikes stations shall be located in an area accessible to the public as well as to tenants of the Project.
- F.18 The Applicant shall design ADA-complaint sidewalk and curb ramp improvements along the primary route(s) expected to be used by pedestrians to access the Alewife T station. This shall include Dorothy Road and Margaret Street to the entrance of Thorndike Park. Plans shall be submitted to the Departments of Planning and Community Development and Public Works for review and administrative approval. Improvements shall be completed and fully funded by the Applicant.
- F.19 The Applicant shall provide tenants information regarding the existing weekday peak hour turn restrictions from Lake Street onto Wilson Avenue, Littlejohn Street and Homestead Road.

**G. Police, Fire, and Emergency Medical Conditions**

- G.1 The Applicant shall provide professional property management and maintenance personnel on the premises during typical business hours and an emergency contact name and number for tenants and the Arlington Police Department and Fire Department.
- G.2 Stairwells and garages must be two-hour fire rated. Residential units must be one-hour fire rated.
- G.3 The residential structures shall be fully sprinklered to NFPA regulations.
- G.4 Compliance with all State Building Code and NFPA requirements relating to fire access and safety shall be met.
- G.5 All elevators must have emergency generator backup.
- G.6 The Project shall maintain fire access to all four sides of each residential structure at all times.

- G.7 The Project shall provide adequate external lighting to ensure safety of the residents of the Project. External lighting shall conform to the requirements of the local Regulation of Outdoor Lighting [Title V, Section 14].
- G.8 As proposed by the Applicant, the Project shall have a card access system with time stamps and shall have a superintendent on-site to address security concerns with the Police Department.
- G.9 During times of construction, the Project, including all structures shall be accessible to Fire Department and other emergency vehicles. Additionally, all hydrants shall be operational during construction in accordance with NFPA requirements. Standpipes shall be operational on each floor during construction, as required by the Building Code and the Fire Department.
- G.10 The Applicant shall consult with the Fire Department prior to the commencement of construction to provide an on-site emergency plan, which shall be updated as necessary throughout the construction process.

**H. Water, Sewer and Utilities**

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- H.2 All water and sewer infrastructure shall be installed in conformance with the Arlington Water and Sewer Division's technical requirements. The Applicant shall provide the Arlington Water and Sewer Division with calculations to ensure the distribution system for the area has the necessary capacity to meet system demand required prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Arlington Fire Department. If the Arlington Fire Department approves different hydrant locations, such modification shall be accepted administratively as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service should be verified by the Arlington Water and Sewer Division and information on the fire service size and requirements should be verified by the Arlington Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Arlington Water and Sewer Division. The Applicant shall replace the water main, hydrants and gate valves. Any connections to the Town water main shall be triple-gated and a tee connection.

- H.5 The water and sewer utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
- H.6 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like. The Applicant shall request a Grant of Location from the Select Board for any installation of new utility poles or underground conduit in the public right of way as needed.
- H.7 The Applicant shall be responsible for all trash and recycling removal from the Property. The Town of Arlington shall not have any responsibility for trash, recycling, compost, and/or yard waste pickup at the Property.
- H.8 Fire hydrants shall remain private, and shall be maintained by the Applicant.
- H.9 The Applicant shall design and provide a wider sewer easement beyond 10ft. to provide suitable room to perform all necessary work within the easement. The Applicant shall provide the Arlington Water and Sewer Division with up-gradient sewer flow, with peaking factor, and suitable capacity for proposed additional flow into the sewer system. Contingent upon the system suitability and capacity, the Application may be required to pay an Inflow/Infiltration (I/I) mitigation fee to reduce I/I of the Town sewer system in the amount equal to four (4) times the design flow of the Project. All sewer services should utilize 8" service lines and shall discharge into a sewer manhole when entering the Town sewer collection system. Upon completion of construction, the Applicant shall notify the Arlington Water and Sewer Division to conduct a post- construction evaluation of the sewer main.

**I. Wetlands/Floodplain/Environmental Conditions**

- I.1 The Applicant proposes work within the one hundred foot buffer zone to a bordering vegetated wetland. The Applicant will be required to obtain an Order of Conditions from the Arlington Conservation Commission, or a Superseding Order of Conditions from the Department of Environmental Protection.
- I.2 No uncovered stockpiling of materials shall be permitted within the 100 foot Wetland Buffer Zone or Adjacent Upland Resource Areas ("AURA") or other resource areas.



- I.3 No heavy equipment may be stored overnight within fifty feet (50') of resource areas and no refueling or maintenance of machinery shall be allowed within the one hundred foot (100') Buffer Zone, AURA, or within any Resource Area.
- I.4 There shall be no dumping of leaves, grass clippings, brush, or other debris into a wetland resource area or associated buffer zones. Dumping of snow into wetland resource areas is also prohibited.
- I.5 Any water discharged as part of any dewatering operation shall be passed through filters, on-site settling basins, settling tank trucks, or other devices to ensure that no observable sediments or pollutants are carried into any Resource Area, street drain, or adjacent property. Any catch-basins drains and outfalls to be used in dewatering operations shall be cleaned out before operations begin.
- I.6 The Applicant shall hire a qualified environmental monitor to be on-site during project construction. The environmental monitor shall submit an electronic report to the Board weekly during construction progress and relation to resource areas. During the duration of construction and mitigation plantings or other activities permitted, the qualified environmental monitor shall also submit an electronic report after every rain event exceeding .5 inches of rain in a 24-hour period to the Board regarding the condition of the Property during and after the rain event. Such report shall also include the status of erosion control measures and any additional measures to address stormwater management caused by said rain event.
- I.7 All work shall be conducted in accordance with the approved erosion and sedimentation control plan. Within one week of final grading, weather permitting, all disturbed areas located within wetland resource areas and buffer zones shall be stabilized against erosion. This shall be done either by sodding or by loaming, seeding and mulching according to Soil Conservation Service Standards and the Approved Plans. Stabilization will be completed when the surface shows complete vegetative cover. Temporary stabilization measures approved by the Board's inspectional engineer will be required should work be interrupted for more than ten (10) days.
- I.8 The applicant, successor or assigns shall ensure the cleanliness of all catch basins and roadway affected by the project related activity. All catch basins will be protected by a "Silt Bag Inlet Protection" device or equal during the project work period. The applicant shall inspect and clean as necessary, all catch basins and sweep the roadway at least weekly during construction. It may be required more frequently during rain events.
- I.9 There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the Property.

- I.10 The Board or its agent (which may be the Conservation Commission agent acting on behalf of the Board) shall have the right to enter the Property for inspections and to evaluate compliance with the wetlands conditions contained herein upon reasonable notice of not less than twenty-four (24) hours. Access shall be allowed without the need for advanced notice in emergency situations when necessary to prevent imminent harm to wetlands resource areas.
- I.11 Prior to the commencement of work within any resource areas, the Applicant shall, in addition to any other security or surety required by this Decision, provide the Town security in the amount of \$10,000 (via bond, passbook, cash or tripartite agreement) in order to provide security for the work and erosion control measures in or adjacent to resource areas. In the event that said work or erosion control measures have been deemed to have failed or require maintenance, the Applicant shall be given written notice of such deficiency, along with an opportunity to cure the same within seven (7) days, or longer as may be applicable. In the event that the Applicant does not timely cure the deficiency, said security may be accessed by the Board to pay expenses for replacement, repair or maintenance of erosion controls if the Applicant refuses to repair, replace or maintain such erosion control measures in a timely manner upon written notification from the Board or its agent. To the extent that Board is required to access and use this security, as aforesaid, the Applicant shall replenish said security to return it to \$10,000.
- I.16 Prior to any work commencing on-site, the applicant shall submit to the Board for review, proof that a Self-Verification Notification Form has been submitted to the US Army Corps of Engineers, if necessary.
- I.17 Prior to any work commencing on-site, the applicant shall submit to the Board review, proof that a NPDES Stormwater Permit is active for the project.
- I.18 Copies of all information and all required reports regarding a US EPA NPDES permit and Stormwater Pollution Prevention Plan (SWPPP) shall be forwarded to the Commission as both a paper and electronic copy.
- I.19 The Applicant shall submit for review and administrative approval to the Town Engineer design details confirming that the rooftop detention system will conform to the runoff assumptions and calculations in the Applicant's Stormwater Analysis. Any change to the rooftop detention system design will require the approval of the Board.

- I.20 The Applicant shall provide thorough documentation establishing seasonal high groundwater elevations at the Property to ensure that there is a minimum of a two-foot separation between the bottom of the stormwater management infiltration chambers and the seasonal high groundwater table. Such data shall be conducted in March or April. The Applicant shall provide the proposed locations and number of test pits and wells to the Board for review and administrative approval. After the site specific field data has been collected, the Frimpter Method or other methodology acceptable to the Board shall be used.
- I.21 The Board has retained BETA Group to conduct a review of the stormwater management system utilizing the rainfall totals using the NOAA Atlas 14+ data. This analysis shows that both Infiltration Basin 1 and Infiltration Basin 3 experience higher water surface elevations during the 100-year storm event, which may result in negative impacts to the site drainage. The Applicant shall revise both Infiltration Basin 1 and Infiltration Basin 3 to accommodate the increased flows using the NOAA Atlas 14+ data.
- I.22 The Applicant shall retain a qualified stormwater monitor civil engineer to oversee the installation of the stormwater system. A stormwater mitigation report shall be submitted to the Board within ten (10) days of the completion of the installation of the stormwater management system. Such stormwater mitigation report shall include as-built plans, photographs from installation, and a written summary of the installation of the stormwater management system, as well as stormwater best management practices (porous pavement, rain gardens, and porous paths and walkways throughout the Property).
- I.23 The Applicant shall only treat planted areas within resource areas with slow release nitrogen fertilizer. Application of this fertilizer is not permitted to occur during the summer months or after storm events. Lawn fertilizer may only be applied twice per year, once in the Spring and once in the Fall.
- I.24 The application of plant nutrients shall comply with 330 CMR 31.00. No other herbicides or treatment methods may be utilized on the Property. No pesticides or rodenticides shall be used to treat pest management issues within resource areas.
- I.25 No snow storage or sand/salt is allowed within one hundred feet (100') of resource areas.
- I.26 The Applicant shall protect all adjacent catch basins using silt socks during construction.
- I.27 The Applicant shall conduct catch basin sump cleanings at the end of construction of the Project.

- I.28 The Applicant shall provide compensatory flood storage at a minimum ratio of 2:1. Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation which would be displaced by the Project. Compensatory flood storage areas shall not be allowed within fifty feet (50') of any resource area.
- I.29 The Applicant shall submit for review and administrative approval by the Board a restoration plan for the proposed compensatory flood storage area(s) of the Site to mitigate for the negative environmental impacts of the vegetation removal and grading to create the compensatory flood storage area.
- I.30 The Applicant shall submit for review and administrative approval by the Board an invasive management plan for work within the AURA and other resource areas outlining all locations for invasive management, the species and quantities of invasive plants to be managed, and the method of management.
- I.31 All mitigation plantings and all plantings with resource areas shall be native, and shall be installed and maintained according to the standards of the American Association of Nurserymen (AAN). No cultivars of native plantings shall be allowed.
- I.32 All plantings planted and invasive species removed through the Project shall be monitored for three years. A survival rate of one hundred percent (100%) must be maintained for the approved plantings at the end of the third year of monitoring. If the survival rate is less than one hundred percent (100%) after the end of the third year, the Applicant must submit proposed recommendations for replacement to the Board for its review and administrative approval. A monitoring report shall be submitted annually in June for each of the years in the three-year monitoring period, reporting on the health of the new plantings and the success of the invasive plant management.
- I.33 No work shall be allowed within twenty-five feet (25') of any resource area.
- I.34 No disturbance shall be allowed within fifty feet (50') of any resource area.
- I.35 Limited activity only is allowed within fifty feet (50') to seventy-five feet (75') of any resource area. Mitigation must be provided for any work between fifty feet (50') to one hundred feet (100') of any resource area. Definitions of "work", "disturbance", "limited activity" and "mitigation" shall be as defined in the Arlington Regulations for Wetlands Protection (2015), Section 4 and 25.

- I.36 The Applicant shall revise the Long-Term Pollution Prevention & Operations and Maintenance Plan to include requirements for inspection and cleaning of trench drains and the roof stormwater outlet to ensure these are functional prior to significant rain events.
- I.37 The Applicant shall revise the Long-Term Pollution Prevention & Operations and Maintenance Plan to include provisions for maintenance and cleaning of compensatory flood storage areas to ensure these remain functional.

**J. Other General Conditions**

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later, as per 760 CMR 56.05(12)(a). In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time construction authorized by the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- J.3 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- J.4 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction. Overnight parking of vehicles on public ways is prohibited in the Town of Arlington.

- J.5 In the event that the Applicant (or its Management Company) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, within fourteen (14) days of notification by the Town to the Applicant/Management Company, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town opts to perform such maintenance in accordance with this paragraph, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.
- J.6 The Project entrance way and interior roads, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The Town shall also have no obligations relating to the proposed recreational areas on the Property, the construction and operation of which shall be the sole responsibility of the Applicant. The Applicant is required to maintain the sidewalk along Dorothy Road clear of snow per local ordinance.
- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) enforcement by the Zoning Enforcement Officer pursuant to G. L. c. 40A, § 7; (b) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

### **DECISION**

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of \_\_\_\_\_ rental apartment units pursuant to Chapter 40B, §§ 20-23, for the development described above.

### **RECORD OF VOTE**

Decision on Application for Comprehensive Permit  
Arlington Land Realty, LLC  
Off Dorothy Road, Arlington, MA  
\_\_\_\_\_, 2021  
Page 33 of 40

The Board of Appeals voted \_\_\_\_\_, at its public meeting on March \_\_, 2021, to grant a Comprehensive Permit subject to the above-stated Conditions, with this Decision as attested by the signatures below.

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\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Dated: \_\_\_\_\_, 2021

Filed with the Town Clerk on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Town Clerk

**Notice:** Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Groveland, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

## DECISION ON WAIVERS

The Board takes the following action on the waiver requests of local rules and regulations submitted by the Applicant as it has determined necessary for the construction of the Project as approved by the Board:

1. Town of Arlington Bylaws, Title III, Article I, Sections 1 and 2 “Use of Streets for Construction or Demolition Materials”: This section requires a permit from the Board of Public Works or Town Engineer, and included bond requirements, for work adjacent to public ways and for the use of public ways to place building materials and/or rubbish. The Applicant requests a waiver except from the bonding requirements.

**Board Action: Waiver Denied. The Applicant has requested a waiver of the procedural requirements of this section, a waiver that is unnecessary for a comprehensive permit application, as all other local approval processes are subsumed into the comprehensive permit application. The Applicant has not set forth any substantive waiver requests of this section, therefore no such waivers are granted.**

2. Town of Arlington Bylaws, Title V, Article 8, and Town Wetland Protection Regulations “Wetland Protection Bylaw” and “Wetland Regulations of the Town of Arlington Conservation Commission dated June 4, 2015): The Applicant requests a waiver of the procedures, jurisdictional requirements, applications, fees, costs, regulations, policies, and enforcement, consultant fees of the Wetlands Bylaws and Regulations.

**Board Action: Waiver Denied. To the extent that this waiver request constitutes a request for a waiver of the procedural requirements under the Wetlands Bylaw and Wetlands Regulations, this request is denied as unnecessary, as the procedural requirements of other local permitting processes are subsumed into the comprehensive permit process. To the extent that this waiver request seeks substantive waivers (such as jurisdictional requirements, policies, etc.), this waiver request is overly-broad and is therefore denied.**

3. Wetlands Protection Bylaw, Section 2, and Wetlands Regulation Sections 2(A)(5), 4(3) and 4(7), Areas Subject to jurisdiction under local bylaw/definitions of same: The Applicant requests a waiver of these sections to waive the Area Adjacent to Upland Resource Area “AURA” as a resource area, to allow portions of the AURA to be graded, completed as compensatory floodplain storage and/or emergency access areas, as shown on the Approved Plans.

**Board Action: Waiver Granted to allow work within the AURA as shown on the Approved Plans. The request to waive the AURA as a resource area in general is**



**denied.**

4. Town of Arlington Wetlands Regulations, Section 24 “Vegetation Removal and Replacement”: This section requires an application process in which the Applicant must list all species existing and all proposed replacement species within resource area, including specific requirements for deciduous trees, evergreen trees and shrubs. The Applicant requests a waiver to allow for the Applicant to provide a detailed re-vegetation plan of all areas not otherwise permanently altered for emergency access road or those portions of the southerly side of the building within the floodplain, and to allow a re-vegetation plan acceptable with industry standards.

**Board Action:**

5. Town of Arlington Wetlands Regulations, Section 25 “Adjacent Upland Resource Areas”: This section regulates the 100-foot buffer zone to resource areas. The Applicant requests a waiver to allow for grading and compensatory flood storage as shown on the Approved Plans, and for limited permanent impacts to the outer AURA area for emergency access road, and portions of the garage structure. No alteration will occur within 25’ to a state-listed wetland resource area.

**Board Action:**

6. Town of Arlington Bylaws, Title V (Regulations Upon Use of Private Property), Article 8, Section 11 “Bond to Secure Corrections of Flooding Conditions”: This section requires an applicant to post a bond where a structure in excess of 6,000 square feet in area is proposed within two hundred yards of an existing stream or wetland to post a proper bond sufficient in the opinion of the Commission to secure performance of measures necessary to correct any flooding conditions resulting from the construction. The Applicant requests a waiver of this provision.

**Board Action:**

7. Town of Arlington Bylaw, Title V, Section 8 “Wetlands Consultant Fees”: This section allows the Conservation Commission to impose fees upon an applicant to cover the cost of the Commission retaining an outside wetlands consultant to review the applicant’s submittals. The Applicant requests a waiver of this requirement.

**Board Action: Waiver Granted. The Board does not require additional authority to impose a fee for the retaining of an outside wetlands consultant, which it has done for this Application.**

8. Town of Arlington Bylaw, Title v, Article 9 “Placement of Dumpsters”: This section requires a permit to be issued by the Select Board for the placing of dumpsters or

portable storage containers. The Applicant does not request any substantive waivers of this provision, seeking only a waiver of the procedural requirement of obtaining a permit from the Select Board.

**Board Action: Waiver Denied as unnecessary. The comprehensive permit subsumes all other local permitting processes, therefore no specific waiver of this provision is required. The Board acknowledges that approval of the dumpster locations is part of the comprehensive permit.**

9. Town of Arlington Bylaw, Title V, Article 15, Sections 1-5 “Stormwater Mitigation” –

**Board Action:**

10. Town of Arlington Bylaws, Article 16 “Tree Protection and Preservation”: This section requires approval of the Tree Warden prior to commencement of site work. The Applicant requests a waiver of the procedural requirement of obtaining approval of the Tree Warden. The Applicant does not request any substantive waivers of the requirements of this section.

**Board Action: Waiver Denied as unnecessary. Because all local permitting processes are subsumed into the comprehensive permit application, no waiver of this provision is required. The Applicant has agreed to comply with the substantive provisions of this bylaw.**

11. Town of Arlington Bylaw, Title IX, Article 3, Sections 4A and 4B “Town Fees and Charges, Department of Community Safety and Office of Building Inspector”: These sections set forth local fees and charges. The Applicant requests a waiver of 25% of local fees to reflect the 25% affordable housing units for the Project.

**Board Action: Waiver Denied.**

12. Water Connection Fee Regulations “Water Privilege Fee”: This section details the required fees for water connections. The Applicant requests a waiver of 25% of these fees to reflect the 25% affordable housing units in the Project.

**Board Action: Waiver Denied.**

13. Sewer Privilege Fee: This section details the required fees for connection to the municipal sewer system. The Applicant requests a waiver of 25% of these fees to reflect the 25% affordable housing units in the Project.

**Board Action: Waiver Denied.**

14. Arlington Zoning Bylaws, Article 2 “Definitions”: The Applicant requests the waiver of various unspecified definitions in this section.

**Board Action: Waiver Denied. The Applicant has not submitted sufficient information for the Board to make an informed decision on this waiver request, therefore a denial is required.**

15. Arlington Zoning Bylaws, Article 4.02 “Application of Zoning Bylaws”: This section states that the Zoning Bylaws shall apply to the erection, construction, reconstruction, alteration of use of building structures or use of land. The Applicant requests a waiver to allow the erection of a multi-family residential structure, along with the accessory uses thereto, including parking, play area, terraces, landscaping and management office as shown on the Approved Plans.

**Board Action: Waiver Granted.**

16. Arlington Zoning Bylaws, Article 5, Sections 5.03 and 5.04 “Use Regulations”: The Applicant notes in its list of requested waivers that multi-family dwelling structures are allowed in the PUD Zoning District pursuant to the issuance of a special permit. The Applicant also notes that no waiver of special permit requirements are required for a comprehensive permit development. The Applicant has listed no substantive provisions of these sections that require waivers.

**Board Action: Waiver Denied as unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to obtain a special permit for the Project. Since the Applicant has detailed no substantive waivers of these sections that are necessary, the waiver request is denied.**

17. Arlington Zoning Bylaws, Article 6, Section 6.00 “Dimensional and Density Regulations” This section regulations minimum lot size, frontage, maximum floor area, maximum lot coverage, minimum lot area, minimum lot depth (front, side and rear), maximum heights, minimum landscaped areas and useable open space.

**Board Action: Waiver Denied. The Board addresses the more specific waiver requests below.**

18. Arlington Zoning Bylaws Article 6 “Table of Dimensional and Density Regulations”: The Applicant requests a waiver of the Maximum Floor Area Ratio of .80 to allow a Floor Area Ratio of .87 (for the developed portion of the Site).

**Board Action:**

19. Arlington Zoning Bylaws, Article 6, Section 6.07 “Buildings in Floodplains”: This section requires the issuance of a special permit for buildings within floodplains. The Applicant requests a waiver of this special permit requirement. No substantive waivers of this bylaw were requested.

**Board Action: Waiver Denied as unnecessary. Again, an applicant is not required to obtain waivers of special permit requirements, as all other local permits are subsumed into the comprehensive permit.**

20. Arlington Zoning Bylaws, Article 6, Section 6.30 “Open Space Regulations for Planned Unit Developments”: This section sets forth a minimum requirement of 10% landscaped and 10% useable open space for apartments in the PUD Zoning District. The Applicant requests a waiver to allow for less than 10% useable open space.

**Board Action:**

21. Arlington Zoning Bylaws, Article 8, Section 1 “Off-Street Parking Requirements”: The Applicant requests a waiver of the minimum parking requirements (1 space per efficiency unit, 1 .5 spaces per two-bedroom unit and 2 spaces per three-bedroom unit) to allow for a parking ratio of 1.12 spaces per unit.

**Board Action: Waiver Granted.**

22. Arlington Zoning Bylaws, Article 8, Section 8.12 “Parking/Loading space standards”: This section limits the number of compact spaces to 20% (via special permit). The Applicant requests a waiver to allow up to 31% of the parking spaces to be compact spaces.

**Board Action: Waiver Granted.**

23. Arlington Zoning Bylaws, Article 10, Section 10.02: This section prohibits permits from being issued for structures that do not comply with the substantive provisions of the Arlington Zoning Bylaws. The Applicant requests a waiver to allow permits to issue for the structures as approved by the comprehensive permit decision.

**Board Action: Waiver Granted to allow construction as shown on the Approved Plans.**

24. Arlington Zoning Bylaws, Article 10.11 “Special Permits”: This section sets forth the special permit review requirements for the Board or the Arlington Redevelopment Board, and limits the duration of special permits to two (2) years. The Applicant requests a waiver of the procedural requirements for special permits, and also requests a waiver of the two (2) year lapse provision.

**Board Action: Waiver Denied as unnecessary. Because a comprehensive permit subsumes all other local permitting processes, a waiver of the special permit process is not required. The Board grants the substantive waiver of the two-year lapse provision contained in Section 10.11, so that the comprehensive permit shall lapse if substantial use has not commenced within three (3) years, as set forth in 760 CMR 56.05(12)(c).**

25. Arlington Zoning Bylaws, Article 10, Section 10.12 “Variances”: This section sets forth the criteria for the grant of variances pursuant to G. L. c. 40A, § 10. The Applicant requests a waiver of the variance process.

**Board Action: Waiver Denied as unnecessary. The Applicant is not required to obtain variances as part of a comprehensive permit application, therefore the provisions of Section 10.12 are not applicable to this application.**

26. Arlington Zoning Bylaws, Article 11, Section 11.04(a-g) “Floodplain District”: This section imposes a special permit requirement upon uses within the Floodplain District. The Applicant requests a waiver of this special permit requirement.

**Board Action: Waiver Granted.**

27. Arlington Zoning Bylaws, Article 11, Section 11.05(b), (d) and (f): This section requires a special permit for specific uses and structures in the Inland Wetland District. The Applicant requests a waiver of this special permit requirement.

**Board Action: Waiver Granted.**

28. Arlington Zoning Bylaws, Article 11, Sections 11.06(b), (d)(1), (4), (5), and (6)(e) and (f) “Environmental Design Review”: This section sets forth a special permit process for projects subject to Environmental Design Review. The Applicant requests a waiver of the special permit process and review standards. The Applicant also requests a substantive waiver of the signage requirements to allow for temporary construction signage as allowed by the Building Inspector.

**Board Action: Waiver denied as unnecessary. The Applicant is not required to obtain waivers of the procedural requirements for special permits pursuant to 760 CMR 56.05(7). The substantive waiver for temporary construction signage is granted.**

29. Arlington Zoning Bylaws, Article 11, Section 11.08 “Affordable Housing Requirements”: This section requires 15% of new residential units be restricted as affordable units. The Applicant requests a waiver to allow compliance with the

requirements of the Subsidizing Agency.

**Board Action: Waiver Granted.**

30. Zoning Board of Appeals Comprehensive Permit Regulations, Section 3.1 and 3.2 “Application and Documentation”: The Applicant requests a waiver to allow for an application that does not comply with the requirements of Section 3.0.

**Board Action:**

**END OF DECISION**



## Town of Arlington, Massachusetts

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### National Grid Notice of Maintenance Work

#### Summary:

Review National Grid's Notice of Maintenance Work for gas mains in East Arlington.

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Arlington_Maintenance_Notification_Letter_03052021.pdf	National Grid Notice of Maintenance Work

N-5068-082  
March 5, 2021

Emily Sullivan  
Arlington Conservation Commission  
730 Mass Avenue Annex  
Arlington, Massachusetts 02476

Re: **Notice of Exempt Gas Main Replacement  
Boston Gas Company  
Henderson Street, Cross Street, Sawin Street, Teel Street, Eliot Road,  
Colonial Drive, & Decatur Street, Arlington, Massachusetts**

Dear Agent Sullivan and Members of the Arlington Conservation Commission:

Boston Gas Company respectfully submits this written notification of the intent to conduct exempt gas main replacements within Henderson Street, Cross Street, Sawin Street, Teel Street, Eliot Road, Colonial Drive, and Decatur Street in Arlington, Massachusetts. The proposed project consists of the replacement of existing gas mains within these existing roadways.

The proposed maintenance work is to occur within three discrete project areas. The streets within each project area where gas main replacement is proposed are listed below and a breakdown of the activities proposed is provided in the enclosed table. A total of 20,825 lf of gas main replacement is proposed over these three project areas.

Project Area 1:

- |                    |                |
|--------------------|----------------|
| • Henderson Street | • Sawin Street |
| • Cross Street     | • Teel Street  |

Project Area 2:

- |                  |                    |
|------------------|--------------------|
| • Eliot Road     | • Princeton Road   |
| • Colonial Drive | • Cheswick Road    |
| • Cabot Road     | • Spy Pond Parkway |
| • Eliot Park     | • Bay State Road   |
| • Spy Pond Lane  | • Pioneer Road     |
| • Putnam Road    | • Sheraton Park    |

Project Area 3:

- Decatur Street

A portion of the work near 81 Henderson Street and Decatur Street is located within Bordering Land Subject to Flooding (BLSF), a portion of the work within Eliot Road near Spy Pond is within the 100-foot Buffer Zone; and a portion of the work within Decatur Street is within the 200-foot Riverfront Area. No impacts to wetland resources areas are anticipated as a result of this project, as all work will occur within the existing paved roadways. Best Management Practices (BMPs) will be implemented as needed. Attachment B of this submittal includes



details of standard erosion control measures that have been used in past projects of similar scope. Following the completion of construction activities, the areas will be restored in-kind.

Please note that the proposed work is considered to be exempt from the Massachusetts Wetlands Protection Act (WPA, M.G.L. c. 131 §40) in accordance with 310 CMR 10.02(2)(a)(2), as the work consists of *"activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility."* The proposed work is also exempt under Section 1-A of the Arlington Regulations for Wetlands Protection as it recognizes the exemptions provided under the WPA.

Please refer to the attached map for the project location. Should you have any questions regarding this notification or require any additional information, please do not hesitate to contact me at (978) 337-6988 or Amanda Houle, Senior Environmental Scientist with Tighe & Bond, at (508) 304-6354.

Thank you in advance for your attention to this matter.

Respectfully,



Drew Shelby  
Sr. Environmental Scientist  
National Grid  
40 Sylvan Road, Waltham, MA 02451

Attachments:

- A – Site Location Map
- B – National Grid Best Management Practice Details

<\\tighebond.com\data\Data\Projects\N\N5068 National Grid 2020 L&P\082 - Eliot, Henderson, Decatur, Arlington\MNL\Arlington Maintenance Letter.docx>

**Boston Gas Company  
Exempt Gas Main Replacement  
Arlington, Massachusetts**

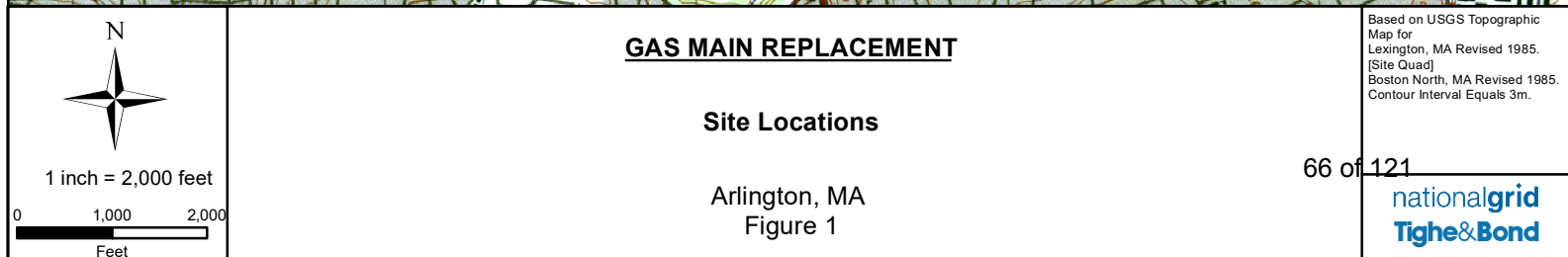
<b>Street</b>	<b>Gas Main Maintenance (linear feet)</b>	<b>Maintenance</b>	<b>Work within 100-foot Buffer Zone</b>	<b>Work within BLSF</b>	<b>Work within 200-foot Riverfront Area</b>
Teel St., from Massachusetts Ave. to Cross St.	975 lf	Lining of existing 6-inch LP plastic	No	No	No
Cross St., from Henderson St. to Teel St.	275 lf	Lining of existing 6-inch LP plastic	No	No	No
Henderson St., from Massachusetts Ave. to Cross St.	1,025 lf	Lining of existing 6-inch LP plastic	No	<b>Yes</b>	No
Sawin St., from Henderson St. to Teel St.	275 lf	Lining of existing 6-inch LP plastic	No	No	No
Sheraton Pkwy., from Spy Pond Pkwy. to #29 Sheraton Pkwy.	445 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Spy Pond Pkwy., from #18 Spy Pond Pkwy. to Spy Pond Ln.	2,220 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Pioneer Rd., from Bay State Rd. to Spy Pond Pkwy.	240 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Bay State Rd., from #51 Bay State Rd. to #109 Bay State Rd.	985 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Cheswick Rd., from Eliot Rd. to Bay State Rd.	710 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Colonial Dr., from Eliot Rd. to Putnam Rd.	1,185 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Putnam Rd., from Eliot Rd. to Bay State Rd.	710 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Princeton Rd., from Cheswick Rd. to Spy Pond Ln.	1,015 lf	Lining of existing 4-inch 25 psig plastic	No	No	No

Garrison Rd., from Spy Pond Ln. to #14 Garrison Rd.	165 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Spy Pond Ln., from Princeton Rd. to Garrison Rd.	260 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Spy Pond Ln., from Spy Pond Pkwy. to #57 Spy Pond Ln.	170 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Bay State Rd., from #51 Bay State Rd. to #109 Bay State Rd.	985 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Spy Pond Pkwy., from #18 Spy Pond Pkwy. to Spy Pond Ln.	2,220 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Colonial Dr., from Eliot Rd. to Putnam Rd.	1,185 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Roanoke Rd., from Colonial Dr. to #5 Roanoke Rd.	165 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Eliot Rd., from Colonial Dr. to Eliot Pk.	995 lf	Lining of existing 4-inch 25 psig plastic	<b>Yes</b>	No	No
Cheswick Rd., from Eliot Rd. to Bay State Rd.	710 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Princeton Rd., from Cheswick Rd. to Spy Pond Ln.	1,015 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Spy Pond Ln., from Princeton Rd. to Garrison Rd.	260 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Putnam Rd., from Eliot Rd. to Bay State Rd.	710 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Eliot Pk., from Eliot Rd. to #71 Eliot Pk.	155 lf	Lining of existing 4-inch 25 psig plastic	No	No	No
Colonial Dr., from exst 8-inch 25 psig steel in Lake St. to Eliot Rd.	250 lf	Lining of existing 6-inch 25 psig plastic	No	No	No

Cabot Rd., from existing 8-inch 25 psig steel in Lake St. to Eliot Rd.	235 lf	Lining of existing 6-inch 25 psig plastic	No	No	No
Decatur St., from Mystic Valley Pkwy. to end	1,285 lf	Lining of existing 6-inch LP plastic	No	No	<b>Yes</b>

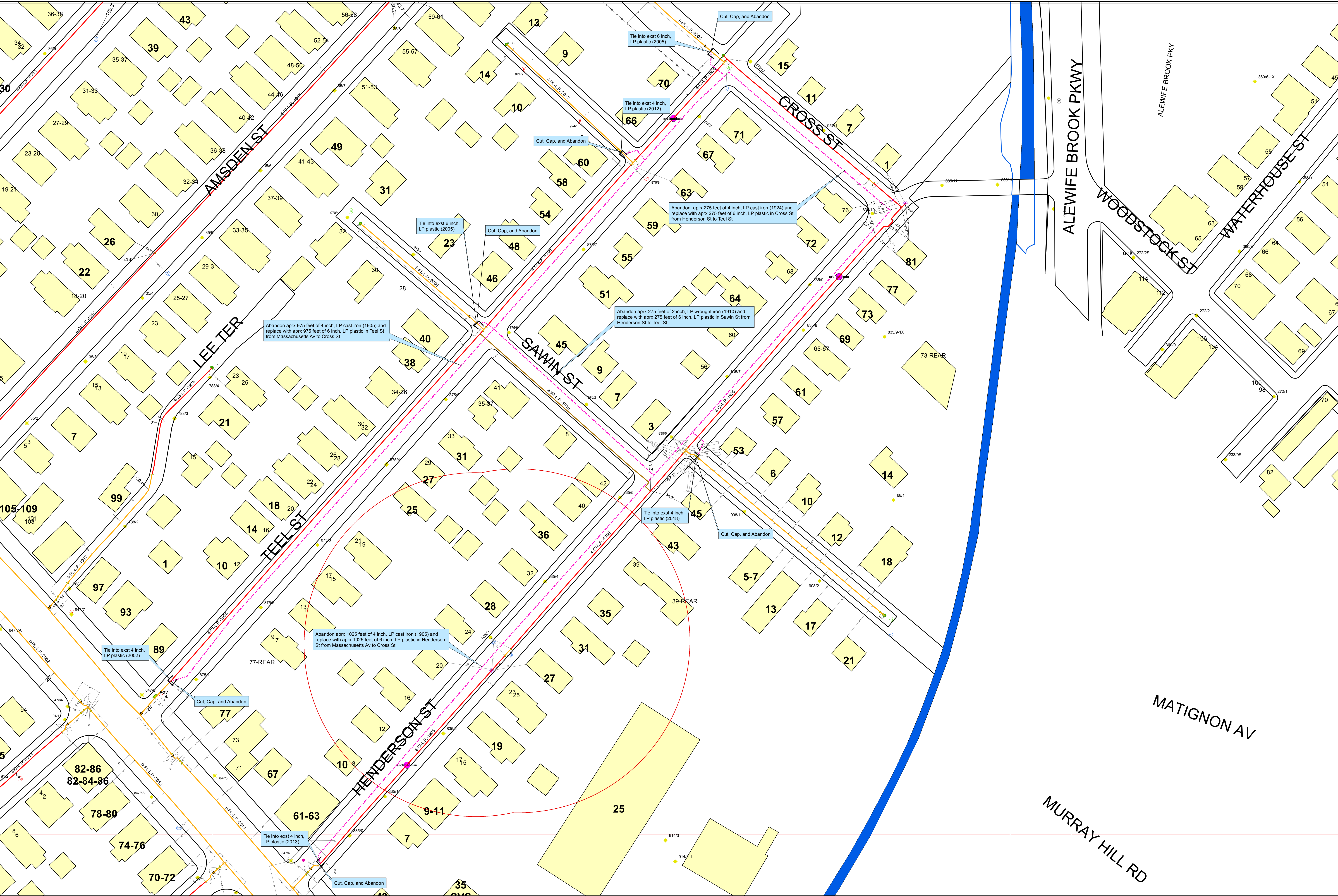
## ATTACHMENT A







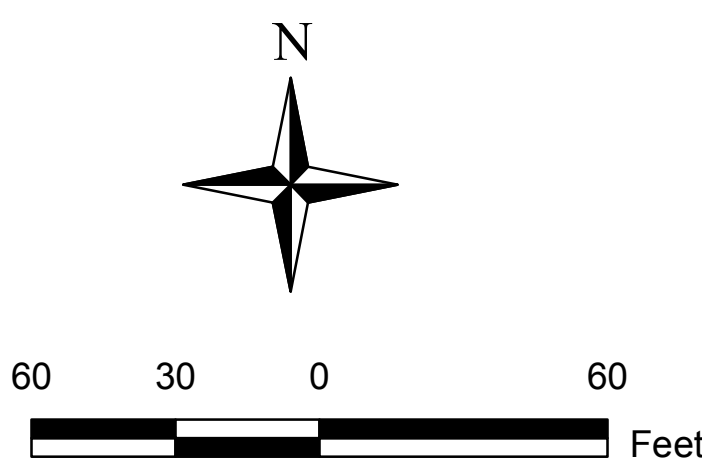
- PRESSURE GAUGES ARE REQUIRED AT ALL MAINS FOR ALL TIE-INS. REFER TO GCON-02001 PROCEDURE.
- CHECK ELECTRONIC MAPPING SYSTEM FOR MOST CURRENT MAPPING INFORMATION.



## ENGINEERING DESIGN - Proposed Scope of Work

7-81 HENDERSON ST, ARL, 7-71 TEEL,SAWIN,CROSS ST

As part of the CIMNRPL<10 Program, Main and Service Replacement Recommends the relay of:  
-> aprx 1025 feet of 4 inch, LP cast iron (1905) with aprx 1025 feet of 6 inch, LP plastic in Henderson St from Massachusetts Av to Cross St,  
-> aprx 975 feet of 4 inch, LP cast iron (1905) with aprx 975 feet of 6 inch, LP plastic in Teel St from Massachusetts Av to Cross St,  
-> aprx 275 feet of 2 inch, LP wrought iron (1910) with aprx 275 feet of 6 inch, LP plastic in Sawin St from Henderson St to Teel St, and  
-> aprx 275 feet of 4 inch, LP cast iron (1924) with aprx 275 feet of 6 inch, LP plastic in Cross St. from Henderson St to Teel St.



NOTE: The location of surface and underground objects shown are not warranted to be correct.

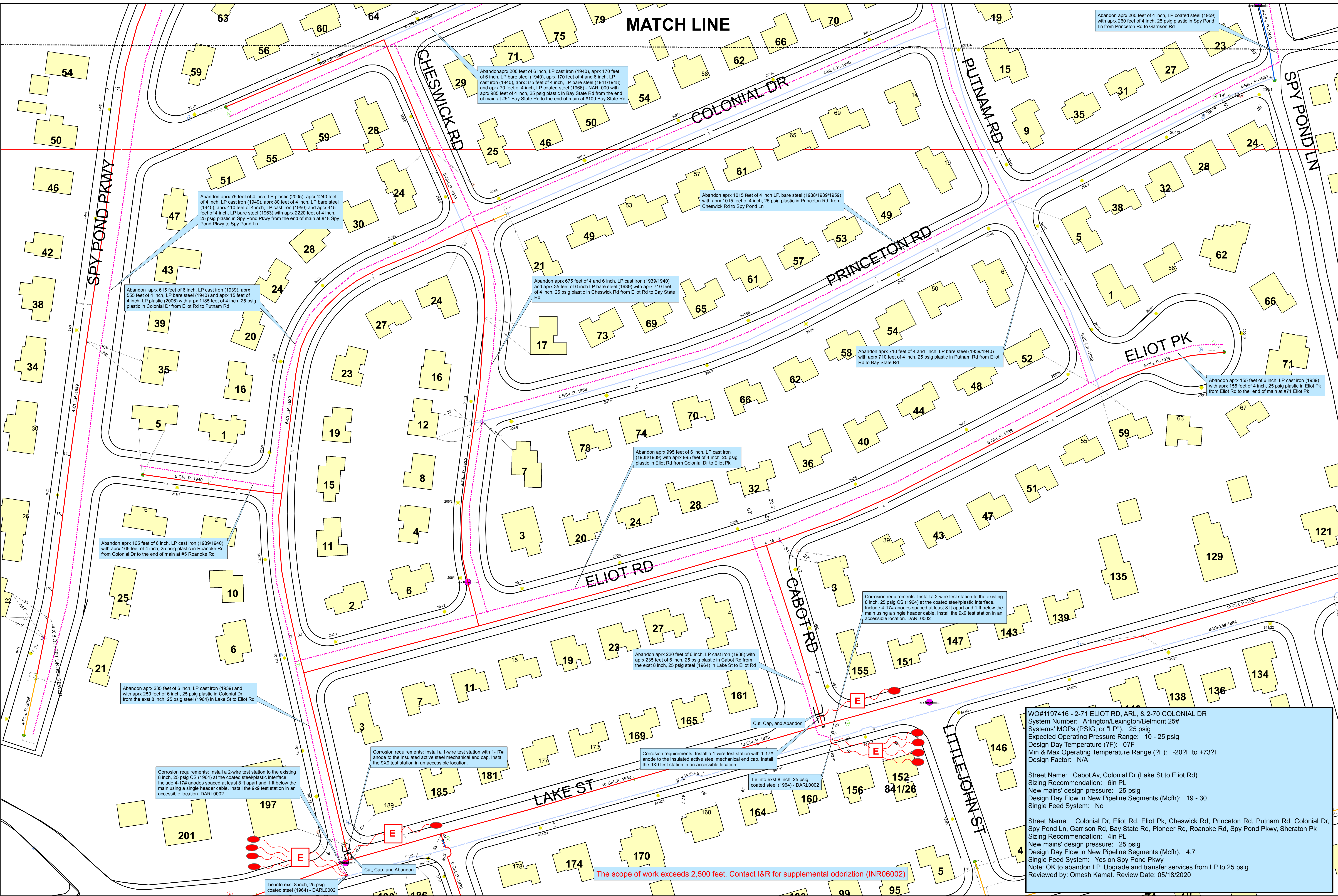
ENGINEER	GRLOGUE	SIZE	6 inch
DATE	7/14/2020	MATERIAL	PL
LENGTH	2550 Feet	PRESSURE	LP
SECTIONALS	ARLM1236	WORK ORDER #	1249975
	ARLM1237		
	ARLM1246		

ArcFM

**nationalgrid**

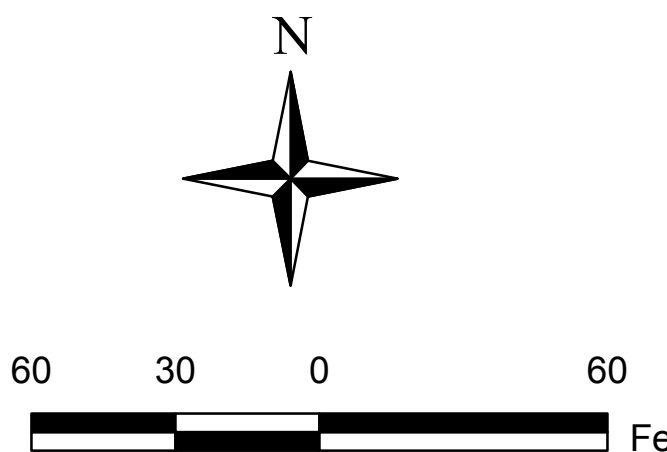


- PRESSURE GAUGES ARE REQUIRED AT ALL MAINS FOR ALL TIE-INS. REFER TO GCON-02001 PROCEDURE.
- CHECK ELECTRONIC MAPPING SYSTEM FOR MOST CURRENT MAPPING INFORMATION.



## ENGINEERING DESIGN - Proposed Scope of Work

2-71 ELIOT RD, ARL, & 2-70 COLONIAL DR



**NOTE:** The location of surface and underground objects shown are not warranted to be correct.

ENGINEER	GRLOGUE	SIZE	4 & 6 inch
DATE	12/22/2020	MATERIAL	PL
LENGTH	4" = 9420 Ft 6" = 485 Ft	PRESSURE	LP to 25 ps
SECTIONALS	ARLM1223 ARLM1224	WORK ORDER #	1197416
	ARLM1233 ARLM1234		

## ArcFM

**nationalgrid**



- PRESSURE GAUGES ARE REQUIRED AT ALL MAINS FOR ALL TIE-INS. REFER TO GCON-02001 PROCEDURE.
- CHECK ELECTRONIC MAPPING SYSTEM FOR MOST CURRENT MAPPING INFORMATION.

The scope of work exceeds 2,500 exceeds 2,500 feet. Contact I&R for supplemental odorization (INR06002)

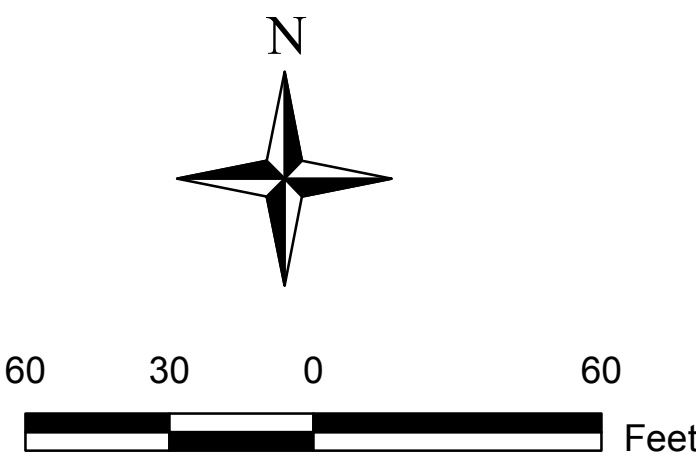
WO#1197416 - 2-71 ELIOT RD, ARL, & 2-70 COLONIAL DR  
System Number: Arlington/Lexington/Belmont 25#  
Systems' MOPs (PSIG, or "LP"): 25 psig  
Expected Operating Pressure Range: 10 - 25 psig  
Design Day Temperature (?F): 0°F  
Min & Max Operating Temperature Range (?F): -20°F to +73°F  
Design Factor: N/A

Street Name: Cabot Av, Colonial Dr (Lake St to Eliot Rd)  
Sizing Recommendation: 6in PL  
New mains' design pressure: 25 psig  
Design Day Flow in New Pipeline Segments (Mcfh): 19 - 30  
Single Feed System: No

Street Name: Colonial Dr, Eliot Rd, Eliot Pk, Cheswick Rd, Princeton Rd, Putnam Rd, Colonial Dr, Spy Pond Ln, Garrison Rd, Bay State Rd, Pioneer Rd, Roanoke Rd, Spy Pond Pkwy, Sheraton Pk  
Sizing Recommendation: 4in PL  
New mains' design pressure: 25 psig  
Design Day Flow in New Pipeline Segments (Mcfh): 4.7  
Single Feed System: Yes on Spy Pond Pkwy  
Note: OK to abandon LP. Upgrade and transfer services from LP to 25 psig.  
Reviewed by: Omesh Kamat. Review Date: 05/18/2020

## ENGINEERING DESIGN - Proposed Scope of Work

2-71 ELIOT RD, ARL, & 2-70 COLONIAL DR



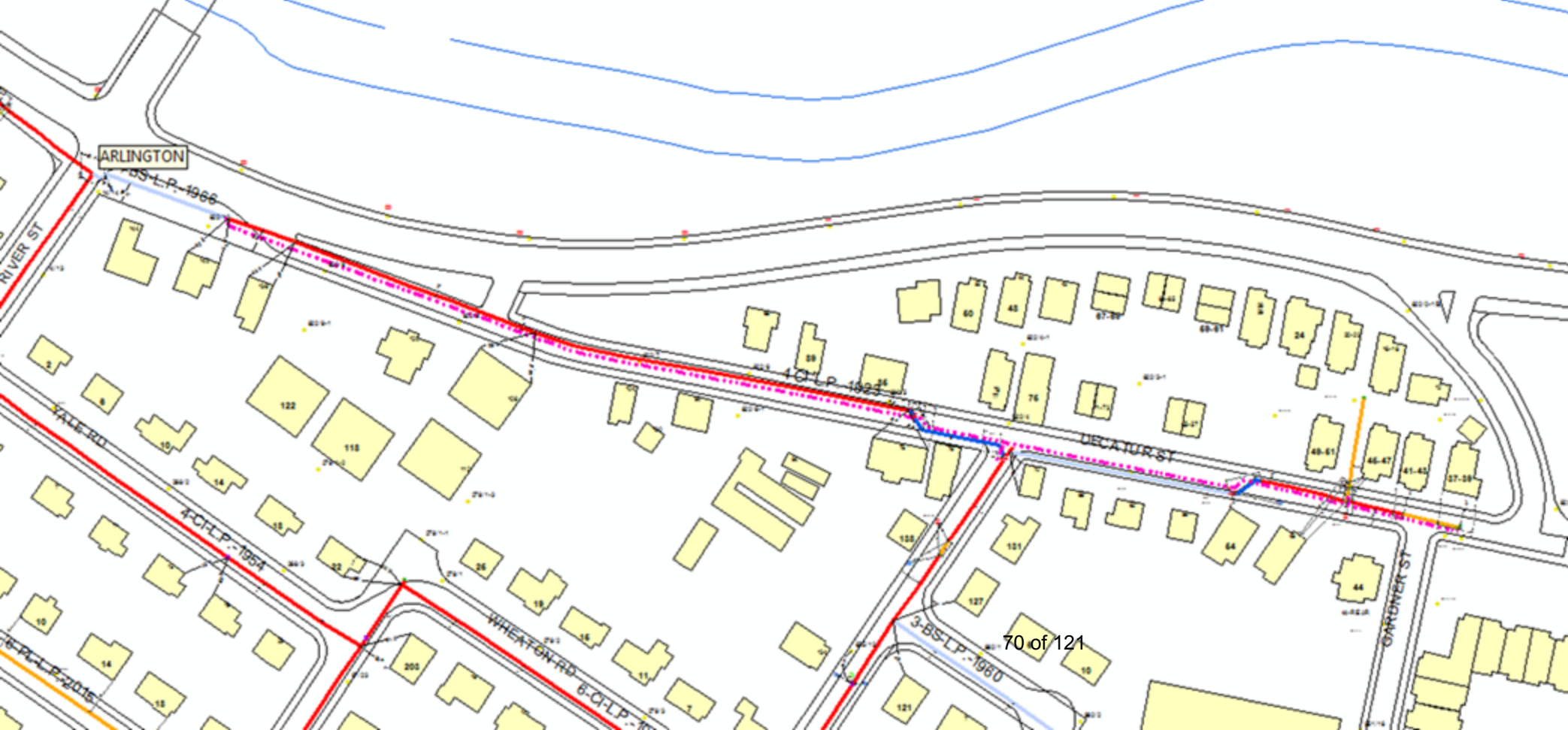
NOTE: The location of surface and underground objects shown are not warranted to be correct.

ENGINEER	GRLOGUE	SIZE	4 & 6 inch
DATE	12/22/2020	MATERIAL	PL
LENGTH	4" = 9420 Ft 6" = 485 Ft	PRESSURE	LP to 25 psig
SECTIONALS	ARLM1223 ARLM1224 ARLM1233 ARLM1234	WORK ORDER #	1197416

ArcFM

nationalgrid





## ATTACHMENT B

## SUBJECT

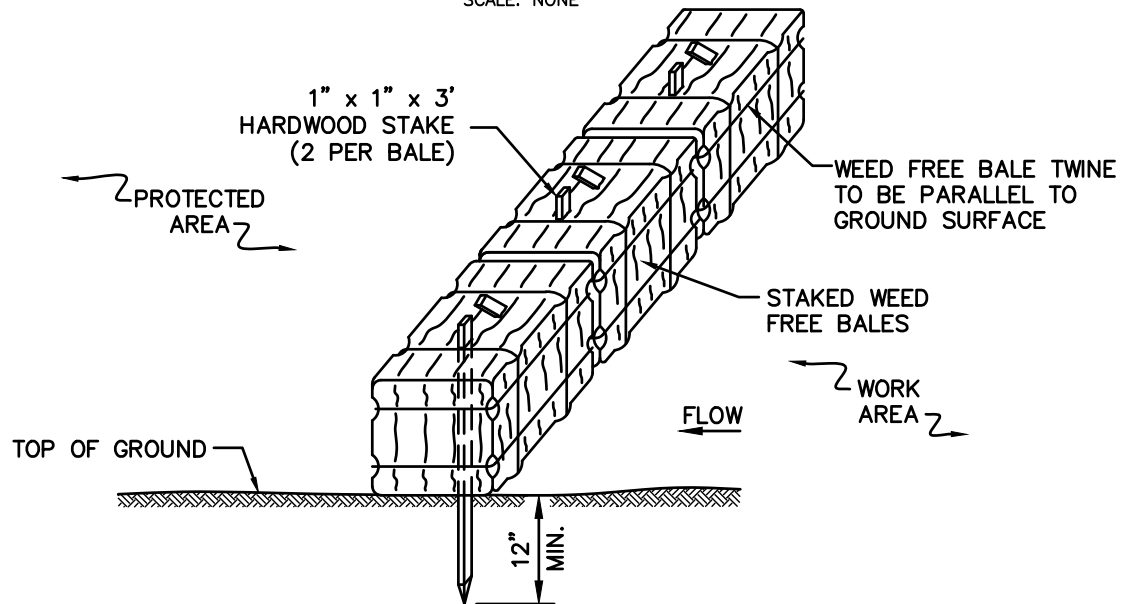
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. THE GROUND SHALL BE PREPARED TO PROVIDE COMPLETE CONTACT WITH THE BALES.

**BMP PICTURE****APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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VERSION PLEASE REFER TO THE NATIONAL GRID ENVIRONMENTAL INFONET SITE.

SEC-1

**WEED FREE BALE BARRIER**

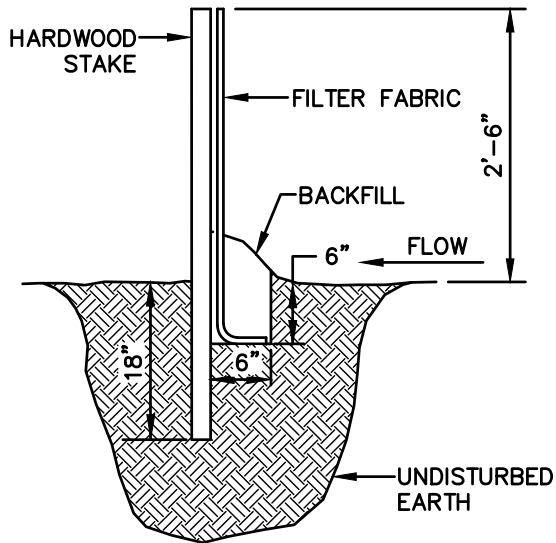
72 of 121

SUBJECT  
Access, Maintenance and Construction  
Best Management Practices

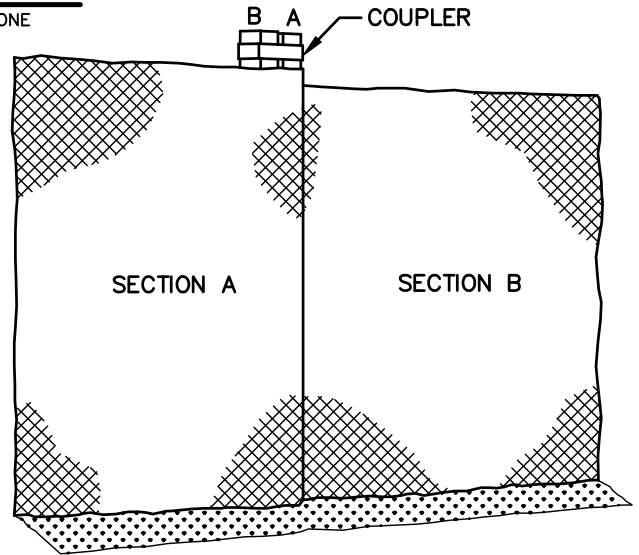
Reference  
EP No. 3 - Natural Resource  
Protection (Chapter 6)

### BMP DETAIL

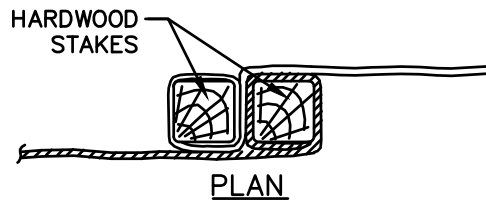
SCALE: NONE



PROFILE



SECTION



PLAN

### BMP PICTURE



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## SUBJECT

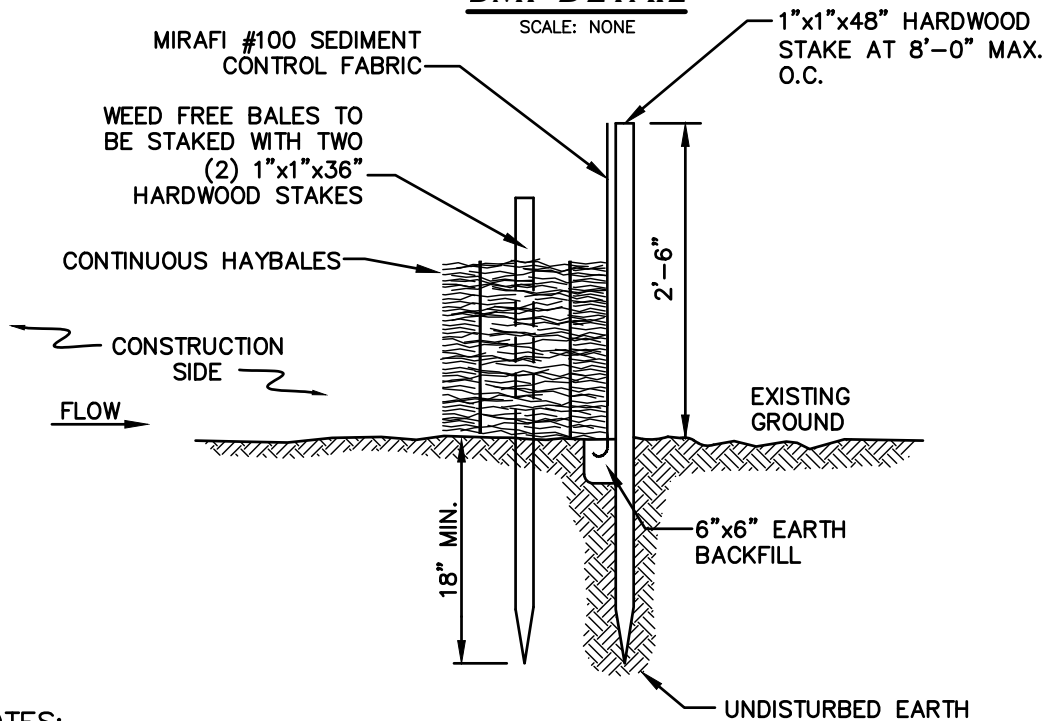
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. BALES SHALL BE PLACED IN A ROW WITH THE ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
2. BALES SHALL BE SECURELY ANCHORED IN PLACE BY TWO (2) 1"x1"x36" HARDWOOD STAKES DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
3. INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
4. BALES SHALL BE REMOVED AND REPLACED WHEN THEY BECOME FILLED WITH SEDIMENT AND BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.
5. BALES SHALL BE REMOVED WHEN THE EMBANKMENTS STABILIZE.
6. BALES TO BE TWINE BOUND.

**BMP PICTURE**

**APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES**

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**SEC-3**  
**SILT FENCE /**  
**WEED FREE BARRIER**

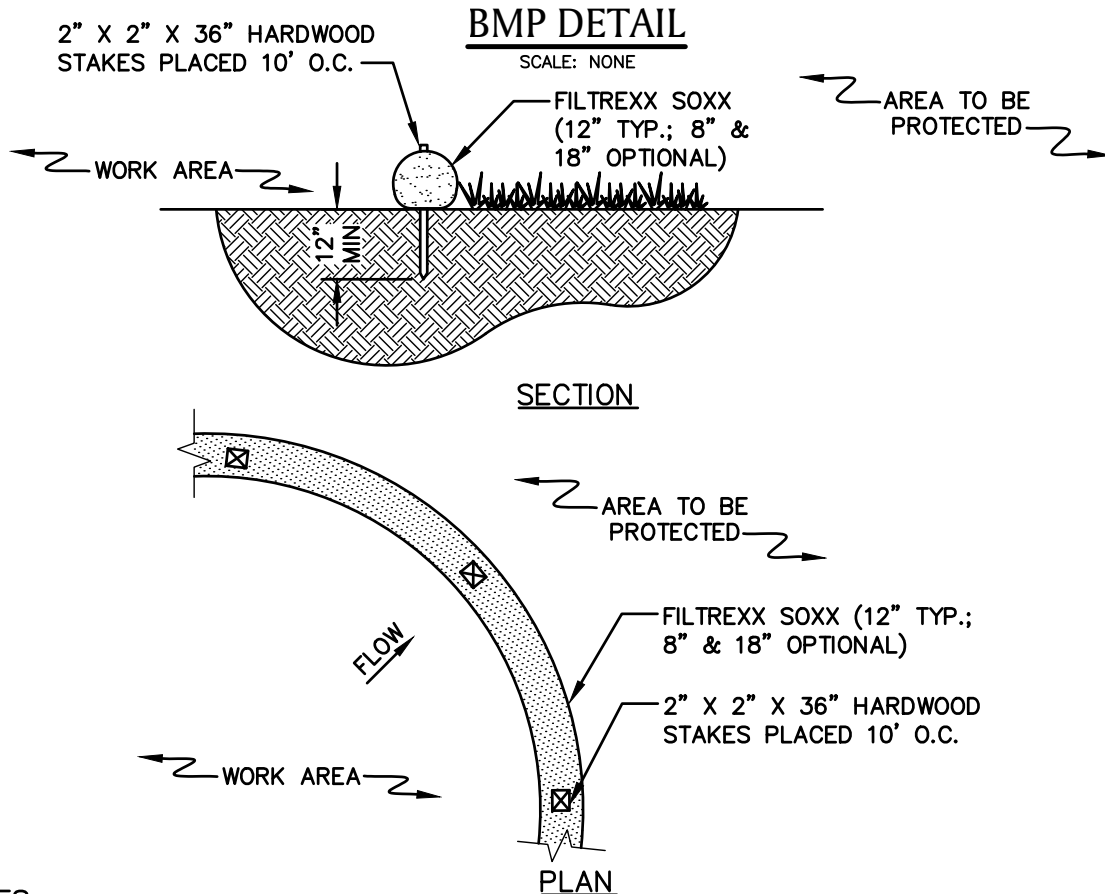
7/16/21

## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

NOTES

1. PRODUCT TO BE FILTREXX SILT SOXX OR APPROVED EQUAL BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.
2. ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS.
3. FILTER MEDIA FILL TO MEET APPLICATION REQUIREMENTS.
4. MESH CONTAINMENT MATERIAL SHOULD BE KNITTED PHOTODEGRADABLE OR BIODEGRADABLE MATERIAL, WITH OPENING SIZES BETWEEN 1/8" - 3/8".
5. COMPOST MEDIA SHOULD HAVE PARTICLE SIZE WHERE 99% < 2", 50% > 1/2".
6. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DETERMINED BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.

BMP PICTURE

\* PICTURE AND DETAIL PROVIDED BY FILTREXX LAND IMPROVEMENT SYSTEMS  
APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES  
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SEC-4  
SILT SOXX \*

75 of 121

## SUBJECT

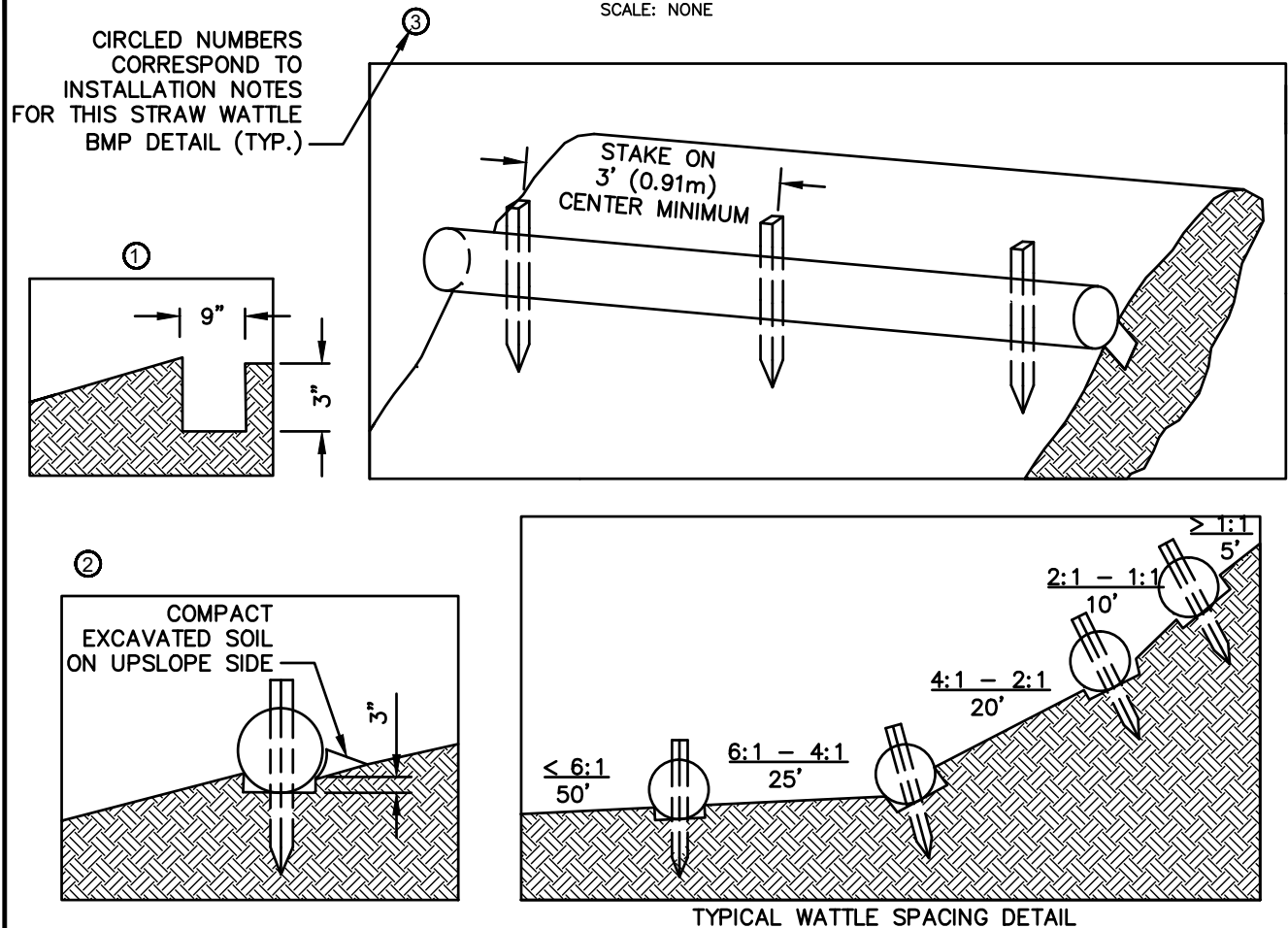
Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

**BMP DETAIL**

SCALE: NONE

**NOTES:**

1. PRODUCT TO BE TENSAR NORTH AMERICAN GREEN STRAW WATTLE OR APPROVED EQUAL BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.
2. TYPICAL WATTLE SPACING BASED ON SLOPE GRADIENT. COORDINATE SPACING AND LOCATION WITH NATIONAL GRID ENVIRONMENTAL SCIENTIST.
3. MINIMUM 12" DIAMETER WATTLES SHOULD BE USED FOR HIGHLY DISTURBED AREAS (I.E., HEAVILY USED ACCESS ROAD WITH ADJACENT WETLAND) AND MINIMUM 9-10" WATTLES SHOULD BE USED FOR LESS DISTURBED SOILS.

**INSTALLATION NOTES:**

1. BEGIN AT THE LOCATION WHERE THE WATTLE IS TO BE INSTALLED BY EXCAVATING A 2-3" DEEP X 9" WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED UPSLOPE FROM THE ANCHOR TRENCH.
2. PLACE THE WATTLE IN THE TRENCH SO THAT IT CONTOURS TO THE SOIL SURFACE. COMPACT SOIL FROM THE EXCAVATED TRENCH AGAINST THE WATTLE ON THE UPHILL SIDE. ADJACENT WATTLES SHOULD TIGHTLY ABUT.
3. SECURE THE WATTLE WITH 18-24" HARDWOOD STAKES EVERY 3-4' AND WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE LEAVING AT LEAST 2-3" OF STAKE EXTENDING ABOVE THE WATTLE. STAKES SHOULD BE DRIVEN PERPENDICULAR TO THE SLOPE FACE.

\* DETAIL AND PICTURE PROVIDED BY TENSAR NORTH AMERICAN GREEN  
APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES  
PRINTED COPIES ARE NOT DOCUMENT CONTROLLED. FOR LATEST AUTHORIZED  
VERSION PLEASE REFER TO THE NATIONAL GRID ENVIRONMENTAL INFONET SITE.

SEC-5  
STRAW WATTLE \* (1 OF 2)  
76 of 121



## SUBJECT

Access, Maintenance and Construction  
Best Management Practices

## Reference

EP No. 3 - Natural Resource  
Protection (Chapter 6)

BMP PICTURE

STRAW WATTLE – SHALLOW SLOPE ( $\leq 4:1$ )  
(ALTERNATE STAKING)

ALTERNATE STAKING INSTALLATION NOTES:

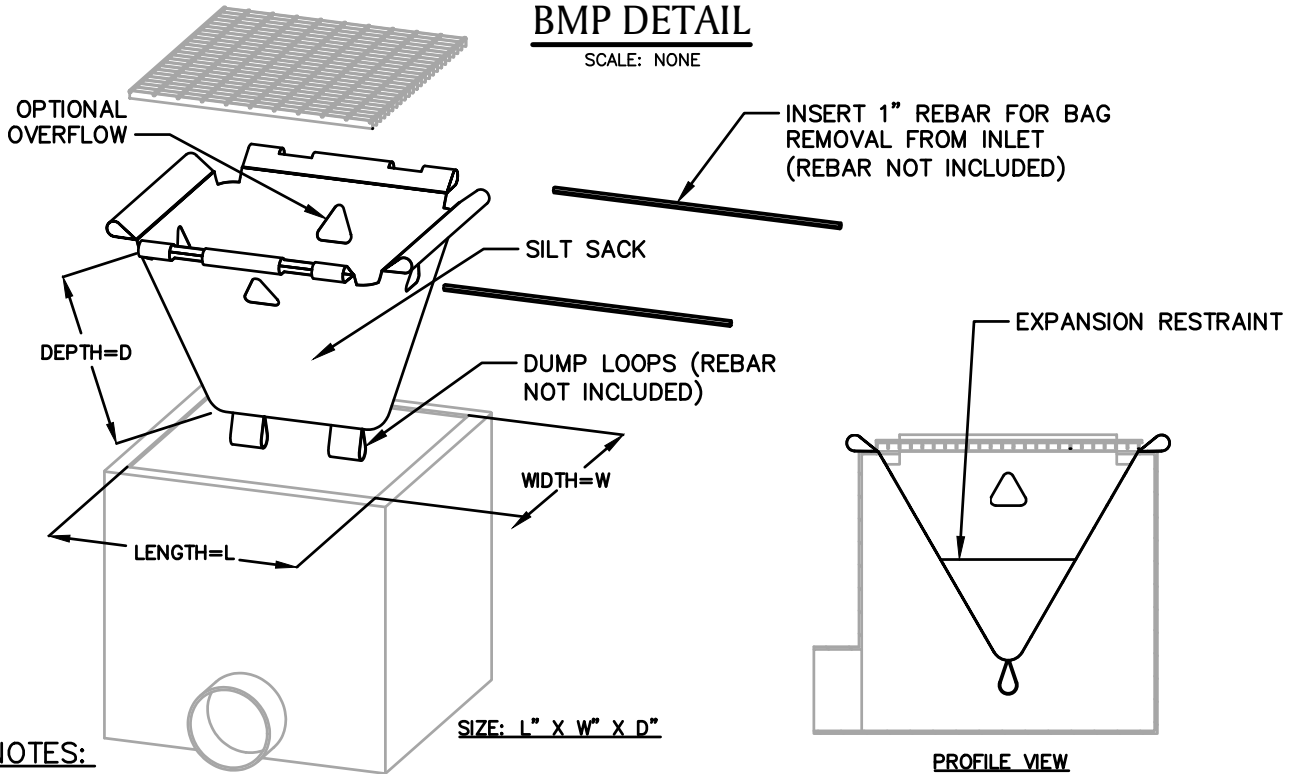
1. ON SHALLOW SLOPES ( $\leq 4:1$ ), STRAW WATTLE MAY BE SECURED WITH 18–24" HARDWOOD STAKES DRIVEN AGAINST THE SIDES OF THE WATTLE INSTEAD OF THROUGH. STAKES SHALL ALTERNATE SIDES, AND BE SPACED 3–4' MAX.
2. TWINE SHALL BE TIED FROM STAKE TO STAKE, CRISS-CROSSING THE STRAW WATTLE. TIE TWINE TO STAKES BELOW THE HEIGHT OF THE WATTLE.

SUBJECT  
Access, Maintenance and Construction  
Best Management Practices

Reference  
EP No. 3 - Natural Resource  
Protection (Chapter 6)

## BMP DETAIL

SCALE: NONE



### NOTES:

1. PRODUCT TO BE SILT SACK OR APPROVED EQUAL BY NATIONAL GRID ENVIRONMENTAL SCIENTIST.
2. THE USE OF A SILT SACK OPTIONAL OVERFLOW AND OVERALL DIMENSIONS ARE TO BE COORDINATED WITH A NATIONAL GRID ENVIRONMENTAL SCIENTIST.

## BMP PICTURE



\* DETAIL PROVIDED BY ACF ENVIRONMENTAL  
APPROVED BY: VICE PRESIDENT, ENVIRONMENTAL SERVICES  
PRINTED COPIES ARE NOT DOCUMENT CONTROLLED. FOR LATEST AUTHORIZED  
VERSION PLEASE REFER TO THE NATIONAL GRID ENVIRONMENTAL INFONET SITE.

AA-20  
SILT SACK \*  
78 of 121



## Town of Arlington, Massachusetts

---

### Discussion: AC Turf Field and Resource Areas

#### Summary:

Discussion: AC Turf Field and Resource Areas

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Ac_Turf_Field_Concerns_03092021.pdf	AC Turf Field Concerns B. Melofchik

**From:** David White <dwhite@gilbertwhite.com>  
ConCom Admin <ConComm@town.arlington.ma.us>, "Tirone, Chuck" <ctirone@ci.reading.ma.us>, "Stevens, Nathaniel (home)" <stevensnathaniel11@gmail.com>, Pamela Heidell <pamelaheidell@gmail.com>, Mike Gildesgame <mikeg125@gmail.com>, David White <dwhite@gilbertwhite.com>, Emily Sullivan <ESullivan@town.arlington.ma.us>, "Garnett, Cathy" <cgarnett251@gmail.com>, "Chapnick, Susan" <s.chapnick@comcast.net>, Dave Kaplan <dkaplan@cambridgema.gov>  
**To:**  
**Date:** 03/09/2021 11:05 AM  
**Subject:** Fwd: Environmental concerns in Mystic River watershed: artificial turf

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

FYI - The ConCom permitted this project.

----- Forwarded Message -----

**Subject:**Environmental concerns in Mystic River watershed: artificial turf  
**Date:**Tue, 9 Mar 2021 15:53:23 +0000 (UTC)  
**From:**Beth Melofchik <[tankmadel@yahoo.com](mailto:tankmadel@yahoo.com)>  
**To:**[dshine@achs.net](mailto:dshine@achs.net) <[dshine@achs.net](mailto:dshine@achs.net)>  
**CC:**David White <[dwhite@gilbertwhite.com](mailto:dwhite@gilbertwhite.com)>, Brucie Moulton <[moultonsb1@gmail.com](mailto:moultonsb1@gmail.com)>, Mona Mandal <[mona.arlingtontm9@gmail.com](mailto:mona.arlingtontm9@gmail.com)>, Susan McCabe <[susanmccabe22@mac.com](mailto:susanmccabe22@mac.com)>, Jo Anne Preston <[ja-preston@comcast.net](mailto:ja-preston@comcast.net)>

Dan Shine  
Athletic Director  
Arlington Catholic High School

Dear Mr. Shine,

As per our telephone conversation March 9, 2021 I enclose photographs of material from the artificial turf field on Summer Street. It appears to be tiny seed sized pieces of shredded tires. As you can see from the photos the snow around the field, seems to have been plowed, the snow is black with many **pounds** of the material.

My concern is that this toxic material not be leaf blown into the surrounding lawn and park, that it not be leaf blown in direction of Cookes Hollow/Mill Brook and that material which has escaped the environs of the sports field not flow into Cookes Hollow/Mill Brook during a rain storm. The escaped material is among the bushes at the east end of the field adjacent to Cookes Hollow. As you know Mill Brook is down hill from the artificial turf field. This area is within the Mystic River Watershed.

I would appreciate knowing what the care protocol is for this field as I imagine that unfortunately these conditions are ones which occur each winter/spring.

I would appreciate knowing whether Arlington Catholic High School has considered an additional mitigation plan. Since the field's establishment I believe standards may have changed and a type of sieve would now be required as part of the installation.



It is many years now that each spring Alewife return to Cookes Hollow/Mill Brook to spawn. We do not want the material from the artificial turf field polluting Cookes Hollow. Shore birds roost in the trees among them black capped night herons. Mallards have in recent years created nests beside the stairway adjacent to your field in Cookes Hollow. We do not want shredded bits of tires from the ACHS artificial turf field in the food chain.

We live with nature and the environment in a sustainable manner.  
Thank you for your attention and concern.

Kind regards,  
Beth Melofchik  
20 Russell Street  
Town Meeting Member Precinct 9

cc: David White Conservation Commission  
Brucie Moulton Sustainable Arlington  
Mona Mandal Town Meeting Member Precinct 9  
Susan McCabe Town Meeting Member Precinct 9  
Jo Anne Preston, AHA Board Member, Town Meeting Member Precinct 9

**Attachments:**

File: <a href="#">20210301_105615(1).jpg</a>	Size: 143k	Content Type: image/jpeg
File: <a href="#">20210301_105621(1).jpg</a>	Size: 151k	Content Type: image/jpeg
File: <a href="#">IMG-20210228-WA0000.jpg</a>	Size: 58k	Content Type: image/jpeg



## Town of Arlington, Massachusetts

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### Request for Certificate of Compliance

#### Summary:

**Request for Certificate of Compliance: 46 Spy Pond Parkway**  
**MassDEP File #091-0300**

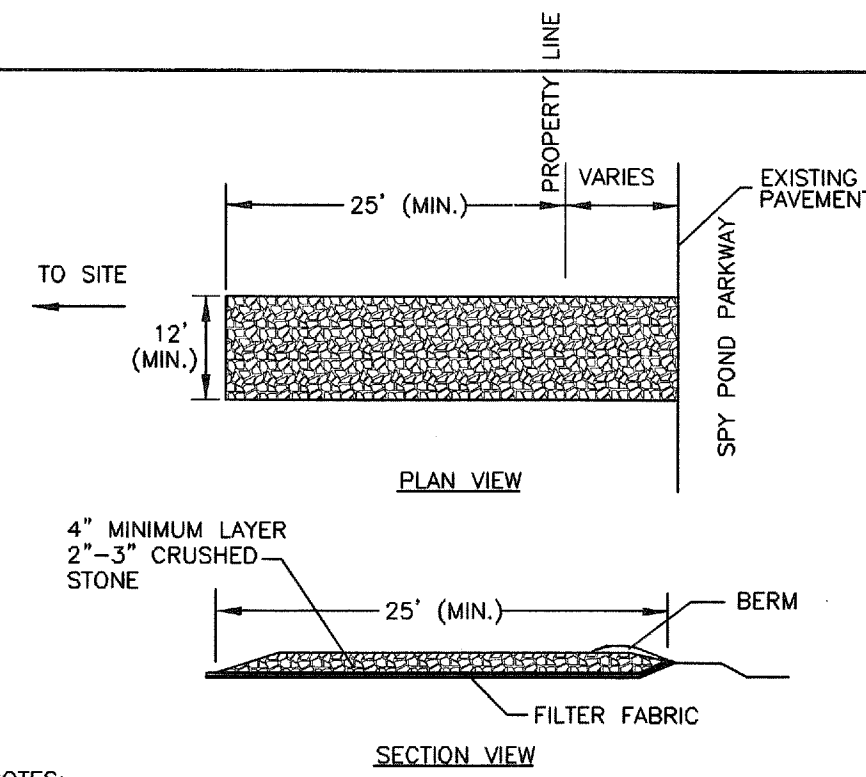
The project as approved proposed to raze and rebuild an existing single family home and add resource area improvements through a native vegetation buffer along Spy Pond and pervious paver driveway, 7:45pm walkways, and patio in the 100-ft wetlands buffer and AURA of Spy Pond. The project was approved on 11/20/2018.

#### ATTACHMENTS:

Type	File Name	Description
Request for Certificate of Compliance	46_Spy_Pond_Parkway_Plan_10232018.pdf	46 Spy Pond Parkway Proposed Plan
Request for Certificate of Compliance	46_Spy_Pond_Parkway_Planting_Plan_10202018.pdf	46 Spy Pond Parkway Proposed Planting Plan
Request for Certificate of Compliance	46_Spy_Pond_Parkway_Recorded_OOC_11292018.pdf	46 Spy Pond Parkway OOC
Request for Certificate of Compliance	46_Spy_Pond_Parkway_RCOC_Cover_Letter_08252020.PDF	46 Spy Pond Parkway Request for COC Letter
Request for Certificate of Compliance	46_Spy_Pond_Parkway_RCOC.pdf	46 Spy Pond Parkway Request for COC
Request for Certificate of Compliance	46_Spy_Pond_Parkway_As-Built.PDF	46 Spy Pond Parkway As Built
Request for Certificate of Compliance	46_Spy_Pond_Parkway_COC_Additional_Letter_02252021.pdf	46 Spy Pond Parkway RCOC Additional Letter

## GENERAL NOTES

- ELEVATIONS REFER TO MAD 83. BENCHMARK: PK NAIL SET IN UTILITY POLE NEAR THE SOUTH EAST PROPERTY CORNER, ELEVATION = 11.9.
- THE LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ANY CROSSINGS OF PROPOSED AND EXISTING UTILITIES.
- MASSACHUSETTS STATE LAW REQUIRES UTILITY NOTIFICATION AT LEAST THREE BUSINESS DAYS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL DIG-SAFE AT 1-888-344-7233 IN ORDER TO COMPLY WITH STATE LAW.
- THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY DONE ON THE GROUND 10/28/17, 7/25/18.
- ALL WORK SHALL BE SUBJECT TO THE INSPECTION BY AND APPROVAL OF THE TOWN ENGINEER & DPW.
- IN CASES WHERE LEDGE OR BOULDERS ARE ENCOUNTERED, EVERETT M. BROOKS CO. WILL NOT BE RESPONSIBLE FOR THE AMOUNT OF ROCK ENCOUNTERED.
- IF ANY PART OF THIS DESIGN IS TO BE ALTERED IN ANY WAY, THE DESIGN ENGINEER, AS WELL AS THE APPROVING AUTHORITIES, SHALL BE NOTIFIED IN WRITING BEFORE CONSTRUCTION.
- ALL OF THE ROOF RUNOFF FROM THE PROPOSED ROOF SURFACES INDICATED SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO THE PROPOSED LEACHING GALLEYS.
- ALL TOPSOIL, SUBSOIL OR IMPERVIOUS SOIL MUST BE EXCAVATED AND REMOVED BELOW THE LEACHING GALLEYS AND TO A DISTANCE 5' LATERALLY IN ALL DIRECTIONS BEYOND THE SIDES OF THE GALLEYS. BACKFILL AS REQUIRED WITH A CLEAN GRANULAR SAND, FREE FROM ORGANIC MATTER AND DELETERIOUS SUBSTANCES. THE SAND SHALL HAVE A PERCOLATION RATE OF 2 MINUTES PER INCH OR FASTER.
- THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE DESIGN ENGINEER FOR INSPECTIONS OR AS-BUILT LOCATIONS. EVERETT M. BROOKS CO. WILL NOT PROVIDE AS-BUILT CERTIFICATION TO UNINSPECTED BACKFILLED UTILITIES. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED PRIOR TO INSPECTIONS.
- ANY PROPOSED WALLS BY OTHERS.
- SOIL CONDITIONS AND GROUNDWATER ELEVATION SHALL BE EVALUATED AT THE TIME OF CONSTRUCTION. THE PROPOSED DRAINAGE SYSTEM SHALL BE MODIFIED, IF REQUIRED.

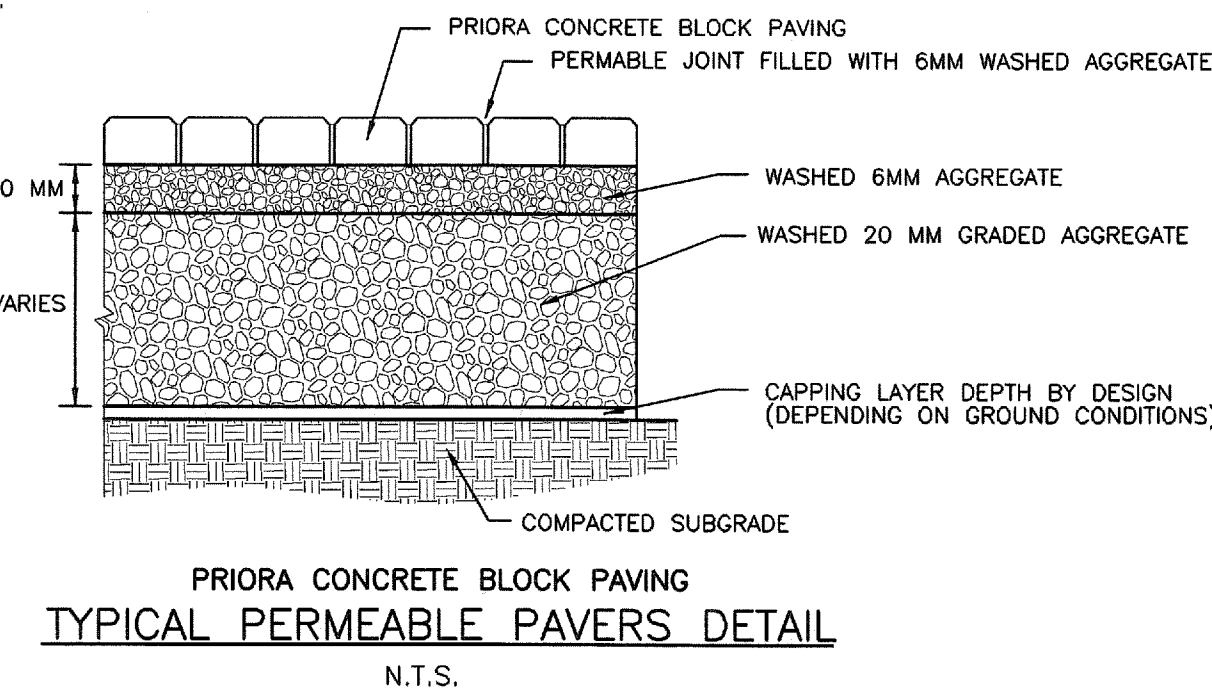


### NOTES:

- ENTRANCE WIDTH SHALL BE A TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY. BERM SHALL BE PERMITTED. PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED AS NEEDED.

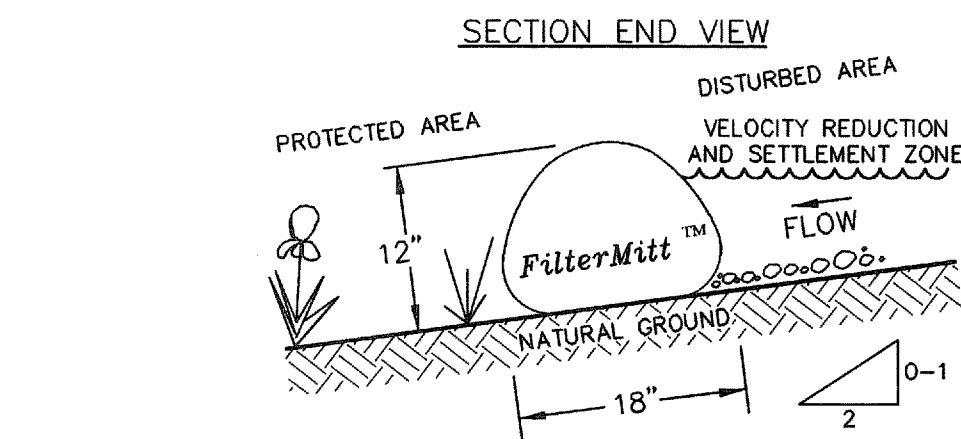
## CONSTRUCTION ENTRANCE

N.T.S.



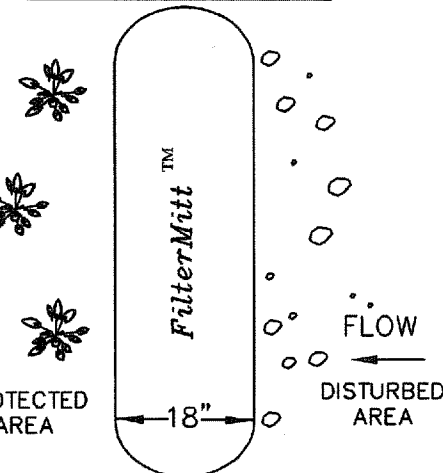
PRIORA CONCRETE BLOCK PAVING  
TYPICAL PERMEABLE PAVERS DETAIL

N.T.S.



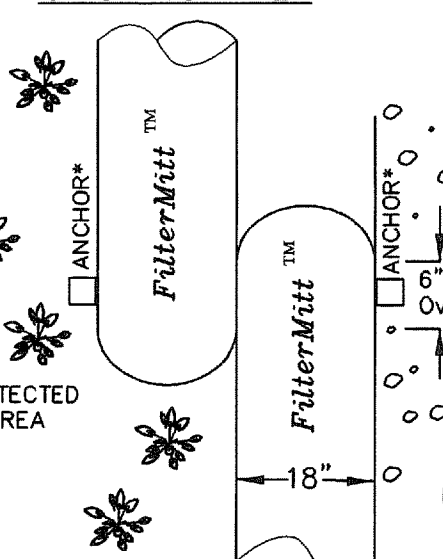
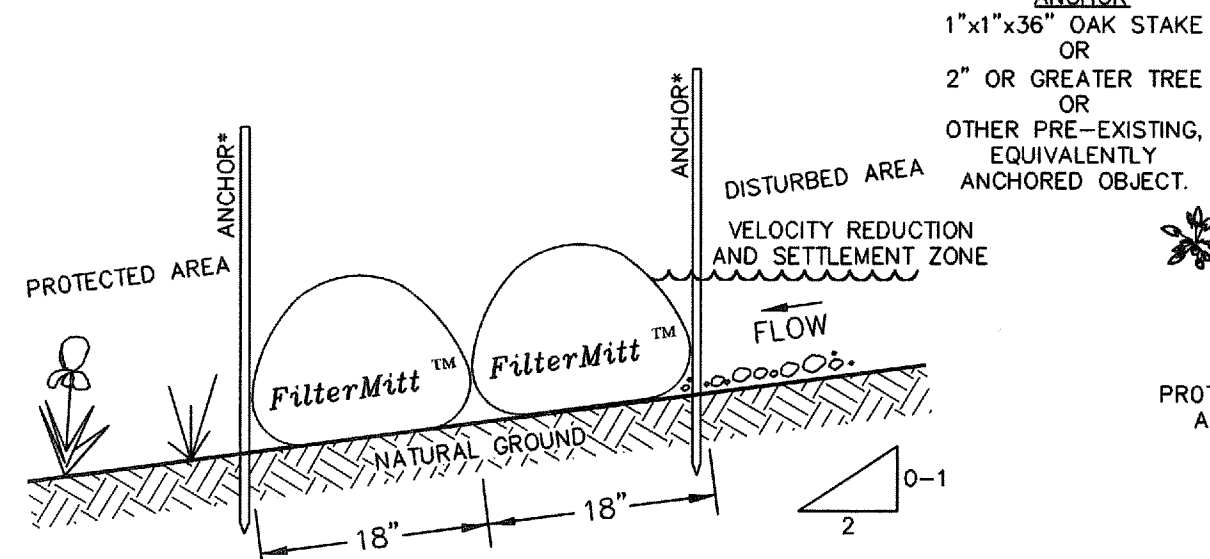
SECTION END VIEW

SECTION TOP VIEW



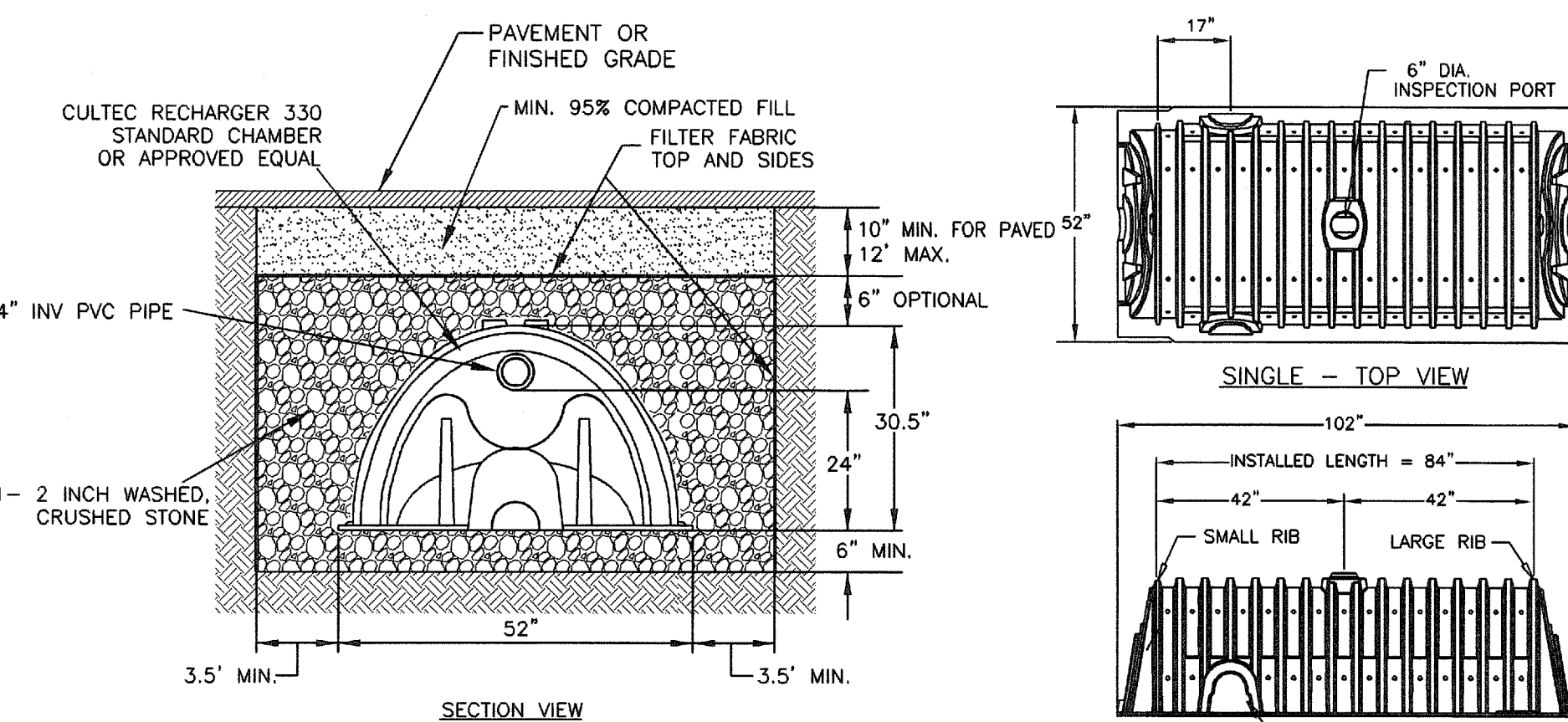
UNION END VIEW

UNION TOP VIEW

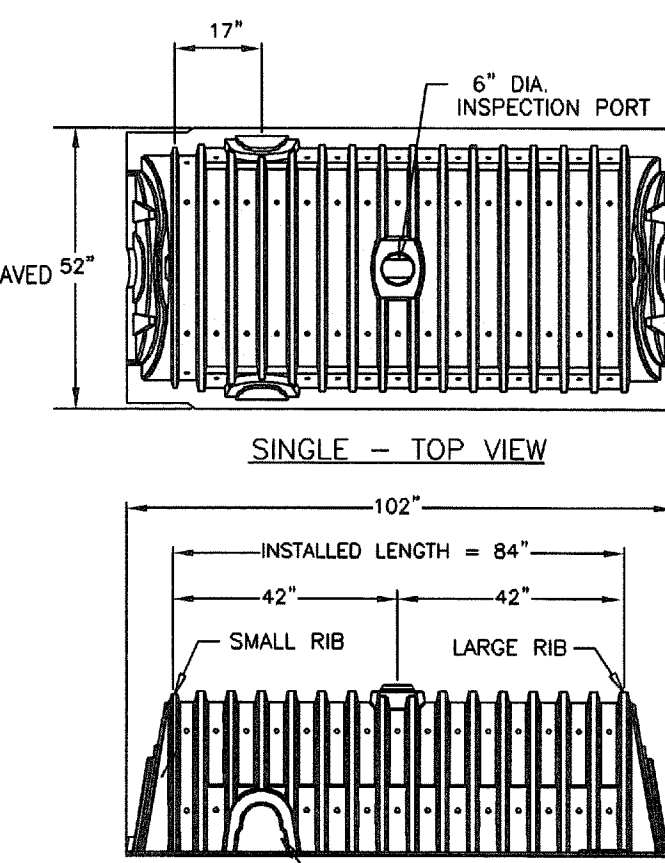


FilterMitt™ by Groundscapes Express, Inc.

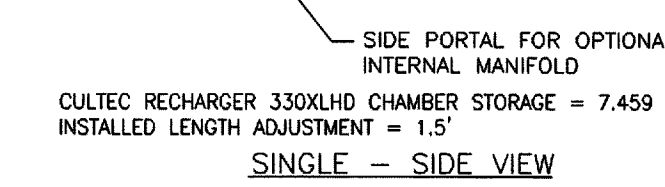
2:1 SLOPES OR LESS  
SILTATION CONTROL DETAIL  
N.T.S.



SECTION VIEW



SINGLE - TOP VIEW



SINGLE - SIDE VIEW

TRAFFIC APPLICATION  
CULTEC RECHARGER 330XL CHAMBER SYSTEM  
N.T.S.

**GENERAL NOTES:**  
RECHARGER 330XL HD BY CULTEC, INC. OF BROOKFIELD, CT. STORAGE PROVIDED = 11.32 CF/FT PER DESIGN UNIT. REFER TO CULTEC, INC.'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.  
THE CHAMBER WILL BE DESIGNED TO WITHSTAND TRAFFIC LOADS WHEN INSTALLED ACCORDING TO CULTEC'S RECOMMENDED INSTALLATION INSTRUCTIONS.  
ALL RECHARGER 330XL HD HEAVY DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.  
ALL RECHARGER 330XL HD CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

### FilterMitt™ COMPONENTS:

- OUTSIDE CASING: 100% organic hessian.  
FILLER INGREDIENT: *FiberRoot Mulch™*  
• A blend of coarse and fine compost and shredded wood.  
• Particle sizes: 100% passing a 3" screen; 90-100% passing a 1" screen; 70-100% passing a 0.75" screen; 30-75% passing a 0.25" screen.  
• Weight: Approx. 850 lbs./cu.yd. (Ave. 30 lbs./l.f.)

For more information visit:  
[www.groundscapesexpress.com](http://www.groundscapesexpress.com)  
or contact us at:  
**Groundscapes Express, Inc.**  
P.O. Box 737  
Wrentham, MA 02093  
(508) 384-7140

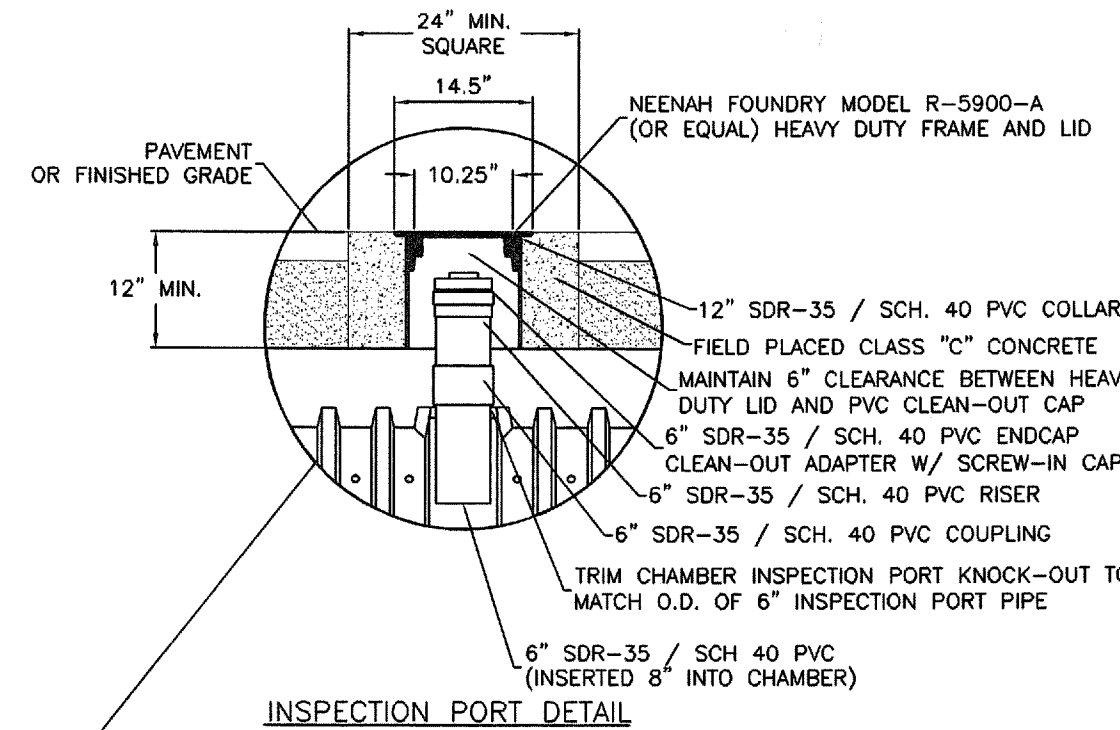
### FilterMitt™ INSTALLATION:

With the newest technology and equipment, sections can be constructed on site in lengths from 1' to 100'.

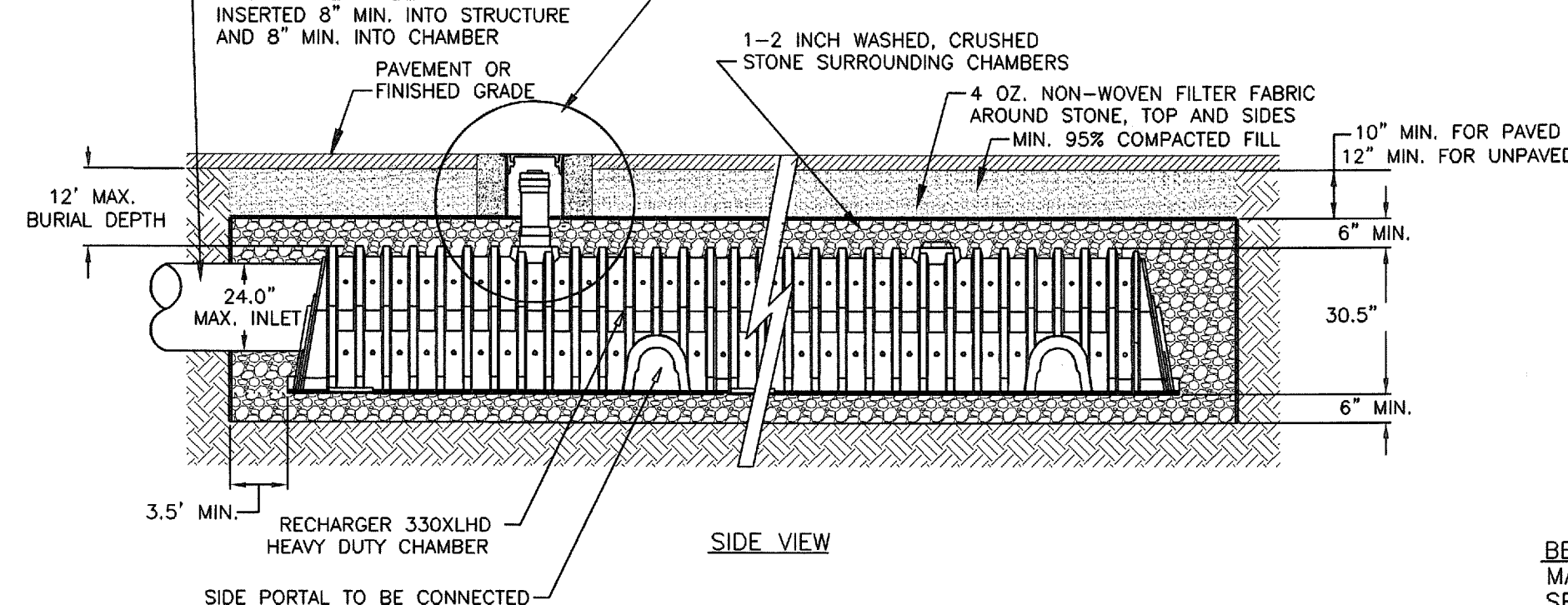
Sections can also be delivered to the site in lengths from 1' to 8'.

The flexibility of *FilterMitt™* allows it to conform to any contour or terrain while holding a slightly oval shape at 12" high by 18" wide.

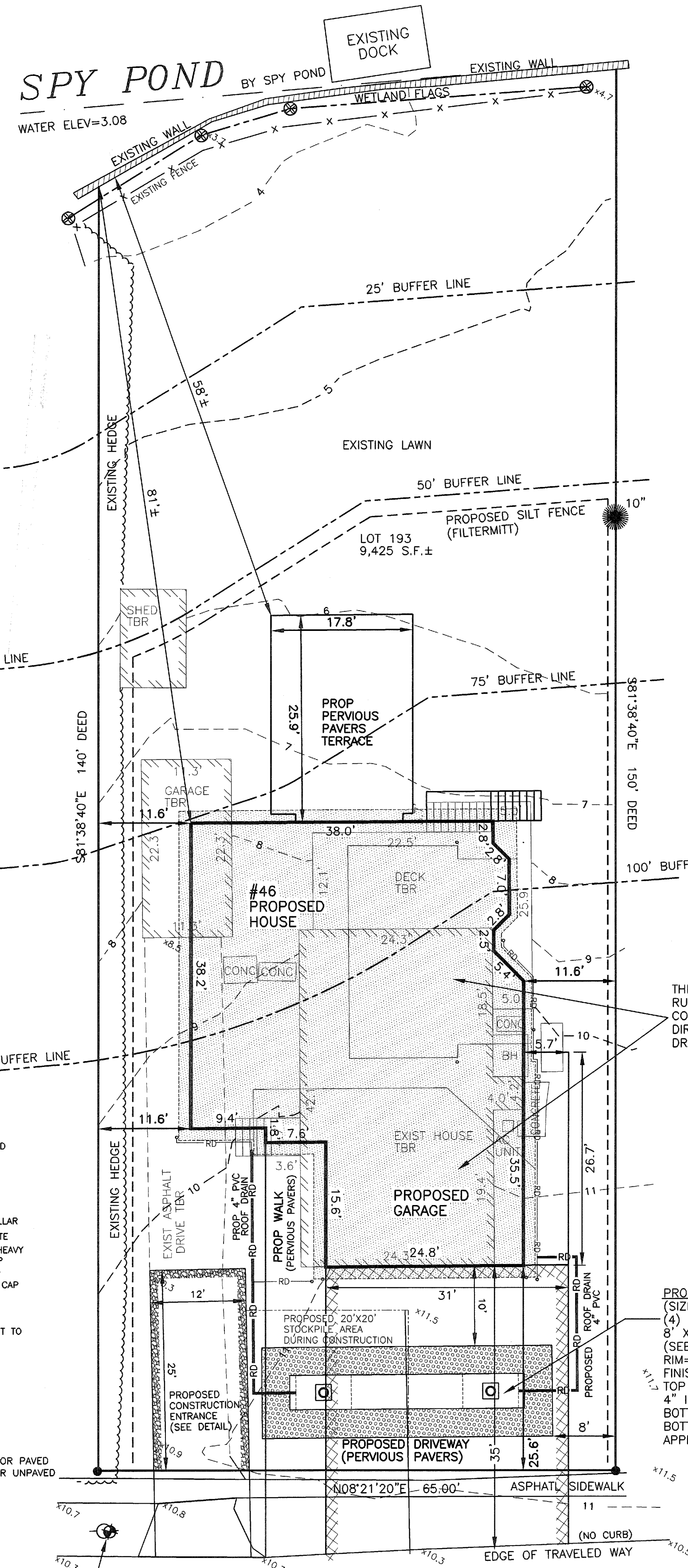
Where section ends meet, there shall be an overlap of 6" or greater. Both sides shall be anchored (oak stakes, trees, etc.) to stabilize the union.



INSPECTION PORT DETAIL



SIDE VIEW



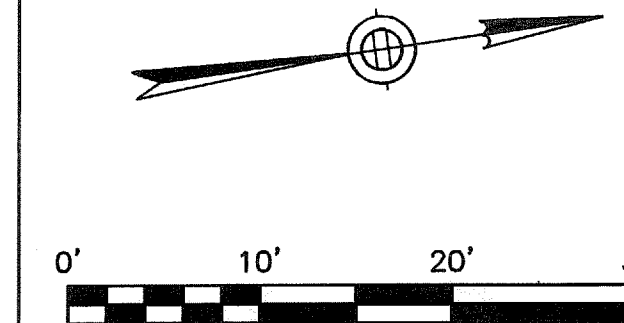
SPY POND PARKWAY  
(60' WIDE PUBLIC)

BENCHMARK  
MAGNETIC NAIL  
SET IN UTILITY POLE  
ELEVATION 11.9  
NAD83

THE ENTIRE PROPOSED ROOF RUNOFF AREA SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO THE PROPOSED DRAINAGE SYSTEM.

PROPOSED DRAINAGE SYSTEM  
(SIZED FOR THE 100-YR STORM)  
(4) CULTEC RECHARGER 330XL CHAMBERS  
8' X 4.33' W/ 3.5' STONE SURROUND  
(SEE DETAIL)  
RIM=11.4±  
FINISHED GRADE=10.9±  
TOP OF CHAMBERS=8.04  
4\"/>

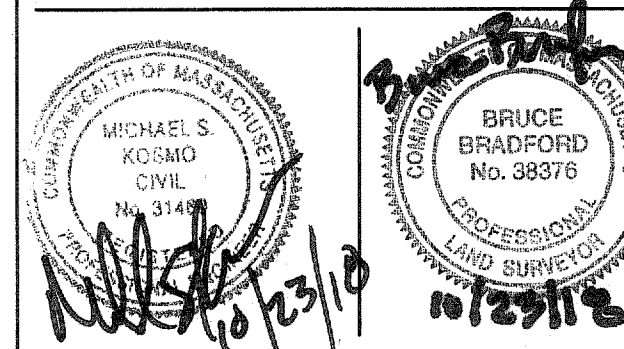
ESTABLISHED 1916  
**EMB**  
EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS  
49 LEXINGTON STREET  
WEST NEWTON, MA 02465  
(617) 527-8750  
info@everettbrooks.com



DEED REFERENCE:  
BK 1478 PG 58  
PLAN REFERENCE:  
L.C.C. 16919 D

## LEGEND

- UTILITY POLE
- WATER GATE
- HYDRANT
- GAS GATE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- TREE
- LIGHT POLE
- SIGN
- TBR TO BE REMOVED
- TBA TO BE ABANDONED
- THM DEEP TEST HOLE
- PTM PERCOLATION TEST
- 71.4 X SPOT ELEVATION
- 71 PROPOSED CONTOUR
- 71- EXISTING CONTOUR
- D DRAIN LINE
- RD ROOF DRAIN
- FD FOUNDATION DRAIN
- W WATER LINE
- S SEWER LINE
- G GAS LINE
- OHW OVERHEAD WIRES
- X FENCE
- STONEWALL
- HEDGE
- TREE LINE



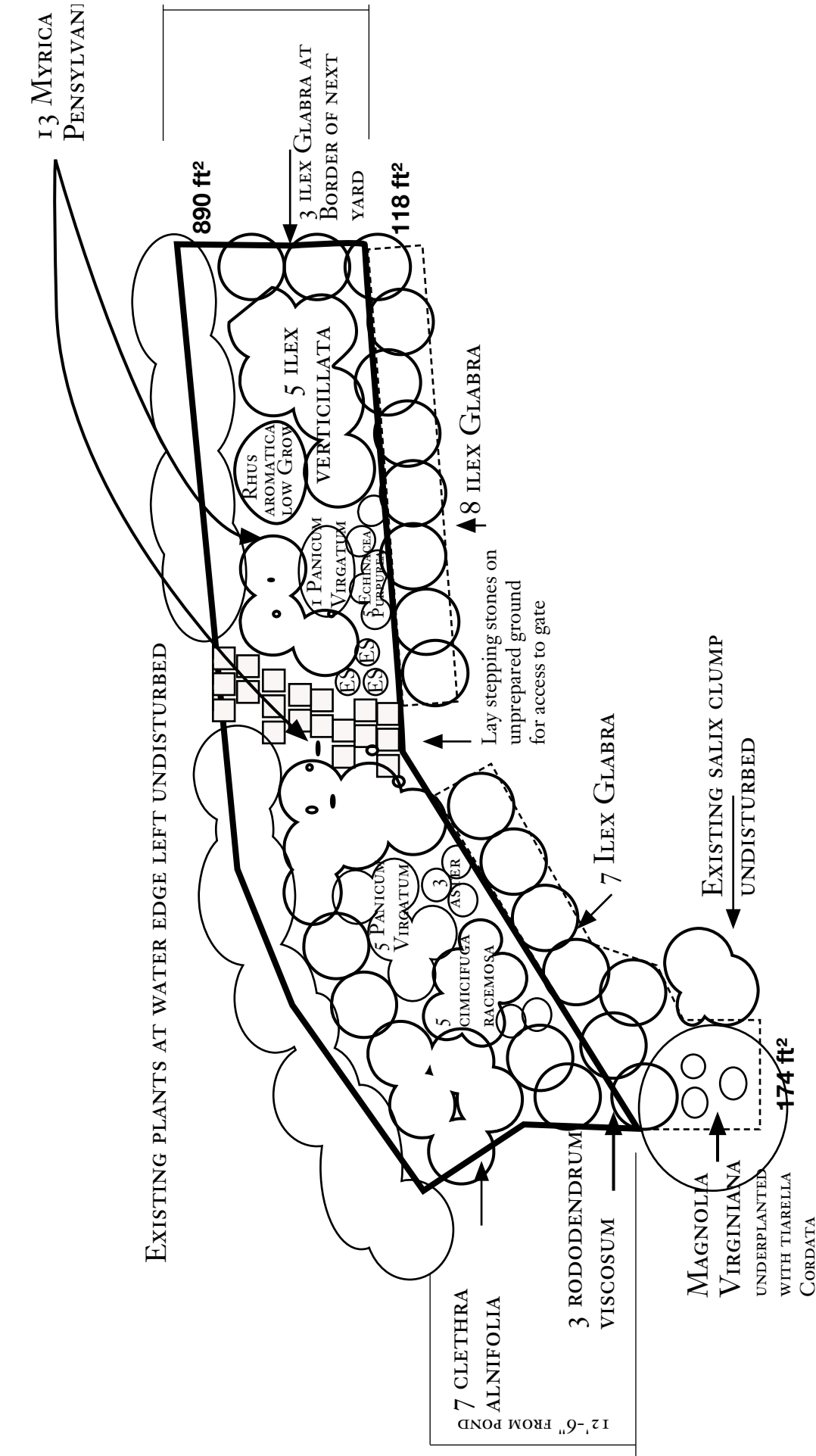
PLAN OF LAND IN  
ARLINGTON, MA  
46 SPY POND PARKWAY  
PROPOSED ADDITION

SCALE: 1 IN. = 10 FT.  
DATE: SEPTEMBER 4, 2018  
DRAWN: GA/ES  
CHECK: BB & MSK

REVISIONS:  
10/23/18 VARIOUS REVISIONS ES

PROJECT NO. 24816





NOTE:  
 The 12 foot buffer constitutes 890 sq.ft.  
 This leaves the existing clump of salix isolated in an awkward way so I have added the ilex band and the Magnolia. (dotted line) Combined they add 292 sq. ft.  
 Total planting area is therefore 1182 sq.ft.

PLANT LIST

- 13 Myrica Pennsylvania, Bayberry
- 1 Rhus Aramatica, sumac
- 5 Ilex Verticellata, Winterberry, 1 male +4 female
- 6 Panicum Virgatum, Switch Grass
- 3 Eragrostis Spec., Purple Love Grass
- 5 Echinacea Purpurea, Coneflower
- 3 Aster Nove Angliae, New England Aster
- 5 Cimicifuga Racemosa, Snakeroot
- 7 Clethra Alnifolia, Sweet Pepper Bush
- 3 Rododendron Viscosum, Swamp Azalea
- 7 Tiarella Cordata, Foamflower
- 18 Ilex Glabra, Ink Berry
- 1 Magnolia Virginiana

HOME OF SEAN AND MARIMAR GALVIN  
 46 SPY POND PARKWAY  
 ARLINGTON, MA

12' VEGETATION BUFFER  
 PLANTING  
 OCTOBER 20, 2018

The office of MICHAEL J SCANLON  
 Interior Design Space Planning Architectural Detailing  
 28 Holyoke Street, Boston, MA 02116 Tel 617-894-9785  
 E-Mail mjs@mjscanlon.com

National Council for Interior Design Qualificationcert #12167





2018 01802528  
Bk: 01478 Pg: 58 Cert#: 260345  
Doc: ORD 11/29/2018 10:52 AM



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #  
091-0300  
eDEP Transaction #  
Arlington  
City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

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



1. From: Arlington  
Conservation Commission
2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Sean  
a. First Name Galvin  
b. Last Name

c. Organization

d. Mailing Address  
630 High Street, Medford

e. City/Town MA f. State 02155 g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

46 Spy Pond Parkway  
a. Street Address Arlington  
b. City/Town 104 193

18  
c. Assessors Map/Plat Number 9-2  
d. Parcel/Lot Number

Latitude and Longitude, if known: 42d24m18.108s 71d9m21.06s  
d. Latitude e. Longitude

260345

MS



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #  
091-0300  
eDEP Transaction #  
Arlington  
City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Middlesex South 260345  
a. County b. Certificate Number (if registered land)  
1478 58 Document #: 1709447  
c. Book d. Page
7. Dates: 7/19/2018 11/1/2018 11/20/2018  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Plan of Land in Arlington, MA  
a. Plan Title  
Everett M. Brooks Co. Michael S. Kosmo (Engineer) 9/4/2018  
b. Prepared By c. Signed and Stamped by  
10/23/2018 1"=20'  
d. Final Revision Date e. Scale  
See attached  
f. Additional Plan or Document Title g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #  
091-0300  
eDEP Transaction #  
Arlington  
City/Town

**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 66.9  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	12 c. square feet	12 d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. <sup>cu yd</sup> nourishment	d. <sup>cu yd</sup> nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <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			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

\* #23. 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.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☒ Restoration/Enhancement \*:

890

a. square feet of BWV

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  
"Massachusetts Department of Environmental Protection" (or, "MassDEP")  
"File Number            091-0300            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
  - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See attached Findings and Conditions**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Arlington Conservation Commission hereby finds (check one that applies):

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Arlington Bylaw for Wetlands Protection

Title V, Art 8

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Findings and Conditions



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### E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

*[Handwritten signatures of three individuals]*

*[Handwritten signature]*

☒ by hand delivery on

Date 11/20/2018

☐ by certified mail, return receipt requested, on

Date

### F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Arlington

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Arlington

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

46 Spy Pond Parkway

Project Location

091-0300

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South

County

Book

Page

for:

Sean Galvin

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

DOCUMENTS REVIEWED

1. Notice of Intent for work at 46 Spy Pond Parkway, Arlington, MA, prepared by Goddard Consulting LLC, for the Applicant: Sean Galvin, dated July 16, 2018.
2. Wetland Border Report, prepared by Goddard Consulting LLC, dated July 24, 2018.
3. Square Footage Existing and Proposed Impermeable Area, prepared by Goddard Consulting LLC, amended March 2018, revised June 12, 2018, revised again October 12, 2018.
4. Existing Conditions Plan of 46 Spy Pond Parkway, prepared by Everett M. Brooks Co. and the Studio of Michael J Scanlon, stamped by Bruce Bradford, dated June 11, 2018, revised October 23, 2018.
5. Proposed Plan of 46 Spy Pond Parkway, prepared by Everett M. Brooks Co. and the Studio of Michael J Scanlon, stamped by Bruce Bradford, dated June 11, 2018, revised October 23, 2018.
6. Notations on Treatment of Landscape & Materials for Drive, Paths and Terrace, prepared by the Studio of Michael J Scanlon, dated June 30, 2018.
7. Detailed Plan of Land in Arlington, MA, prepared by Everett M. Brooks Co., stamped by Michael S. Kosmo (Civil) and Bruce Bradford (Land Surveyor), dated September 4, 2018, revised October 23, 2018.
8. Entire Proposed Roof Runoff Area and Drainage Analysis, prepared by Everett M. Brooks Co., stamped by Michael S Kosmos, dated September 4, 2018, revised September 27, 2018.
9. Alternatives Analysis, prepared by not listed, date not listed.
10. Climate Change Resilience Compliance, prepared by Goddard Consulting LLC, dated October 22, 2018.
11. Plan Showing Vegetated Buffer, prepared by Michael J Scanlon, dated October 20, 2018.
12. Existing Planting in the 100 Foot Buffer Plan, prepared by Michael J Scanlon, dated October 20, 2018.
13. Plan Showing 12 Foot Vegetation Buffer at Pond, prepared by Michael J Scanlon, dated October 20, 2018.
14. 12' Vegetation Buffer Planting Plan, prepared by Michael J Scanlon, dated October 20, 2018.

15. Letter from MassWildlife concerning proposed buffer planting, prepared by Mass Division of Fisheries & Wildlife, dated October 30, 2018.

PROCEDURAL SUMMARY

The Conservation Commission held a public hearing on the Notice of Intent on August 2, 2018. The hearing was continued several times at the request of the applicant. The Commission closed the hearing on November 1, 2018, and on November 15, 2018 deliberated and voted 7-0 to approve the Project with conditions under the Wetlands Protection Act (the "Act") and voted 7-0 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 the demolition and construction of a single family home on a parcel abutting Spy Pond. The new home will create a net increase of 144.25 square feet of impervious surface within the 100 foot wetland buffer/Adjacent Upland Resource Area. The project includes the construction of pervious-paved driveway, walkways, and backyard terrace. The project also includes the creation of a 890 square foot vegetated buffer toward the pond-end of the parcel near existing vegetation along the pond's bank. The project's drainage system captures the entire roof's runoff and infiltrates the water through a Cultec Recharger system.
- B. The parcel is approximately 9,425 square feet, located on Spy Pond, near the Spy Pond Parkway and Bay State Road intersection.
- C. The following Resource Areas are present on the site or within 100 feet of the lot lines: Bordering Vegetated Wetland ("BVW") and Adjacent Upland Resource Area ("AURA") (Bylaw) and Buffer Zone (Act) to Bank and BVW. The Commission finds accurate the delineation of Resource Areas shown on the approved Site Plan.
- D. The proposal also includes the construction of a native vegetated wetlands mitigation buffer.
- E. 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):

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 be started 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. No work shall be started under this Permit until all other necessary permits or approvals have been obtained.
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 (haybales are not allowed and silt socks are preferred).
27. The contractor shall contact the Conservation Agent ([concomm@town.arlington.ma.us](mailto: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, confirm the wash out location, 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. 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.
30. No uncovered stockpiling of materials shall be permitted overnight within 100 feet of any waterway or water body.

31. 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 the erosion control barrier.
32. 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 waste water be discharged into or onto Resource Areas on or adjacent to the site. In no case may waste water be placed in stormdrains. Any spillage of materials shall be cleaned up promptly.
33. Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.
34. 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.
35. Any dewatering operations shall conform to the following:
  - (a) Notify the Conservation Commission that dewatering is required.
  - (b) Any catch basins, drain and outfalls to be used in dewatering operations shall be cleaned out before operations begin.
  - (c) Any water discharged as part of any dewatering operation shall be passed through filters, on-site settling basins, settling tank trucks, or other devices to ensure that no observable sediments or pollutants are carried into any Resource Area, street, drain or adjacent property.
  - (d) Measures shall be taken to ensure that no erosion or scouring shall occur on public or private property, or on the banks or bottoms of water bodies, as a result of dewatering operations.
36. 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.
37. 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.
38. The existing driveway shall be used as the construction entrance. One (1) foot of crushed stone shall be placed in the construction entrance.
39. At least 21 days prior to commencement of work, a revised Detailed Plan of Development shall be submitted by the Applicant and approved by the Conservation Commission clarifying the pervious paver depth (currently listed as "variable") of the driveway, walkways, and terrace. A minimum installation depth of two (2) feet shall be constructed for all pervious pavement.



40. At least 21 days prior to commencement of work, A new Detailed Plan of Development shall be submitted by the Applicant and approved by the Conservation Commission clarifying the size of the backyard pervious terrace. The backyard pervious terrace shall be constructed as a 17' x 17', rather than 25.8' x 17.8' as listed on the plans. These terrace dimensions and perviousness 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.
41. Prior to plant installation, the Applicant shall submit planting plan details to the Conservation Commission for approval. Planting details shall include plant sizes, Latin names, regular names, number of plants, and transported method (containerized, balled-and-burlapped, etc.). 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. To avoid adding excess nitrogen runoff into Spy Pond, the Applicant shall only treat the lawn with slow release nitrogen fertilizer. Application of this fertilizer cannot occur in the summer, or after storm events. Lawn fertilizer shall only be applied twice a year, in spring and fall. No herbicides shall be used to treat invasive or unwanted plants. New plantings shall only be fertilized once, during the initial planting year. No rodenticides shall be used to treat pest management issues. 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.
43. The Applicant shall install permanent markers (granite posts, etc.) along the lawn-facing edge of the vegetated buffer to prevent disruption and destruction, such as mowing. Maintenance of said permanent markings 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.
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.

Doc 01802528

①

Southern Middlesex Land Court  
Registry District

RECEIVED FOR REGISTRATION

On: Nov 29, 2018 at 10:52A

Document Fee 75.00

Receipt Total: \$75.00

NOTED ON: CERT 260345 BK 01478 PG 58

ALSO NOTED ON:

EVERETT M.

# BROOKS

COMPANY

August 25, 2020

Sean Galvin  
46 Spy Pond Parkway  
Arlington, MA

RE: 46 Spy Pond Parkway, DEP File # 091-0300

Dear Mr. Galvin

Enclosed please find one (1) print of the plan entitled "Plan of Land in Arlington, MA 46 Spy Pond Parkway As-Built", dated June 29, 2020, revised 8/13/20..

This office completed an as-built survey and site inspections of the project site between June 2020 and August 2020. We find that the enclosed plan differs from the Order of Conditions and the approved site plan dated September 4, 2018, revised 10/23/20, as follows:

1. The planting area adjacent to Spy Pond is 742 S.F., a reduction from the proposed 890 S.F. planting area.
2. The backyard terrace was constructed at 25.8' x 17.8' as shown on the referenced site plan not at 17' x 17' as noted in Condition 40 of the Order of Conditions.
3. A larger basement access was constructed at the rear of the house. The paver access terrace is 75 S.F. with 36 S.F. of an added wall and steps, an increase from the proposed 50 S.F. access.
4. The impervious area within the 100 Buffer Zone is 990 S.F., an increase from the proposed area of 771 S.F.
5. Note that Condition 41 will need to be addressed by the Landscape Architect.

If you have any questions regarding this project, please feel free to call our office.

Very truly yours,

EVERETT M. BROOKS COMPANY

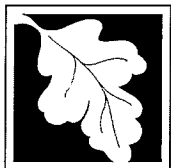


Michael S. Kosmo, P. E.

SURVEYORS & ENGINEERS

49 Lexington Street West Newton, MA 02465 (617) 527-8750 Fax: (617) 332-1578 [www.everettbrooks.com](http://www.everettbrooks.com)

103 of 121



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 8A – Request for Certificate of Compliance**

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

DEP File Number:

091-0300

Provided by DEP

**A. Project Information**

**Important:**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Sean D. Galvin and Marimar Galvin

Name

46 Spy Pond Parkway

Mailing Address

Arlington

MA

02474

City/Town

State

Zip Code

781-640-6865

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Sean Galvin

Applicant

November 20, 2018

091-0300

Dated

DEP File Number

3. The project site is located at:

46 Spy Pond Parkway

Arlington

Street Address

City/Town

18

9-2 (Lot 193)

Assessors Map/Plat Number

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Sean Galvin

Property Owner (if different)

Middlesex

1478

58

County

Book

Page

260345

Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 8A – Request for Certificate of Compliance**

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

DEP File Number:

091-0300

Provided by DEP

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

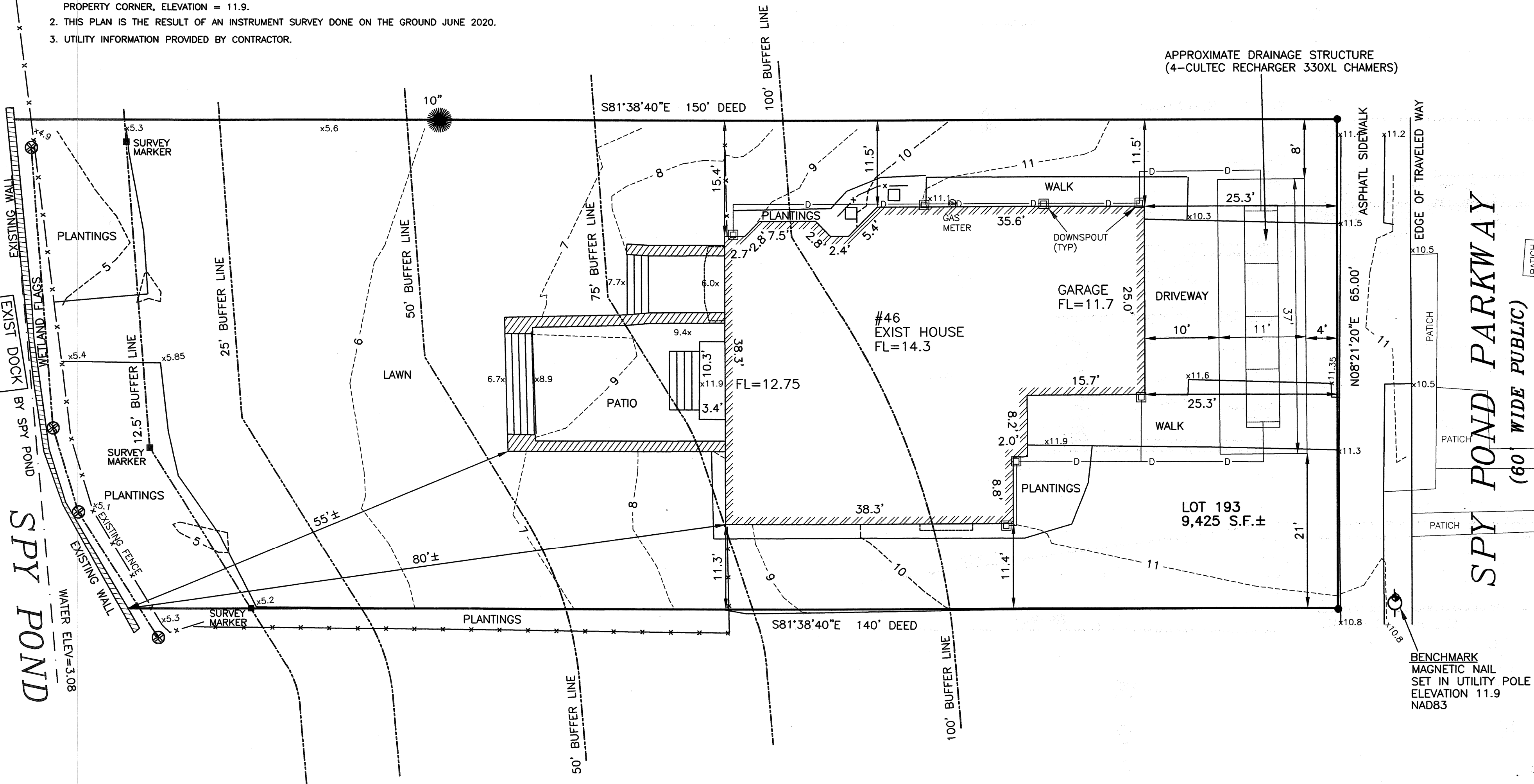
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**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

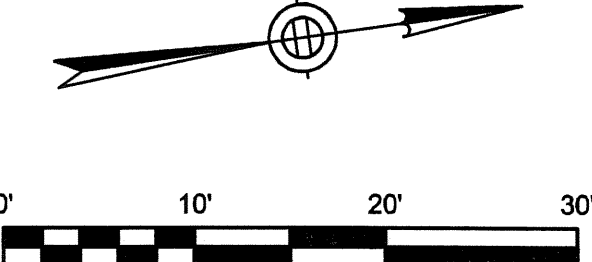
GENERAL NOTES

1. ELEVATIONS REFER TO NAD 83. BENCHMARK: PK NAIL SET IN UTILITY POLE NEAR THE SOUTH EAST PROPERTY CORNER, ELEVATION = 11.9.
2. THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY DONE ON THE GROUND JUNE 2020.
3. UTILITY INFORMATION PROVIDED BY CONTRACTOR.



LEGEND

	UTILITY POLE		EXISTING CONTOUR
	WATER GATE		DRAIN LINE
	HYDRANT		ROOF DRAIN
	GAS GATE		FOUNDATION DRAIN
	SEWER MANHOLE		WATER LINE
	DRAIN MANHOLE		SEWER LINE
	CATCH BASIN		GAS LINE
	TREE		OVERHEAD WIRES
	LIGHT POLE		FENCE
	SIGN		HEDGE
	SPOT ELEVATION		TREE LINE



DEED REFERENCE:  
BK 1478 PG 58  
PLAN REFERENCE:  
L.C.C. 16919 D

ESTABLISHED 1916  
**EMB**  
EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS  
49 LEXINGTON STREET  
WEST NEWTON, MA 02465  
(617) 527-8750  
info@everettbrooks.com



PLAN OF LAND IN  
ARLINGTON, MA  
46 SPY POND PARKWAY  
AS-BUILT

SCALE: 1 IN. = 10 FT.  
DATE: JUNE 29, 2020  
DRAWN: GA/ ES  
CHECK: BB & MSK

REVISIONS:	

PROJECT NO. 24816



February 25, 2021

Arlington Conservation Commission  
Arlington Town Hall  
730 Massachusetts Avenue Annex  
Arlington, Massachusetts 02476  
Attention: Emily Sullivan, Administrator

RE: 46 Spy Pond Parkway, Arlington, MA  
DEP Number: 091-0300

Dear Ms. Sullivan:

As you are aware, this office represents the owners Sean D. Galvin and Marimar Galvin relating to the outstanding Order of Conditions for the above-referenced property. On or about July 7, 2020, a Request for Certificate of Compliance was filed along with As Built Plans. As a result of said filing, the Commission had a few outstanding questions and concerns.

The purpose of this letter is to address the Commission's questions and concerns and also request to be placed on the agenda for your next public meeting so that we can address this matter.

It is our understanding that the outstanding questions and concerns cover a few of the Conditions, specifically:

Condition 39. At least 21 days prior to commencement of work, a revised Detailed Plan of Development shall be submitted by the Applicant and approved by the Conservation Commission clarifying the pervious paver depth (currently listed as "variable") of the driveway, walkways, and terrace. A minimum installation depth of two (2) feet shall be constructed for all pervious pavement.

Condition 40. At least 21 days prior to commencement of work, A new Detailed Plan of Development shall be submitted by the Applicant and approved by the Conservation Commission clarifying the size of the backyard pervious terrace. The backyard pervious terrace shall be constructed as a 17' x 17', rather than 25.8' x 17.8' as listed on the plans. These terrace

dimensions and perviousness 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.

Condition 41. Prior to plant installation, the Applicant shall submit planting plan details to the Conservation Commission for approval. Planting details shall include plant sizes, Latin names, regular names, number of plants, and transported method (containerized, balled-and-burlapped, etc.). 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.

As we would like to discuss these matters in more detail at the public hearing, our brief response to each are as follows:

Condition 39. It is admitted that in ignorance, the Owners believed that the engineer, Everett Brooks, was reporting back to the Commission and that any issues would have been brought up at that time of installation. In addition, the Owners believed that the inspection by Ms. Sullivan at the time of construction was sufficient enough to fulfill this condition. However, the Owners can confirm that the installation of the pavers was done in accordance to the instructions as attached hereto. In addition, it is very noticeable from the grade of the back terrace that enough crushed stone was placed below the terrace to allow the pavers to infiltrate accordingly as designed.

Condition 40. When excavation to construct the house and back terrace began, the water table was much higher than expected. As a result, the back terrace had to be higher than what was originally proposed. In an effort to keep the stairs at a reasonable steepness as a result of the increase in height, the terrace had to be elongated in order to allow this. As a result of the increased height of the terrace, impervious area increased from the proposed 771 square feet to 990 square feet which is due to the increased stairway and wall only.

Condition 41. See attached updated planting plan showing all plantings installed on the property which should satisfy the Commission.

Please feel free to contact me with any additional questions or concerns with this matter and we look forward to discussing the particulars with you at your next public hearing.

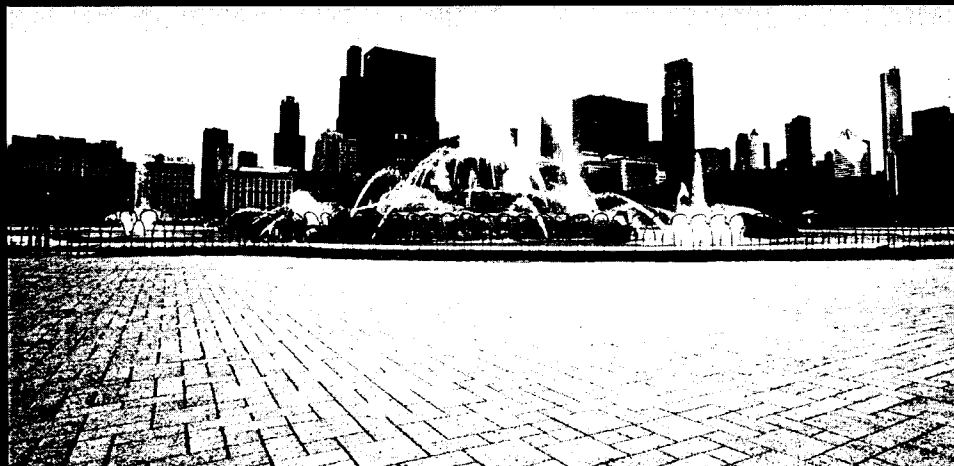
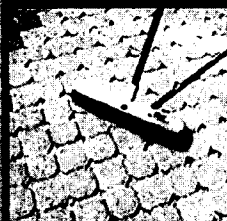
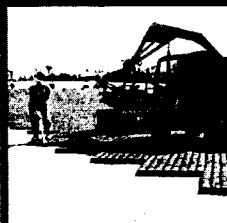
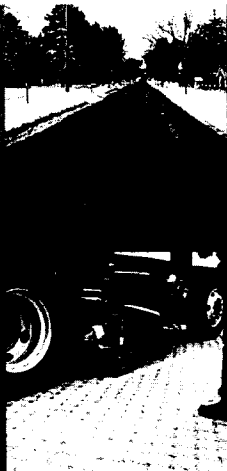
Respectfully submitted,

  
James A. Juliano

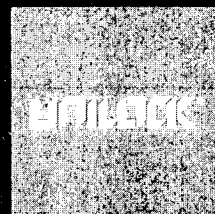
JAJ/abm

Enclosures

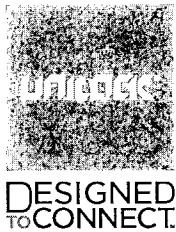




# PERMEABLE PAVER MAINTENANCE GUIDE



DESIGNED  
TO CONNECT.



This guide is specific to Unilock® permeable pavers as a maintainable system for storm water runoff and does not cover cleaning concrete pavers themselves. Please see the Unilock Product Care and Maintenance Guide (available for download at [www.unilock.com](http://www.unilock.com)) for information on cleaning concrete pavers. The maintenance information in this guide is intended for Unilock permeable paver systems only and not for other types of permeable pavers or pervious systems.

Maintenance is necessary for any type of permeable pavement system, much like any impervious pavement with catch basins and underground infrastructure. Over the lifetime of the permeable paver system there will be a need to clean any sediment, soil, dirt and debris from the joint aggregate material to maintain a sufficient infiltration rate. Every project will vary in performance needs, as well as to the frequency in which the joint material must be cleaned. The surface infiltration rate must be greater than the regional 100 year rainfall intensity to adequately ensure no runoff is generated, which is only one goal for using permeable pavers. Unilock® suggests establishing a maintenance plan using the techniques in this document to prevent clogging.

Preceding Maintenance .....	4
Examples of Common Maintenance Issues .....	4
Maintenance Types .....	5
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Strategic Procedures for Maintaining Infiltration .....	8
Recommended Seasonal Maintenance Schedule .....	9
Winter Maintenance and De-icing .....	10

## PRECEDING MAINTENANCE

Before providing maintenance on permeable paver systems, proper installation and protection during construction is required. Here are a few conditions to observe, require and prevent for establishing a successful system:

### 1. Verify correct installation and materials:

- Hire contractors with knowledgeable experience installing permeable pavers.
- Review and approve all sub-base, base and joint aggregate materials.
- Do not allow sand and dense-graded aggregates.

### 2. Prevent construction damage:

- Limit subgrade soil compaction when infiltration is necessary.
- Restrict vehicles with muddy tires from driving over newly placed pavers.
- Do not mix aggregate materials.

### 3. Refill joint material:

- Once, between 3 and 6 months after initial installation.
- Repeat as needed - approximately every 5-10 years.

### 4. Avoid stockpiling of materials such as:

- Topsoil.
- Mulch.

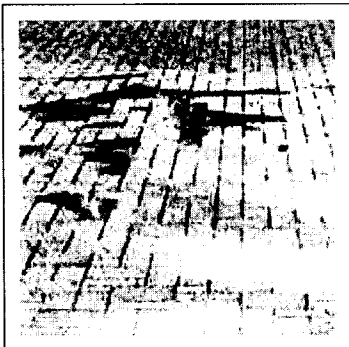
The proper materials and installation execution can be found in the Unilock specifications for permeable pavers. Both residential and commercial projects will utilize the same base, setting bed and joint aggregates. Some projects may not require sub-base materials, underdrainage or geotextile. It is not necessary to separate the setting bed from the base aggregates with a geotextile.

## EXAMPLES OF COMMON MAINTENANCE ISSUES

Below are several warning signs and visual clues of common maintenance issues which must be prevented and addressed or remediated to ensure continued surface infiltration.

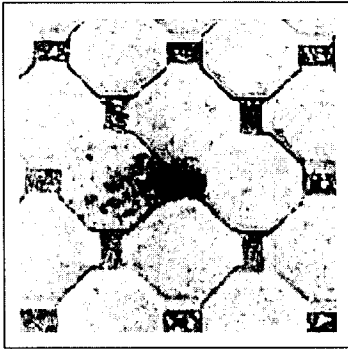
### 1. Slow Draining/Runoff:

- Verify with simple infiltration testing or observe after rain storms.
- Surface should drain immediately.



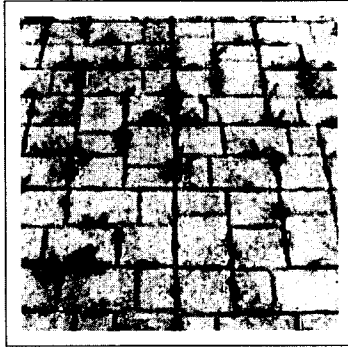
### 2. Ponding and Bird Baths:

- Rule of thumb: if more than a nickel deep one minute after a rainfall event, maintenance is necessary.
- Verify correct materials were installed.
- Exceptions at bottom of slopes.



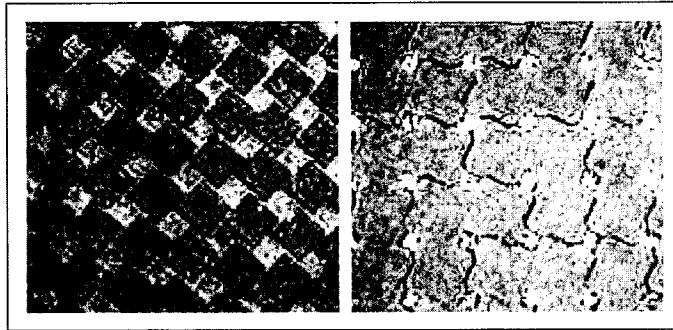
### 3. Surface Crusting:

- Identify if there is a problem such as run on sediments.
- Increase cleaning frequency in troubled areas.
- Remove debris immediately.



### 4. Weeds:

- Weeds will not germinate unless there is a collection of soil or moisture.
- Remove weeds immediately.
- Clean sediment from joint material.
- Chemical treatment may be required prior to maintenance removal.



### 5. Covered Joint Material:

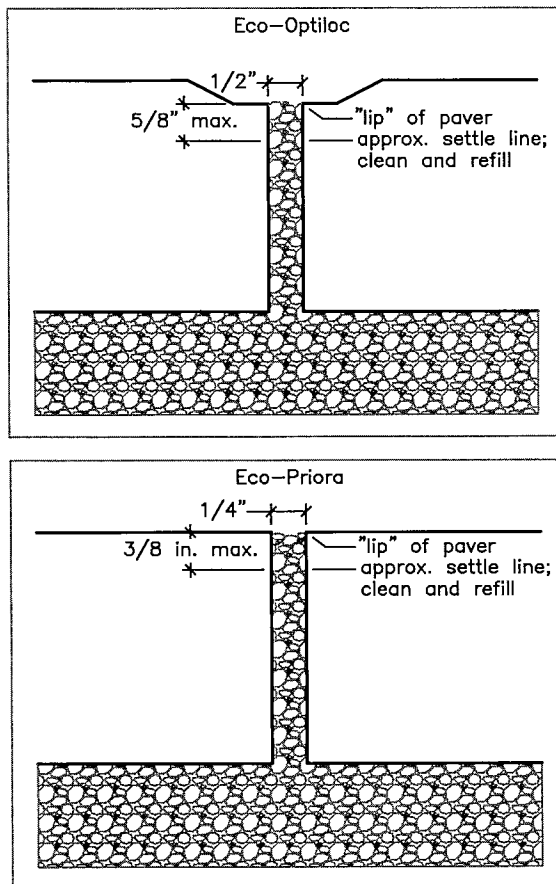
- Identify problem and correct.
- Remove immediately.
- Joint material should appear as photo on right.

These common problems can often be easily remedied by maintaining the proper joint aggregate level.

## MAINTENANCE TYPES

There are two service types for maintaining the integrity of a permeable paver system.

1. **Preventative** – removes most miscellaneous debris before being trapped in the joint aggregate material causing clogging. This usually does not require removal of any joint material to restore infiltration.
2. **Restorative** – requires some removal or complete removal of the joint material to renew infiltration. Occurs after miscellaneous debris has been captured and lodged in the joint aggregate.



**\*Note:** Both maintenance types will be most effective when the joint aggregate material is filled to the "lip" of the paver. If the joint material has settled more than the joint width, plus 1/8 inch below the paver lip, the maintenance equipment is significantly less effective and potentially more expensive.

## MAINTENANCE EQUIPMENT

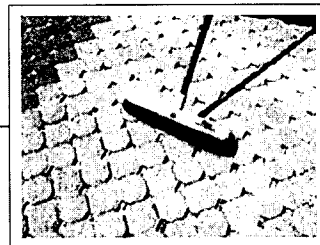
Maintenance equipment requirements will vary according to project size, age, and product type.

**Project Type 1:** For smaller pedestrian type areas such as sidewalks, driveways, plazas, patios or similar:

### **Preventative:**

#### **1. Hand-Held Bristle Broom**

- Available at any hardware store.
- Sweep as needed to keep the surface clear of debris.
- Approximate cost: \$15.



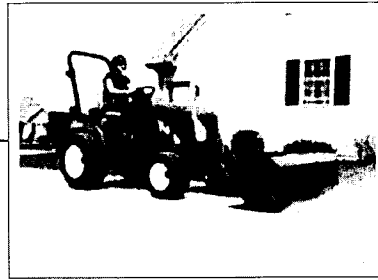
#### **2. Leaf Blower**

- Electric or gas powered.
- Minimum air speed of 120 mph.
- Joint aggregate material will remain in place while removing debris from paver surface.
- Approximate cost: \$50 to \$300.



### 3. Rotary Brush

- Poly bristles only.
- Flips debris from joint.
- Will require slight refilling of the joint aggregate material.
- Approximate cost: varies depending on attachment vehicle.



### *Restorative:*

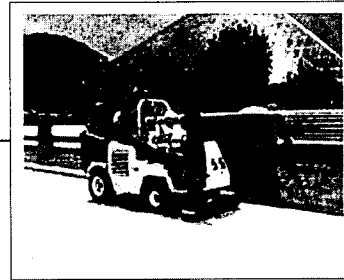
#### 1. Wet/Dry Shop Vacuum

- Minimum 4 HP (peak) motor with 130 cubic feet per minute suction.
- Will remove some joint aggregate material.
- Replenish removed joint aggregate material to "lip" of paver.
- Approximate cost: \$50 to \$150.



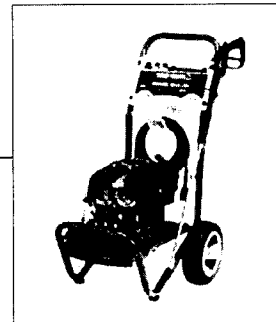
#### 2. Riding Litter Vacuum

- Tennant ATLV 4300.
- 48 inch wide vacuum head.
- 110 gallon capacity.
- Can also be used as a preventative technique.
- Will evacuate most debris from joint except for aggregate material.
- Approximate cost: approx. \$25K new.



### 3. Powerwasher

- Capable of spraying 1,400 to 1,800 psi.
- Spray at a 30 degree angle approximately 18 to 24 inches from the surface.
- Will evacuate joint material.
- Replenish removed joint aggregate material to "lip" of paver.
- Approximate cost: \$125 to \$500.



**Project Type 2:** For larger vehicular areas such as roads, parking lots, alleys, plazas or similar that can support vehicles:

### *Preventative:*

#### 1. Rotary Brush

- Poly bristles only.
- Flips debris from joint.
- Will require slight refilling of the joint aggregate material.
- Approximate cost: Varies depending on attachment vehicle.



## 2. Broom Sweepers

- Typical “street sweeper” type.
- Rotating curb brushes with center pickup.
- Poly bristles only.
- Do not utilize water to clean the surface as this can have detrimental effects on the cleaning.
- Best for seasonal cleaning.
- Approximate cost: \$100 to \$120 per hour from a service company.



## 3. Regenerative Air Sweepers

- Light duty suction cleaning.
- Utilizes stream of air blowing horizontally across surface and vacuuming.
- No rotating brushes.
- Approximate cost: \$45 to \$65 per hour from a service company.



### Restorative:

#### 1. Vacuum Sweepers

- Vacall Dynamic Multi-Purpose Vacuum.  
(top photo)
- Elgin Whirlwind.  
(bottom photo)
- Heavy duty cleaning.
- Minimum suction of 14,000 cubic feet per minute.
- Complete evacuation of joint aggregate material.
- Replenish removed joint aggregate material to “lip” of paver.
- Approximate cost: \$2.50 to \$4.50 per parking space.



## 2. Powerwashers

- Capable of spraying 1,400 to 1,800 psi.
- Spray at a 30 degree angle approximately 18 to 24 inches from the surface.
- Will evacuate joint aggregate material.
- Replenish removed joint aggregate material to “lip” of paver.

## STRATEGIC PROCEDURES FOR MAINTAINING INFILTRATION

Observe and implement the following habitual procedures to ensure longevity of the system.

1. **Weekly** – prevent contamination from routine landscape maintenance such as grass clippings from mowing, hedge trimming, mulching plant beds, etc. by implementing the following joint opening cleaning procedures immediately after contamination occurs:
  - Hand broom debris from the paver surface.
  - Blow debris from the paver surface with backpack blower type device, collect and dispose.
  - Mechanically sweep paver surface.



2. **Monthly** – observe any collection areas of debris, dirt, topsoil, mulch, etc. after season events such as snowfall, rain storms, leaf litter, etc. and investigate if clogging is occurring. Immediately restore infiltration using the following cleaning options:
  - Break up any crust covering the joint aggregate material with hand broom for smaller areas or mechanically with a rotary sweeper for larger areas. Remove debris material.
  - When necessary, restore infiltration using wet/dry shop vacuum for small areas or vacuum truck for larger areas by removing debris from joint aggregate material.
  - Replenish joint aggregate material to “lip” of paver.
3. **Yearly** – establish a seasonal maintenance schedule that includes the following:
  - Sweep entire permeable paving surface with appropriate preventative sweeping devices.
  - Replenish joint aggregate material to “lip” of paver.
4. **Ten years plus** – plan long term maintenance to rejuvenate infiltration rates:
  - Complete restoration of the joint aggregate material.
  - Replenish joint with cleaned or new aggregate material to “lip” of paver.

## RECOMMENDED SEASONAL MAINTENANCE SCHEDULE

Unilock suggests establishing a best practices maintenance program to ensure longevity of the systems before restorative action is required. Biannual preventative maintenance is suggested as shown in the schedule below. This includes sweeping once in the early spring and once again in the late fall. Below is a preventative maintenance timeline that includes four maintenance suggestions:

1. **After the snow melt – March 1 through April 15**
  - Broom, blow, rotary brush or sweep entire surface.
  - Clean debris from paver surface in location of snow stockpile area.
  - Replenish joint aggregate material after cleaning.
  - Every fifth year, vacuum or power wash problem areas and refill joint material.
2. **Late Spring – April 1 through May 15**
  - Broom, blow, rotary brush or sweep flowers from trees and shrubs.
  - Collect any additional debris from areas mulched or planted with annual flowers.
  - Replenish joint aggregate material as necessary.
3. **Late Summer – July 15 through August 30**
  - Broom, blow, rotary brush or sweep lawn and shrub clippings or tree fruits.
  - Collect any additional debris from summer activities such as charcoal coals inadvertently dumped on the permeable surface, beach sand, etc.
  - Replenish joint aggregate material as necessary.
4. **Late Fall – October 15 through November 30**
  - Broom, blow, rotary brush or sweep plant leaves.
  - Replenish joint aggregate material as necessary.

Various factors will affect each project’s preventative maintenance timeline and must be reviewed individually.

*See the Recommended Seasonal Maintenance Schedule chart on next page.*

Recommended Maintenance Schedule		Seasonal BMP			
		After Snow Melt	Late Spring	Late Summer	Late Fall
Techniques	<b>Project Type 1: Preventative - choose one</b>		1x per season	optional	1x per season
	Bristle Broom	**	*	*/**	*
	Leaf Blower	**	*	*/**	*
	Rotary Brush		*	*/**	*
	<b>Project Type 1: Restorative</b>		**		**
	Wet-Dry Vacuum	**	**	**	**
	Riding Litter Vacuum		*	**1x every 5 yrs.	*
	Powerwasher	**	**	**	**
	<b>Project Type 2: Preventative - choose one</b>		1x per season	optional	1x per season
	Rotary Brush		*		*
	Broom Sweepers		*		*
	Regenerative Air Sweepers		*		*
	<b>Project Type 2: Restorative</b>			** 1x every 10 yrs.	
	Vacuum Sweepers			**	
	Powerwasher	**	**	**	**

\* recommended

\*\* as needed per Strategic Procedures

## WINTER MAINTENANCE AND DE-ICING

Durability is one benefit that Unilock paving stones are known for. Almost all Unilock paving stones have a slight bevel around the edge of the stone. This helps protect the edges from potential chipping by snow clearing equipment. Always use a plastic snow shovel for paving stones. Also fit snow blowers with plastic shoes on the adjustable gliders and on the scoop edge.

When using commercial snow removal companies, confirm in writing they have protective edges on the snowplow equipment to avoid scratching the surface. Although the metal on snow clearing equipment will not adversely affect Unilock paving stones structurally, the contact of any steel on concrete can potentially leave tiny particles of metal in the paver surface which will rust and leave unsightly brown streaks. (A good example of this can be seen on the municipal curbs at the street). To reduce aesthetic damage to the paver surface, only use a polymer or rubber cutting edge on the plow.

De-icing substances, when used in proper amounts, will not damage good-quality concrete. They will, however, speed up the surface wear on some styles of pavers. Many of the exposed aggregate products and tumbled products are unaffected by virtue of their style.

### There are three primary types of de-icing salts:

- Sodium chloride (common rock salt) is the most popular de-icing salt. It is widely available and it will melt snow and ice at temperatures down to approximately 16° F. Below 16° F, rock salt stops melting snow and ice. Sodium chloride can damage adjacent grass, plants and metal. Apply with caution and use as sparingly as possible.
- Calcium chloride is another de-icing salt. It generally looks like small, white, round, pellets. It will melt snow down to about 0° F. It can irritate skin. Studies indicate that depending on the concentration, calcium chloride is less damaging to grass than sodium chloride is. Heavy concentrations of calcium chloride can chemically attack concrete.
- Potassium chloride is a de-icing salt available in some markets. It will not hurt skin or damage plants. However, it melts ice only when the air temperature is above 15° F, but it can be combined with sand to improve effectiveness.

*Note: Do not use magnesium chloride.*

*Note: Do not use sand for anti-skid with permeable pavers as it will clog the joint material.*

*Note: Fertilizers that contain ammonium nitrate and ammonium sulfate should not be used for de-icing since these substances attack the integrity of concrete. Always read the manufacturer's recommendations for use and heed all warnings and cautions.*

## NOTES

[illegible]

When we take care of the earth,  
it will ultimately take care of us.

BOSTON  
35 Commerce Dr.  
Uxbridge, MA 01569  
Tel: (508) 278-4536  
Fax: (508) 278-4572

BUFFALO  
510 Smith St.  
Buffalo, NY 14210  
Tel: (716) 822-6074  
Fax: (716) 822-6076

CHICAGO  
301 E. Sullivan Rd.  
Aurora, IL 60505  
Tel: (630) 892-9191  
Fax: (630) 892-9215

CLEVELAND  
12560 Sheets Rd.  
Rittman, OH 44270  
Tel: (330) 927-4000  
Fax: (330) 927-4100

DETROIT  
12591 Emerson Dr.  
Brighton, MI 48116  
Tel: (248) 437-7037  
Fax: (248) 437-4619

MILWAUKEE  
W 4814 Country Hwy A  
Elkhorn, WI 53121  
Tel: (262) 742-3890  
Fax: (262) 742-2168

NEW YORK  
51 International Blvd.  
Brewster, NY 10509  
Tel: (845) 278-6700  
Fax: (845) 278-6788

CHESTER  
26 Tetz Rd.  
Chester, NY 10918  
Tel: (845) 469-1230  
Fax: (845) 469-1213

PHILADELPHIA  
229 Route 541 Bypass  
Lumberton, NJ 08048  
Tel: (609) 914-0000  
Fax: (609) 914-0209

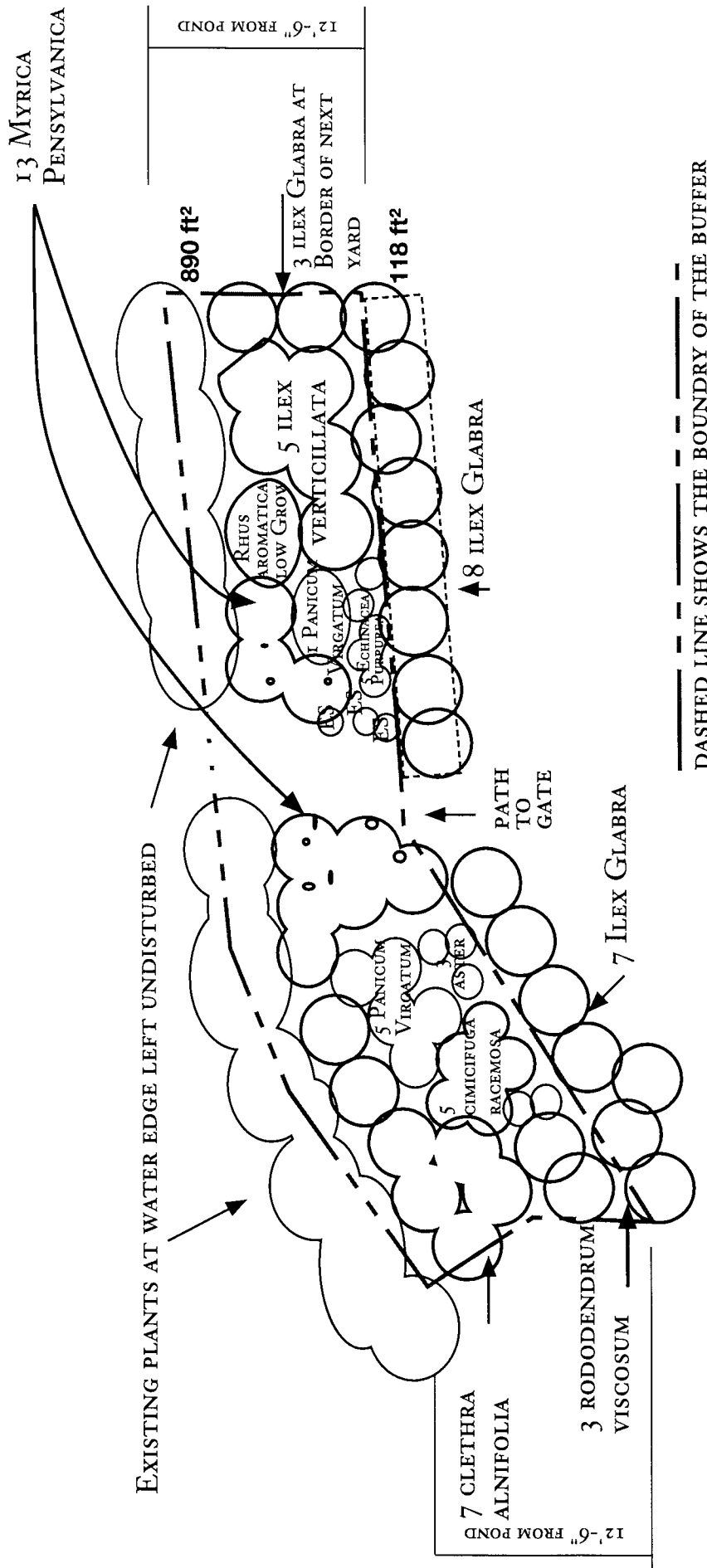
TORONTO  
287 Armstrong Ave.  
Georgetown, ON L7G 4X6  
Tel: (416) 646-9000  
Fax: (905) 874-3034



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#### PLANT LIST

- 13 Myrica Pensylvanica, Bayberry
- 1 Rhus Aramatica, sumac
- 5 Ilex Verticillata, Winterberry, 1 male +4 female
- 6 Panicum Virgatum, Switch Grass
- 3 Eragrostis Spec., Purple Love Grass
- 5 Echinacea Purpurea, Coneflower
- 3 Aster Nove Angliae, New England Aster
- 5 Cimicifuga Racemosa, Snakeroot
- 7 Clethra Alnifolia, Sweet Pepper Bush
- 3 Rododendron Viscosum, Swamp Azalea
- 7 Tiarella Cordata, Foamflower
- 18 Ilex Glabra, Ink Berry

#### NOTE:

The 12 foot buffer constitutes 890 sq.ft.  
This leaves the existing clump of salix isolated in an awkward way so I have added the ilex band and the Magnolia. (dotted line) Combined they add 292 sq. ft.

Total planting area is therefore 1182 sq.ft.

12 FOOT VEGETATION BUFFER  
46 SPY POND PARKWAY  
ARLINGTON, MA  
MAY 2020

The Studio Of  
**MICHAEL J. SCANLON**  
28 Holyoke Street, Boston MA, 02116  
617-894-9785 MJS@MJSKANLON.COM

WWW.MJSKANLON.COM

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