



## **Arlington Conservation Commission**

**Date:** Thursday, December 19, 2019

**Time:** 7:30 PM

**Location:** Town Hall Annex, Second Floor Conference Room

### **Agenda**

1. Administrative
  - a. Review 12/5/2019 draft meeting minutes
  - b. Determine Water Bodies FY2021 fund appropriation request
  - c. Determine what topics will be included in the Commission's annual report to Town Meeting
  - d. Review proposed planting plan for 1167R Mass Ave MassDEP File # 091-0314
  - e. Upper Mystic Lake Treatment  
MassDEP File # 091-0277
2. Discussion
  - a. Discussion of process to review draft permits and get feedback on draft conditions
  - b. Discuss improvements to conservation lands using the Land Stewards Fund
  - c. Discussion on Dec. 10, 2019 ZBA hearing on Thorndike Place 40B proposal
  - d. Discussion on 840 Emerson Gardens balanced housing proposal next to Arlington's Great Meadows in Lexington, MA
3. Hearings

**Review MWRA Contract No. 6544**  
Review MWRA Contract No. 6544 Cleaning and Lining of Weston Aqueduct Supply Main 3 - Mystic River Reservation



## Town of Arlington, Massachusetts

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### Review Minutes

#### Summary:

Review 12/5/2019 draft meeting minutes

#### ATTACHMENTS:

Type	File Name	Description
▢ Minutes	DRAFT_12052019_Minutes_Conservation_Commission.docx	Draft 12052019 meeting minutes



## Arlington Conservation Commission

Date: December 5, 2019

Time: 7:30pm

Location: Second floor conference room, Town Hall Annex  
730 Massachusetts Ave, Arlington, MA

### Minutes

Attendance: *Commission Members Pam Heidell, Dave Kaplan, Mike Nonni, Nathaniel Stevens (Chair), Chuck Tirone, and David White; Associate Commissioners Cathy Garnett and Mike Gildesgame; and Conservation Agent Emily Sullivan. Commissioner Susan Chapnick was not present. Also present were Brad Barber and Robb Morgan.*

### 11/07/2019 and 11/21/2019 Meeting Minutes

The Commission discussed edits to the draft 11/07/2019 minutes. D. White motioned to approve the minutes as edited, C. Tirone seconded, all were in favor, motion approved.

The Commission discussed edits to the draft 11/21/2019 minutes. D. White motioned to approve the minutes as edited, M. Nonni seconded, all were in favor, motion approved.

### Assistance for Hearing Impaired at Meetings

The Commission discussed ways to run meetings to make it easier for hearing impaired people to participate and observe. The Commission agreed that more strategic sitting arrangement for Commissioners and speaking more slowly and clearly would help hearing impaired people. The Commission also agreed that raising a hand to indicate comment and projecting outward while speaking would help to avoid issues.

### MWRA Contract No. 6544 Exemption

#### *Documents Reviewed:*

- 1) *Letter from MWRA to the Conservation Commission, Re: MWRA Contract No. 6544 - Cleaning and Lining of Weston Aqueduct Supply Main 3 - Mystic River Reservation, dated 11/13/2019*
  - 2) *Project plans entitled Weston Aqueduct Supply Main 3, Contract 1 Rehabilitation of Water Mains Medford, Somerville and Arlington, Drawings No. C-10, C-12, and D-11, dated August 2019*
- P. Heidell recused herself from this discussion.

The Commission reviewed the letter and plan set from MWRA asserting that work to repair a pipeline was exempt. The Commission discussed whether the work described was exempt or whether a Request for Determination of Applicability was necessary. The MWRA project entails cleaning and lining an aqueduct supply main pipe near the Mystic River and Alewife Brook. MWRA would need to excavate around the pipe in two areas, both within the 200-ft Riverfront Area and one within the FEMA 100-year Floodplain.

C. Tirone stated that the burden of proving the exemption is on MWRA, and that it is helpful to invite MWRA to a meeting in situations like this.

S. Chapnick had e-mailed E. Sullivan asking her to determine if the proposed work would impact the newly installed stormwater infrastructure that the Town's Engineering Division coordinated in the same neighborhood. E. Sullivan reported that the Engineering Division confirmed that the infrastructure would not be impacted.

The Commission discussed the following questions, which E. Sullivan will send to MWRA:

1. Is the proposed disturbance limited to the identified access pits?
2. How will trees and vegetation be impact by the proposed work? The Commission requests that a fence is placed around the dripline of any trees in the lay down area(s).
3. Is there an identified parking location or equipment storage location for the work? Any stockpiled soil should be covered with a tarp if stored for more than 30 days.
4. Where will dewatering occur?
5. Who will be Resident Engineer onsite during the work and will he/she be onsite for the entire project duration? The Commission requests that all reports from the Resident Engineer be shared with the Commission.
6. The Commission requests that all project specifications be sent to the Commission when the project is put out to bid.

The Commission also requests that a representation from MWRA attend the 12/19 meeting.

### **C. Garnett's Spy Pond Vegetated Buffer Project**

C. Garnett updated the Commission on her vegetated buffer project. The project will include going through 5-10 years of historic Commission files to assess approved projects along Spy Pond that included installing a vegetated buffer. The goal of this work is to create educational resources for residents along Spy Pond to encourage more vegetated buffers. What those educational resources could be will depend on what information Ms. Garnett is able to find, but might include a brochure or a sample/template permit application.

B. Barber suggested that the project should separate bank stabilization work and vegetated buffer work.

### **Water Bodies Working Group**

D. White updated the Commission on the Water Bodies Working Group meeting that occurred on 12/5/2019. During the meeting, the Working Group discussed: McClennen Park Detention Basins, the Spy Pond lake management report, C. Garnett's vegetated buffer project, the Working Group's annual report, the warrant article for FY2021 funding, and how to better coordinate treatment in the Mystic Lakes.

### **Request for Determination of Applicability: 37 Sunnyside Ave**

#### *Documents Reviewed:*

- 1) *RDA Packet for 37 Sunnyside Ave, Arlington, MA, prepared by Applicant Robb Morgan, dated 11/20/2019.*

#### *Resource Areas:*

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

Applicant R. Morgan presented the project, which proposes to construct an entry porch and back deck over existing impervious surfaces in the 200-ft Riverfront Area. The proposed work would not increase impervious surface area onsite or change stormwater runoff patterns.

S. Chapnick submitted questions to E. Sullivan prior to the hearing in anticipation of not being able to attend the hearing. S. Chapnick asked whether the Commission was comfortable accepting the hand-drawn plan proposal, which showed the work outside of the floodplain. P. Heidell stated that although the plan was hand-drawn, the work was clearly outside of the floodplain per the Town's online floodplain map and therefore the plan was acceptable. S. Chapnick asked if the Applicant would consider removing concrete as part of this project, to reduce the amount of impervious surface onsite. Applicant R. Morgan stated that at this time removing concrete was not part of the proposed project (though something he desired to do in the future) and that removing concrete was not necessary under the state and local regulations.

D. White motioned to issue a negative determination that does not confirm the resource area delineations provided in the application packet and that the work does not require a Notice of Intent although in a jurisdictional wetland resource area (Positive Determination 2b and Negative Determination 2), C. Tirone seconded, all were in favor, motion approved.

### **Veteran's Memorial Park at Cooke's Hollow CPA Application**

E. Sullivan updated the Commission that the CPA application would be rescinded and that Health and Humans Services would instead request capital funding for a public engagement planning effort for the relocation of Veteran's Memorial Park.

Meeting adjourned at 9:00pm.



## **Town of Arlington, Massachusetts**

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### **Water Bodies FY2021 Fund Appropriation**

#### **Summary:**

Determine Water Bodies FY2021 fund appropriation request



## **Town of Arlington, Massachusetts**

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### **Annual Reports to Town Meeting**

#### **Summary:**

Determine what topics will be included in the Commission's annual report to Town Meeting



## Town of Arlington, Massachusetts

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### Review proposed planting plan for 1167R Mass Ave MassDEP File # 091-0314

#### Summary:

Review proposed planting plan for 1167R Mass Ave MassDEP File # 091-0314

#### ATTACHMENTS:

Type	File Name	Description
▢ Notice of Intent	Arlington_MassAve.1167R_Proposed_Plantings_2019.12.03.pdf	Proposed planting plan
▢ Order of Conditions	1167R_Mass_Ave_OOC.pdf	Order of Conditions

**EcoTec, Inc.**  
**ENVIRONMENTAL CONSULTING SERVICES**  
102 Grove Street  
Worcester, MA 01605-2629  
508-752-9666 – Fax: 508-752-9494

December 3, 2019

Emily Sullivan  
Environmental Planner & Conservation Agent  
Arlington Conservation Commission  
730 Massachusetts Ave  
Arlington, MA 02476

via email: [esullivan@town.arlington.ma.us](mailto:esullivan@town.arlington.ma.us)

Re: 1167-R Massachusetts Avenue  
091-0314

Subject: Proposed Plantings

Dear Ms. Sullivan and Commission Members:

On behalf of the owner/ applicant, in accordance with special condition #41, EcoTec provides the following information to the Commission:

**Deck construction option:** As a result of further consideration, the applicant chooses to remove the split-trunk Norway maple at the location of the proposed deck. As required for this determination, an expanded proposed planting specification is provided below.

**Planting Selection:** The applicant proposes to augment the previously proposed fern plantings with native shrubs, as detailed below. Species selected were chosen to satisfy the following criteria:

- Native to Massachusetts;
- Tolerant of semi-shade;
- Available from a Massachusetts nursery; and
- Facultative or drier wetland classification.

**Proposed Planting Plan:**

**Ferns** (previously proposed): Nine (9) clusters of shade tolerant ferns are proposed. Alternating clusters of the selected species consisting of three 1-gallon containers of native ferns are proposed (each cluster to consist of 3 containers of the same species). The species proposed were selected due to their ability to grow in shady conditions and tendency to spread and provide broad cover. Within each cluster, 1-gallon containers will be planted 2-feet on center, with the clusters planted approximately 6-feet on center over the approximately 60-foot wide area. Proposed fern species and numbers are listed in Table 1, below.

**Table 1: Proposed Fern Plantings**

<b>Species (descriptions from New England Wetland Plants)</b>	<b>Wetland Status</b>	<b>Size</b>	<b>Number</b>
<b><i>Dennstaedtia punctilobula</i> (Hay-Scented Fern)</b> Common woodland fern. Lacy texture, similar in appearance to New York Fern. Forms large colonies.	UPL	1-gal	9
<b><i>Polystichum acrostichoides</i> (Christmas Fern)</b> A robust, leathery fern that forms clumps and stays green year-round. Easily established in cool, moist well-drained soils under shade.	FACU-	#1	9
<b><i>Thelypteris novaboracensis</i> (New York Fern)</b> Spreads rapidly from shallow, black roots to form a dense ground cover. Lacy fronds from 1-2 ft.	FAC	#1	9

**Shrubs:** Proposed shrub plantings for the approximately 60-foot long area along the concrete brook Bank are listed below. Species descriptions are from New England Wetland Plants. In an effort to reduce the likelihood that specified plantings are not available, flexibility is built into the proposed plant list; it is proposed that from the following list, depending upon availability from local nursery stock, at least three (3) of the listed species will be selected, with at least five (5) specimens of three selected species planted, for a total of 20 shrubs planted outside the deck footprint. Specimens planted will be minimum 1-gallon container, at least 3 feet in height. Plantings will be clustered near the concrete Bank, avoiding the existing trees.

***Amelanchier canadensis/arborea* (Shadblow/Serviceberry)**

Upright, tall shrub (18'+). Attractive white flowers before foliage emerges in spring. Berries eaten by birds. Good wetland buffer zone shrub.

***Aronia/Photinia melanocarpa* (Black Chokeberry)**

A very adaptable shrub (to 10') with white or pinkish flowers in the spring. Berries are eaten by many species of birds.

***Cornus alternifolia* (Alternate-leaved Dogwood)**

Large shrub (to 30') of rich woodlands, produces summer berries valuable to wildlife.

***Cornus racemosa* (Gray Dogwood)**

A medium to tall shrub that grows in a wide range of soil conditions. Tolerates shade well. Spreads by roots. White fruit is eaten by birds in fall.

***Corylus americana* (American Hazelnut)**

Medium-sized shrub (3-9') provides excellent wildlife cover and food in drier locations. This shrub produces a small, hard edible nut, is shade tolerant and particularly effective as an understory planting.

December 3, 2019

Re: 1167-R Massachusetts Avenue – Proposed Planting Plan

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***Hamamelis virginiana*** (Witch Hazel)

Tall shrub or small tree. Grows in moist woods. Tolerates partial sun to shade. Small yellow flowers in fall. Seeds, buds, and twigs provide food for wildlife.

***Viburnum acerifolium*** (Maple Leaf Viburnum)

Medium sized (4-6') upright shrub. Small white flowers give way to showy blue fruit in fall which can persist through winter. Leaf shaped like Red Maple with similar fall color. Grows in dry to moist shade. Often found in dense clumps.

**Planting layout:** The precise locations of the plants are not critical to their intended value, and a predetermined planting plan would have a high likelihood of needing revision based on field conditions. Therefore, the following planting guidelines are provided: The plants are proposed to be placed around the existing mature trees, with precise location of planting holes determined at time of planting to avoid tree roots and any other subsurface obstacles (e.g. large stones) that would require significant excavation. The proposed fern clusters will be concentrated near the concrete brook bank, and the shrubs planted among and to the rear of the fern clusters.

**Timing:** To avoid damage to planted specimens, planting will occur as soon as practical following completion of the proposed deck. Planting will not occur in July or August, to avoid heat stress.

Please confirm that the proposed planting plan is acceptable, and contact me if you have any questions concerning this or other matters.

Sincerely,

A handwritten signature in blue ink, reading "Paul J. McManus". The signature is fluid and cursive, with the first name "Paul" and last name "McManus" clearly legible.

Paul J. McManus, LSP, PWS  
President

c: Applicant

PJM\W\W\M\Arlington MassAve.1167R Proposed Plantings 2019.12.03.doc

December 3, 2019

Re: 1167-R Massachusetts Avenue – Proposed Planting Plan

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**Partial view of planting (and deck) area**





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:

091-0314

MassDEP File #

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:

Robert

a. First Name

Mirak

b. Last Name

Arlington Center Garage and Service Corporation

c. Organization

438 Massachusetts Avenue

d. Mailing Address

Arlington

e. City/Town

MA

f. State

02474

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:

1167R Massachusetts Avenue

a. Street Address

Arlington

b. City/Town

057.0 0002 0010.B

d. Parcel/Lot Number

c. Assessors Map/Plat Number

Latitude and Longitude, if known:

42d25m271s

d. Latitude

71d10m244s

e. Longitude



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

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex South

a. County

19742

c. Book

b. Certificate Number (if registered land)

263

d. Page

7. Dates: 8/28/2019 11/7/2019 11/20/2019  
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):

Workbar Arlington 2FI Exp, 1st Floor Framing Part Plans

a. Plan Title

Analogue Studio

b. Prepared By

10/30/2019

d. Final Revision Date

See Attached

David P. Martin PE

c. Signed and Stamped by

1/4" = 1'

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

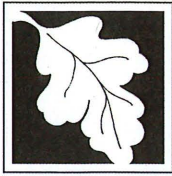
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act).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

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

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**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)                      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	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u>                    </u> a. square feet <u>                    </u> e. c/y dredged	<u>                    </u> b. square feet <u>                    </u> f. c/y dredged	<u>                    </u> c. square feet	<u>                    </u> d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet <u>                    </u> 350	<u>                    </u> b. total sq. feet <u>                    </u> 350		
Sq ft within 100 ft	<u>                    </u> c. square feet	<u>                    </u> d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet



Massachusetts Department of Environmental Protection  
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**WPA Form 5 – Order of Conditions**

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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



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

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091-0314

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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 (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

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 11/20/2022 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.



**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:

091-0314

MassDEP File #

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City/Town

**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                      091-0314                      "
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.



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:

091-0314

MassDEP File #

eDEP Transaction #

Arlington

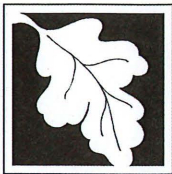
City/Town

**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;



**Massachusetts Department of Environmental Protection  
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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:

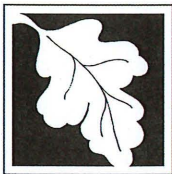
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

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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Provided by MassDEP:

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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.



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:

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MassDEP File #

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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 hereby finds (check one that applies):  
Conservation Commission

- 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



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

11/20/2019 Mass Ave

Provided by MassDEP:  
91-0314  
MassDEP File #

eDEP Transaction #  
Arlington  
City/Town

**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]*

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

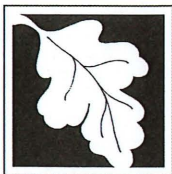
11/20/2019

**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.



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:

091-0314

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City/Town

**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:

1167R Massachusetts Avenue

Project Location

091-0314

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South

County

Book

Page

for:

Robert Mirak

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:

11/20/2019

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 1167R Massachusetts Avenue, Arlington, MA, prepared for Applicant Robert Mirak, prepared by Lawrence Lessard of Achieve Renewable Energy LLC, dated 8/28/2019.
2. Revised NOI Narrative, dated 9/13/2019.
3. Workbar Arlington 2FI Exp, 1st Floor Framing Part Plans, prepared by Analogue Studio, stamped by David P. Martin PE, dated 8/07/2019, revised 9/20/2019, revised 10/30/2019.
4. Supplemental Notice of Intent Materials, prepared by EcoTec, Inc., signed by Paul J. McManus LSP PWS, dated 11/1/2019.

PROCEDURAL SUMMARY

The Conservation Commission held a public hearing for the Notice of Intent on September 19, 2019. The hearing was continued to November 7, 2019, and the Commission closed the hearing on November 7, 2019. The Commission deliberated on November 7, 2019 and voted 6-0 (one Commissioner abstained due to not being present for all hearings for this proposal) to approve the Project with conditions under the Wetlands Protection Act (the "Act") and voted 6-0 (one Commissioner abstained due to not being present for all hearings for this proposal) 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 installation of an exterior deck within the 100-ft Wetlands Buffer and 200-ft Riverfront Area of Mill Brook, the construction of a fence along the Mill Brook retaining wall, and the repair of an existing wooden enclosure that supports a potable water line. The project as approved involves altering 350 square feet of area within the 100-ft Wetlands Buffer and 200-ft Riverfront Area for the construction of the pervious exterior deck. The project also proposes a 70-foot wide area of planting for the area in which the proposed exterior deck is located, though the final planting plan has not yet been approved by the Commission.
- B. This proposal includes two design options for the exterior deck. The first option would require that a unhealthy and failing Norway Maple be removed, and the second option was designed to save the unhealthy and failing Norway Maple from removal. Given the condition of the Norway Maple, the Conservation Commission approved both exterior deck designs, and will allow the Applicant to decide which design to build. This will be a condition of the Order of Conditions (Condition #45).
- C. The following Resource Areas are present on the site or within 100 feet of the lot lines: Adjacent Upland Resource Area ("AURA") (Bylaw), 100-ft Wetlands Buffer Zone (Act), 200-ft Riverfront Area (Bylaw and Act), and Mill Brook. The Commission finds accurate the delineation of Resource Areas summarized in the Notice of Intent.

ARLINGTON CONSERVATION COMMISSION

APPROVAL ORDER OF CONDITIONS

1167R Massachusetts Avenue

DEP FILE NO. 091-0314

- D. Based on the testimony at the public hearing, and review of the application materials and the documents listed above submitted during the public hearing, the Commission concludes that the proposed Project will not alter Resource Areas under the Act and Bylaw, the work as conditioned will not have significant or cumulative effects upon the interests of the Wetlands Protection Act or the Resource Area values of the Arlington Wetlands Bylaw when the conditions imposed are implemented to protect the Resource Area values. With the conditions contained herein, the Project meets the performance standards in the Bylaw Regulations and state Wetlands Regulations, 310 CMR 10.00.

Additional Special Conditions

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

**Pre-Construction**

21. Work permitted by this Order and Permit shall conform to the Notice of Intent, the approved plans and documents (listed above), and oral representations (as recorded in hearing minutes) submitted or made by the Applicant and the Applicant's agents or representatives, as well as any plans and other data, information or representations submitted per these Conditions and approved by the Commission.
22. The provisions of this Order and Permit shall apply to and be binding upon the Applicant and Applicant's assignees, tenants, property management company, employees, contractors, and agents.
23. No work shall begin under this Order until: (a) all other required permits or approvals have been obtained and (b) the appeal period of ten (10) business days from the date of issue of this Order has expired without any appeal being filed, and (c) this Order has been recorded in the Registry of Deeds. 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 (hay bales are not allowed and silt socks are preferred).
27. The Applicant shall complete the proposed water line work during low flow conditions only.
28. The contractor shall contact the Conservation Agent (concomm@town.arlington.ma.us ; 781-316-3012) to arrange for a pre-construction meeting with the on-site project manager to walk through the Order of Conditions and walk the site to confirm the installation and placement of erosion controls prior to the start of any grading or construction work.

ARLINGTON CONSERVATION COMMISSION

APPROVAL ORDER OF CONDITIONS

1167R Massachusetts Avenue

DEP FILE NO. 091-0314

29. The contractor shall provide written Notice of the work start date to the Conservation Agent 48 hours prior to start of work.
30. The Commission, its employees, and its agents shall have the right of entry onto the site to inspect for compliance with the terms of this Order of Conditions and Permit until a Certificate of Compliance has been issued.

**Post-Construction**

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

**Dumpsters**

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

**Stockpiling**

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

**Erosion**

34. Areas that are disturbed by construction and access activities shall as soon as possible be brought to final grade and reseeded and restabilized, and shall be done so prior to the removal of the erosion control barrier. Erosion control measures shall be installed per the approved plans.
35. The reconstruction of the potable water line enclosure shall be conducted using the method outlined in the Supplemental Notice of Intent Materials (dated 11/1/2019) with the proposed netting or a netting that meets the same specifications.
36. The Applicant shall use an appropriate outdoor vacuum to remove any debris that falls into Mill Brook during the reconstruction of the potable water line enclosure.

**Equipment**

37. 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.
38. Arrangements shall be made for any rinsing of tools, equipment, etc. associated with on-site mixing or use of concrete or other materials such that the waste water is disposed of in the concrete wash out station-at least 50 feet from the resource area. In no case may 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.

**Sweeping**

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

## ARLINGTON CONSERVATION COMMISSION

APPROVAL ORDER OF CONDITIONS

1167R Massachusetts Avenue

DEP FILE NO. 091-0314

### Dewatering

40. Any dewatering operations shall conform to the following:

- (a) Notify the Conservation Commission that dewatering is required.
- (b) Any catch basins, drains, 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.
- (e) Dewatering shall occur only where noted on approved plans.

### Plantings

41. Once the exterior deck design is selected for construction, the Applicant shall submit a planting plan for approval. 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. All native restoration plantings shall be maintained for three years. A survival rate of at least 80% must be maintained for the approved restoration plantings. A monitoring report shall be submitted annually in November for the three year monitoring period and shall include the number and types of restoration plantings evaluated and condition of the plantings. The Applicant must provide a monitoring report by a qualified consultant for survival of all approved plantings. The monitoring report must include measures to remove invasive species if they are discovered.

### Chemicals

43. To avoid adding excess nitrogen runoff, the Applicant shall only treat the lawn area 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 other herbicides or treatment methods are approved. New plantings shall only be fertilized once, during the initial planting year. No pesticides or rodenticides shall be used to treat pest management issues. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

### Pervious Surfaces and Deck Design

44. Pervious surfaces shown on the project plans shall be maintained and not be replaced by impervious surfaces. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**
45. The Applicant can select either of the exterior deck design options that were presented to the Commission for construction. The first option would require that a unhealthy and failing Norway Maple be removed, and the second option was designed to save the unhealthy and failing Norway Maple from removal.

46.

ARLINGTON CONSERVATION COMMISSION

APPROVAL ORDER OF CONDITIONS

1167R Massachusetts Avenue

DEP FILE NO. 091-0314

**Stormwater**

47. The Applicant shall protect all adjacent catch basins using silt socks.
48. The Applicant shall reconfigure the stormwater down spout that empties into the courtyard lawn space, adjacent to the proposed exterior deck, using 4-6" angular stone riprap to slow down stormwater and reduce sedimentation into Mill Brook. **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.**



## Town of Arlington, Massachusetts

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### Request for Permit Extension

#### Summary:

Upper Mystic Lake Treatment  
MassDEP File # 091-0277

#### ATTACHMENTS:

Type	File Name	Description
Extension		
▣ Permit for Order of Conditions	UpperMysticLk_Arlington19_minor_change_request.pdf	Request for Minor Amendment
Extension		
▣ Permit for Order of Conditions	UpperMysticLk_Arlington19_extension_and_minior_change_request_12132019.pdf	Request for Permit Extension

December 4, 2019

Arlington Conservation Commission  
c/o Emily Sullivan  
730 Massachusetts Ave  
Arlington, MA 02476

RE: Minor Change Request for Upper Mystic Lake – Parker Rd Neighbors (DEP # 091-0277)

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Commissioners:

As requested at the September 5, 2019 public hearing, the following document is our minor change request for some conditions of the current Order of Conditions for Upper Mystic Lake – Parker Rd Neighbors lake management (DEP File # 091-0277) so the conditions can align with those of other current Orders of Conditions for Upper Mystic Lake.

- A dissolved oxygen monitoring program with the following intervals: 1-DAT, 2-DAT, 7-DAT, 14-DAT.
- Monitoring will be conducted between 12-6 pm when the temperature is highest and DO is at its lowest.
- Monitoring will include Secchi disk depth data and observations of any presence of schooling river herring.
- The applicant will show they have taken steps towards creating a collaborative group to formulate a lake management plan.
- The current year's data is to be provided to the Commission no later than December 1<sup>st</sup> of that same year.
- No treatment shall be allowed between April 1 and June 30 in order to protect the riverine habitat.

Please let us know if there are any questions.

Regards,



Kara Sliwoski  
Regional Manager  
SOLitude Lake Management

December 13, 2019

Arlington Conservation Commission  
c/o Emily Sullivan  
730 Massachusetts Ave  
Arlington, MA 02476

RE: Minor Change Request for Upper Mystic Lake – Parker Rd Neighbors (DEP # 091-0277)

---

Commissioners:

As requested at the September 5, 2019 public hearing, the following document is our minor change request for some conditions of the current Order of Conditions for Upper Mystic Lake – Parker Rd Neighbors lake management (DEP File # 091-0277) so the conditions can align with those of other current Orders of Conditions for Upper Mystic Lake.

- A dissolved oxygen monitoring program with the following intervals: 1-DAT, 2-DAT, 7-DAT, 14-DAT.
- Monitoring will be conducted between 12-6 pm when the temperature is highest and DO is at its lowest.
- Monitoring will include Secchi disk depth data and observations of any presence of schooling river herring.
- The applicant will show they have taken steps towards creating a collaborative group to formulate a lake management plan.
- The current year's data is to be provided to the Commission no later than December 1<sup>st</sup> of that same year.
- No treatment shall be allowed between April 1 and June 30 in order to protect the riverine habitat.

As such, we are again requesting a three-year extension of this Order of Conditions as other than the aforementioned monitoring and timing, the actual management tasks of the program are not changing.

Please let us know if there are any questions.

Regards,



Kara Sliwoski  
Regional Manager  
SOLitude Lake Management



## **Town of Arlington, Massachusetts**

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### **Discussion of process to review draft permits**

#### **Summary:**

Discussion of process to review draft permits and get feedback on draft conditions



## **Town of Arlington, Massachusetts**

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### **Capital improvements to conservation lands using Land Stewards Fund**

#### **Summary:**

Discuss improvements to conservation lands using the Land Stewards Fund



## **Town of Arlington, Massachusetts**

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### **Thorndike Place 40B proposal**

#### **Summary:**

Discussion on Dec. 10, 2019 ZBA hearing on Thorndike Place 40B proposal



## **Town of Arlington, Massachusetts**

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### **840 Emerson Gardens balanced housing proposal in Lexington, MA**

#### **Summary:**

Discussion on 840 Emerson Gardens balanced housing proposal next to Arlington's Great Meadows in Lexington, MA



## Town of Arlington, Massachusetts

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### Review MWRA Contract No. 6544

#### Summary:

Review MWRA Contract No. 6544 Cleaning and Lining of Weston Aqueduct Supply Main 3 - Mystic River Reservation

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	MWRA_Contract_No._6544.pdf	MWRA Contract No. 6544 Work Summary
▢	Reference Material	MWRA_Contract_No._6544_Plans.pdf	MWRA Contract No. 6544 Plans
▢	Reference Material	MWRA_Contract_No._6544_ACC_Question_Responses.pdf	MWRA Contract No. 6544 Responses to ACC Questions



# MASSACHUSETTS WATER RESOURCES AUTHORITY

Chelsea Facility  
2 Griffin Way  
Chelsea, Massachusetts 02150

Telephone: (617) 242-6000  
Facsimile: (617) 305-5990

Frederick A. Laskey  
Executive Director

November 13, 2019

## **Arlington Conservation Commission**

**Attention: Emily Sullivan**  
730 Mass Ave. Annex  
Arlington, MA 02476

**Re: MWRA Contract No. 6544 – Cleaning and Lining of Weston Aqueduct Supply  
Main 3 – Mystic River Reservation**

Dear Ms. Sullivan and Commission Members:

The Massachusetts Water Resources Authority (MWRA) is undertaking a construction project to rehabilitate its 85 to 90-year old, 60-inch steel water main near the Mystic River and Alewife Brook in Arlington. The riveted steel pipe, originally installed in the 1920s, will be cleaned and cement mortar lined to protect water quality and inhibit internal corrosion of the pipe. The work will require access to the pipe to insert cleaning and lining equipment approximately every 1,000 feet along the existing pipeline. Within the Town of Arlington, there are two (2) proposed work areas within the 200-ft. Riverfront Area of the Mystic River, but outside of the 100-foot buffer zone. The excavation location is identified in the attached Locus Map. One of the locations, Coral Street, is outside of the FEMA 100-year floodplain (i.e.-Zone AE 1% Annual Chance of flooding). The second site, for access to the pipe near Alewife Brook, is within the FEMA 100-year floodplain.

To access the pipes, MWRA will dig access pits. Typical access pits are approximately 20 feet long by 10 feet wide excavated to a depth of approximately 9 feet in order to remove a section of pipe and allow insertion of the cleaning and lining equipment. Access pits will require a limited footprint and similar size area for equipment to operate, details are provided below. Any work within or adjacent to the buffer zone will require straw bales and silt fence surrounding the work area and no soil stockpiling at the site. In addition, any dewatering will be treated through a filter bag with straw bales and silt fence for filtration through the grass surface so there will be no point source discharge to waterways or wetlands. The attached drawings provide details of the work areas and erosion controls to be included in the contract.



The Excavation of Access Pits consists of the following:

- The excavation pit will be approximately 20 feet x 10 feet x 9 feet deep, and will be constructed with an excavator, 2 tri-axle dump trucks, and support vehicles. Straw bales and silt fence will be placed between the site location and the Mystic River.
- Access pits will be shored to support excavation during work.
- Dewatering may be required. The contractor is required to keep water out of the excavation during the work. The water will be discharged nearby through a 3-inch hose and filter bag. The filter bag will be surrounded by straw bales and a silt fence to create a sheet flow condition through the grass discharging to the upland area. See attached erosion control details.
- Excavated soil will not be stockpiled in the 100-foot buffer zone area. The stockpile will be maintained on filter fabric and surrounded by straw wattle and silt fence outside of the 100-foot buffer zone. See attached detail.
- The cleaning and lining activities involve truck mounted mixers and winch systems to pull equipment through the pipe or to support motorized equipment entering the pipe. Truck access will be maintained outside the buffer zone to support the work.
- Following the cleaning and lining activities, the trench will be backfilled compacted and disturbed areas will be loamed and seeded. The activity is anticipated to take six to eight weeks per location to complete.

This work is considered to be minor in nature and meets the exemptions listed in the Wetland Protection Act regulations at 310 CMR 10.00 as follows:

*10.02(2)(a)(1): minor activities within the riverfront area and 10.02(2)(a)(2): 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 practicable measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility.*

MWRA anticipates beginning its procurement process for this work in January 2020, but due to water system demand conditions, we will not be starting the work until September 2020 in order



to minimize effects of the water main shut down on the MWRA distribution system. Surface restoration activities could continue through June 2021. If requested, the MWRA is happy to arrange an onsite meeting with representatives of the Commission, the contractor, and the project engineer to ensure that the proposed work is clear to all parties. As always, the MWRA remains committed to working in a manner that is protective of wetland resources areas. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, reading "Michael Rivard".

Michael Rivard, P.E.  
Program Manager, Engineering & Construction  
Massachusetts Water Resources Authority  
Phone: (617) 570-5427  
Mike.Rivard@mwra.com

Enclosures: Excavation Locus Map  
Excavation Site Plans  
Erosion Control Details

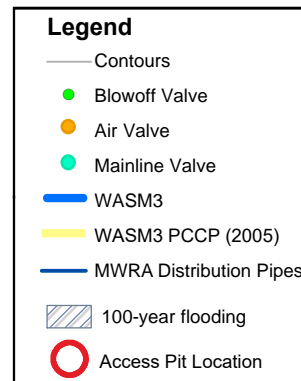
cc. John Colbert, Beth Card, Mary White, and Ester Lwebuga, MWRA  
Erica Lotz, Stantec Consulting Services, Inc.

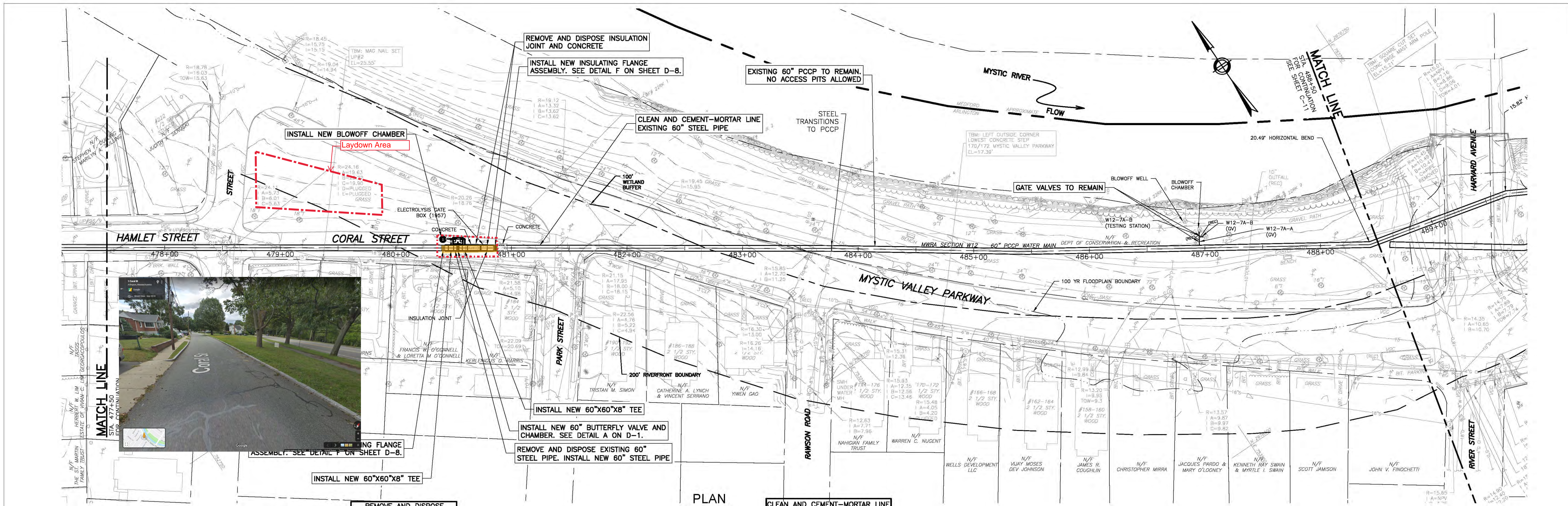


## Locus Map

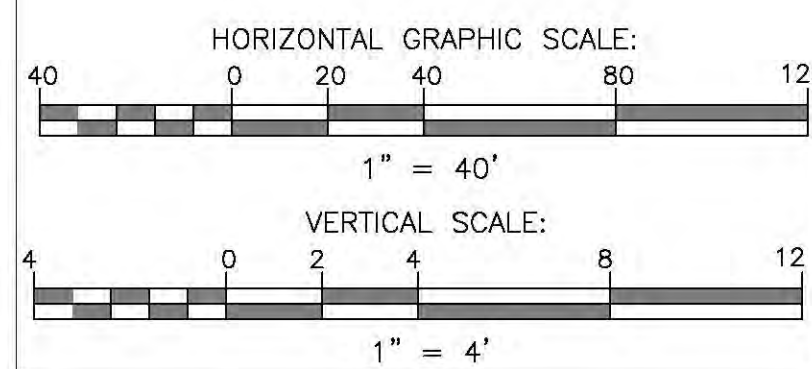
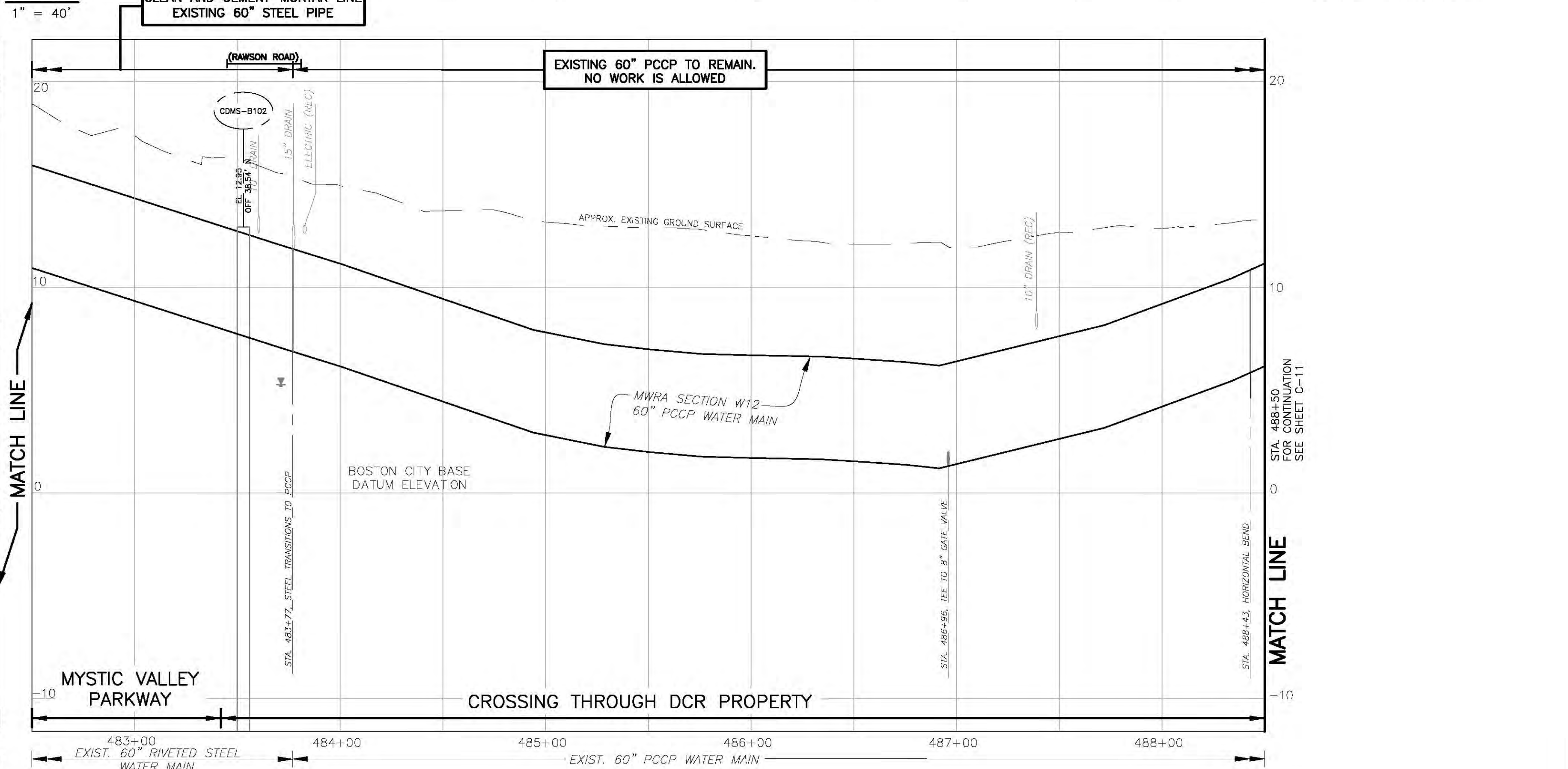
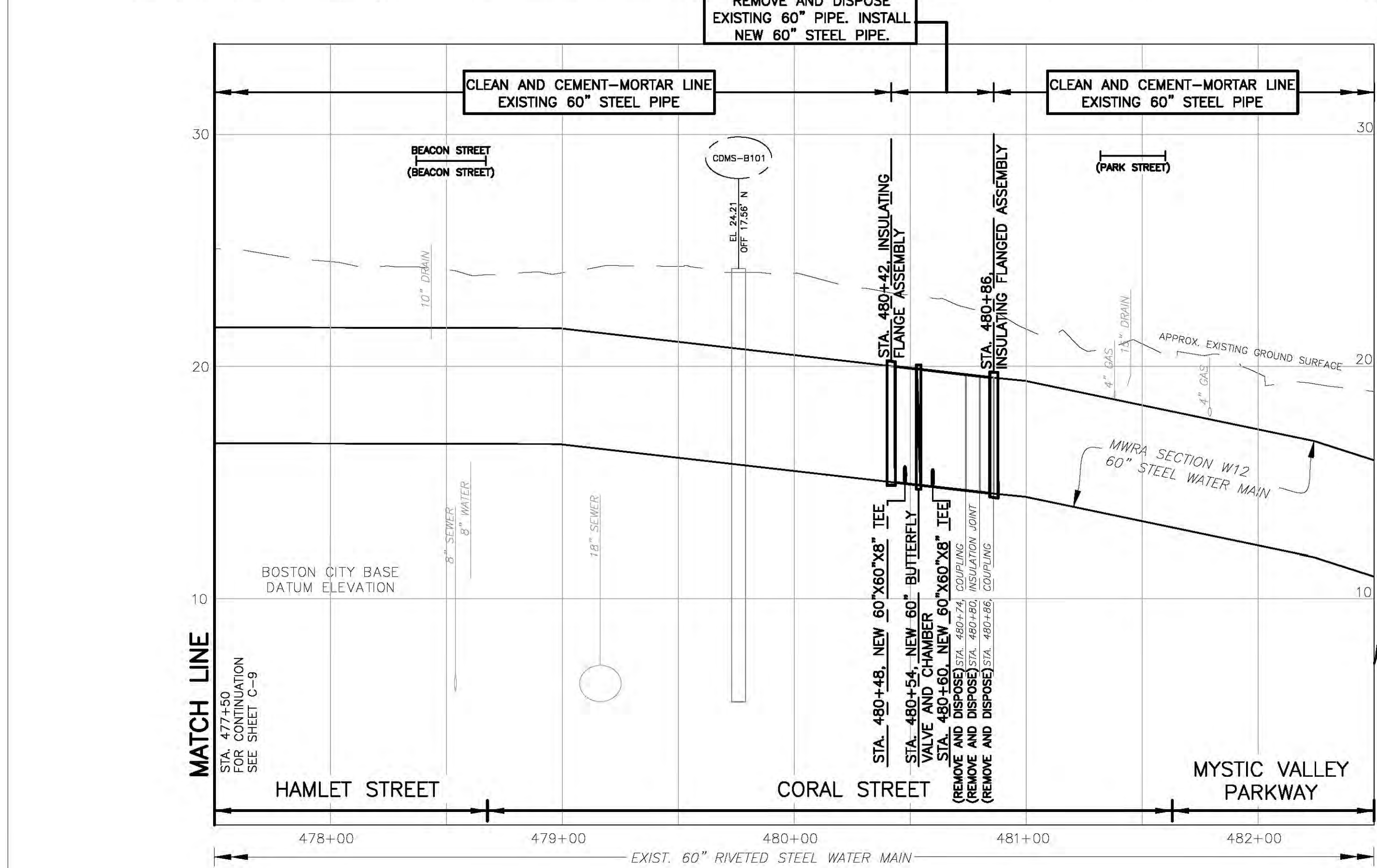
MWRA Weston Aqueduct Supply Main 3 - CP1 Rehabilitation  
Arlington Conservation Committee

42 of 46





PLAN  
1" = 40'



NO.	DATE	BY	CHK'D	REVISION

CONTRACT NO. : 6539	CAD FILE NO. : C-10
ACCESSION NO. :	SECTION NO. :
DATE: AUGUST, 2019	DESIGNED BY: CS
SCALE: AS SHOWN	DRAWN BY: SP/HG
	CHECKED BY: CS/SS
	APPROVED BY: CS/SS

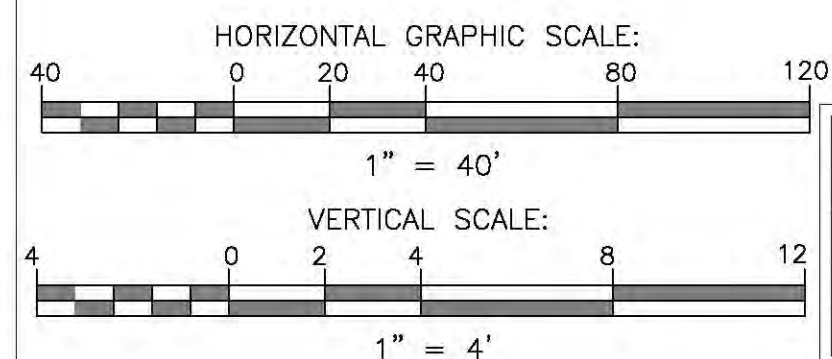
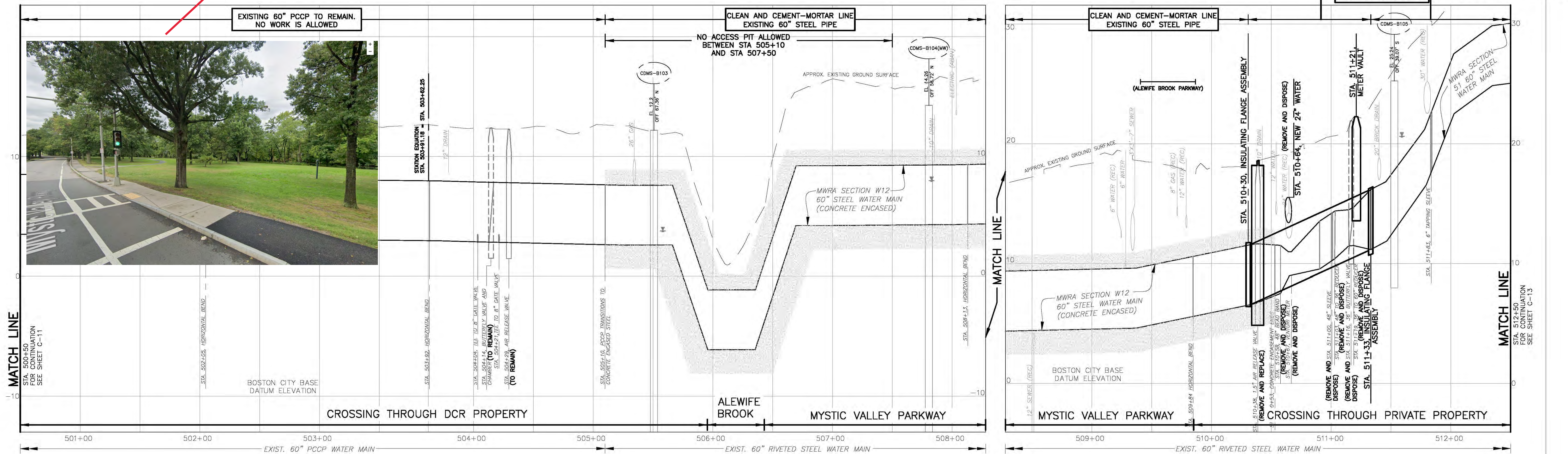
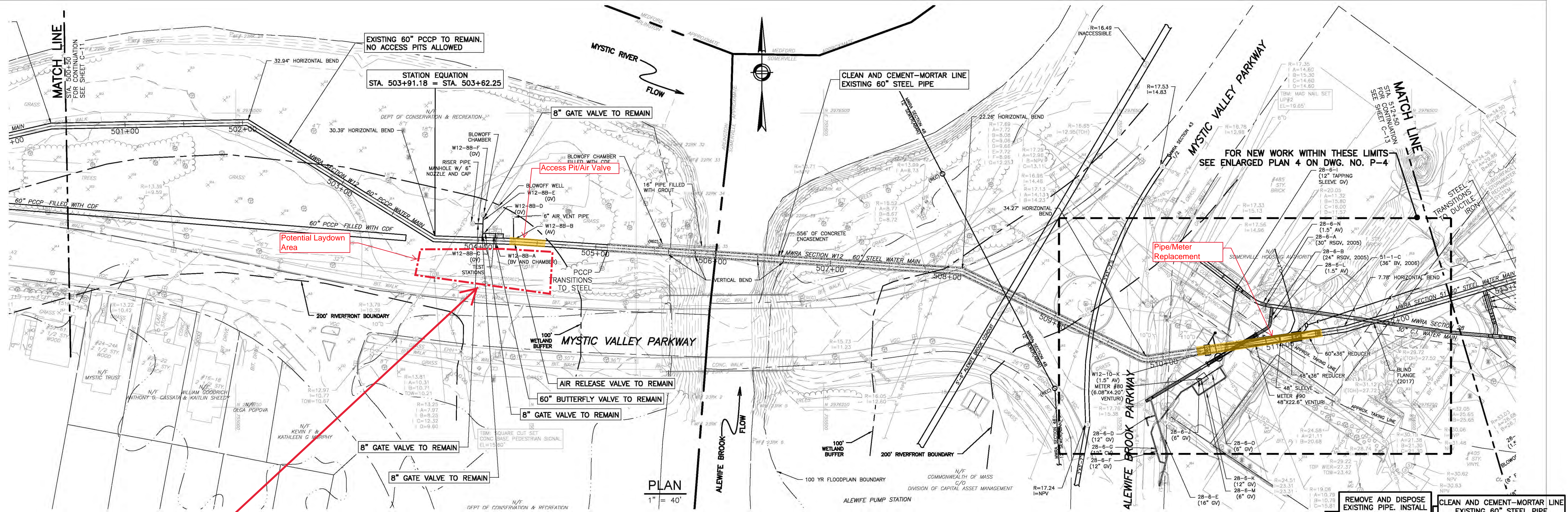

MASSACHUSETTS WATER RESOURCES AUTHORITY

PREPARED BY: GREEN INTERNATIONAL AFFILIATES, INC.  
CIVIL & STRUCTURAL ENGINEERS  
239 LITTLETON ROAD, SUITE 3  
WESTFORD, MASSACHUSETTS

WESTON AQUEDUCT SUPPLY MAIN 3, CONTRACT 1  
REHABILITATION OF WATER MAINS  
MEDFORD, SOMERVILLE AND ARLINGTON

CONTRACT 1  
PLAN AND PROFILE  
STA. 477+50 TO STA. 488+50

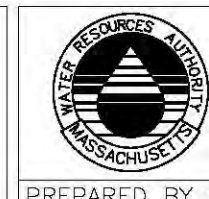
DRAWING NO. C-10  
15 OF 51



NO.	DATE	BY	CHK'D	REVISION

44 of 46

CONTRACT NO. : 6539	CAD FILE NO. : C-12
ACCESSION NO. :	SECTION NO. :
DATE: AUGUST, 2019	DESIGNED BY: CS
SCALE: AS SHOWN	DRAWN BY: SP/HG
	CHECKED BY: CS/SS
	APPROVED BY: CS/SS



MASSACHUSETTS WATER RESOURCES AUTHORITY



GREEN INTERNATIONAL AFFILIATES, INC.  
CIVIL & STRUCTURAL ENGINEERS  
239 LITTLETON ROAD, SUITE 3  
WESTFORD, MASSACHUSETTS

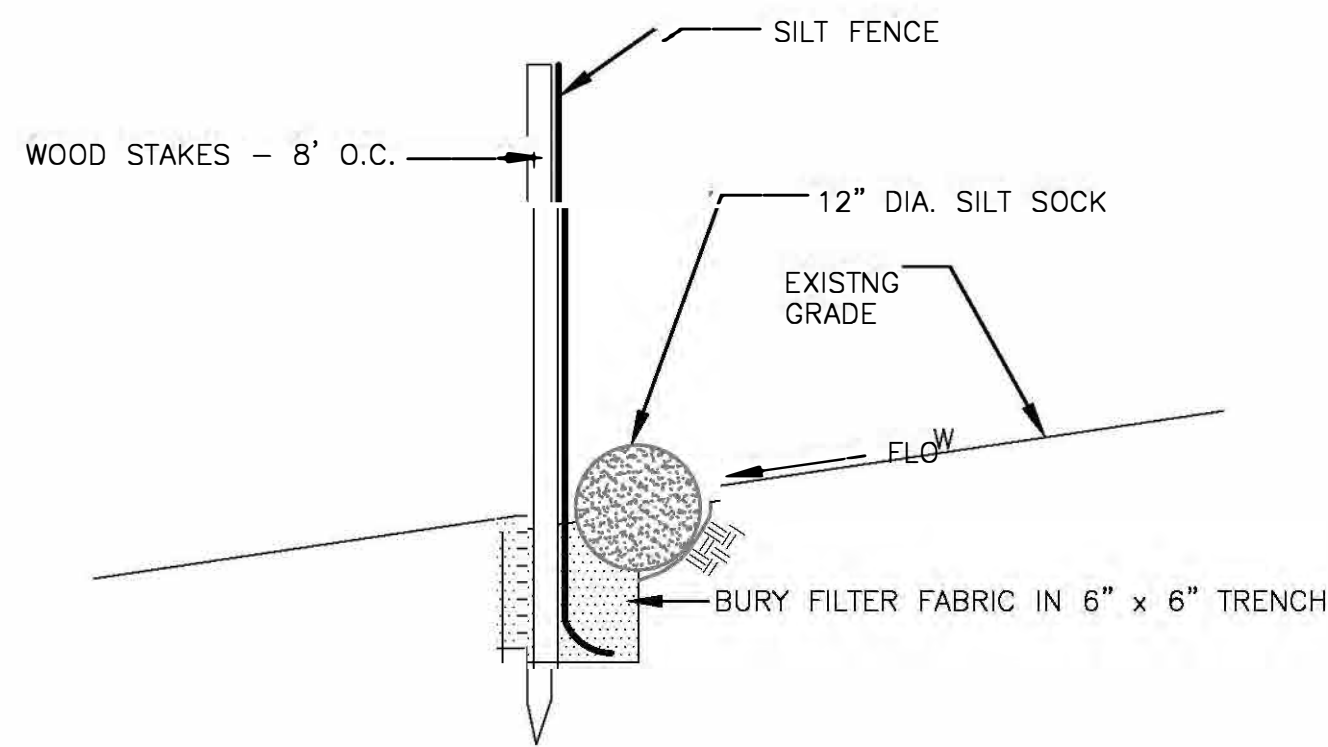
WESTON AQUEDUCT SUPPLY MAIN 3, CONTRACT 1  
REHABILITATION OF WATER MAINS  
MEDFORD, SOMERVILLE AND ARLINGTON

CONTRACT 1  
PLAN AND PROFILE  
STA. 500+50 TO STA. 512+50

DRAWING NO.

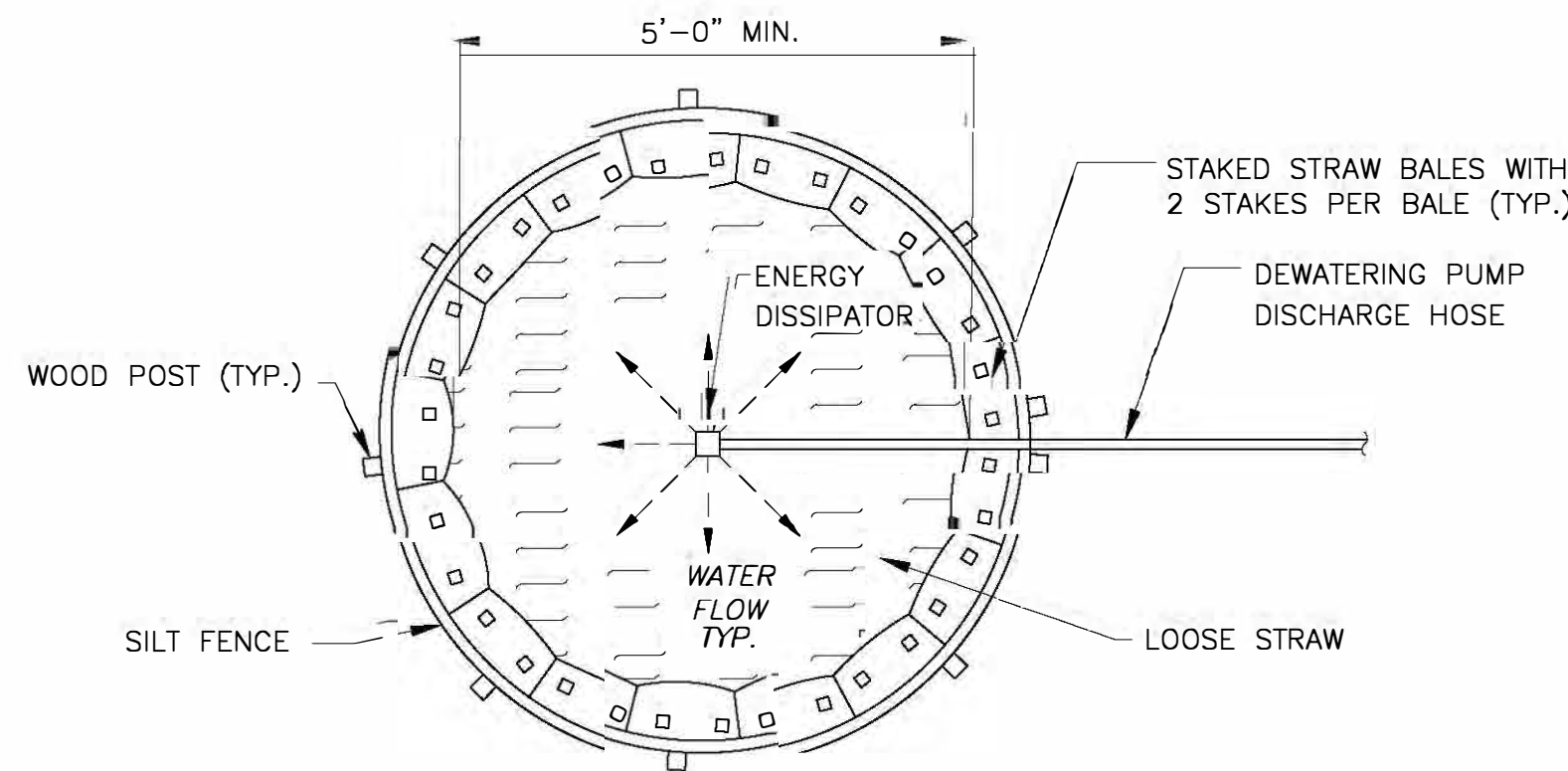
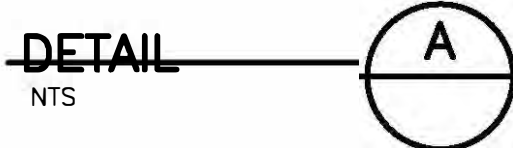
C-12

17 of 51

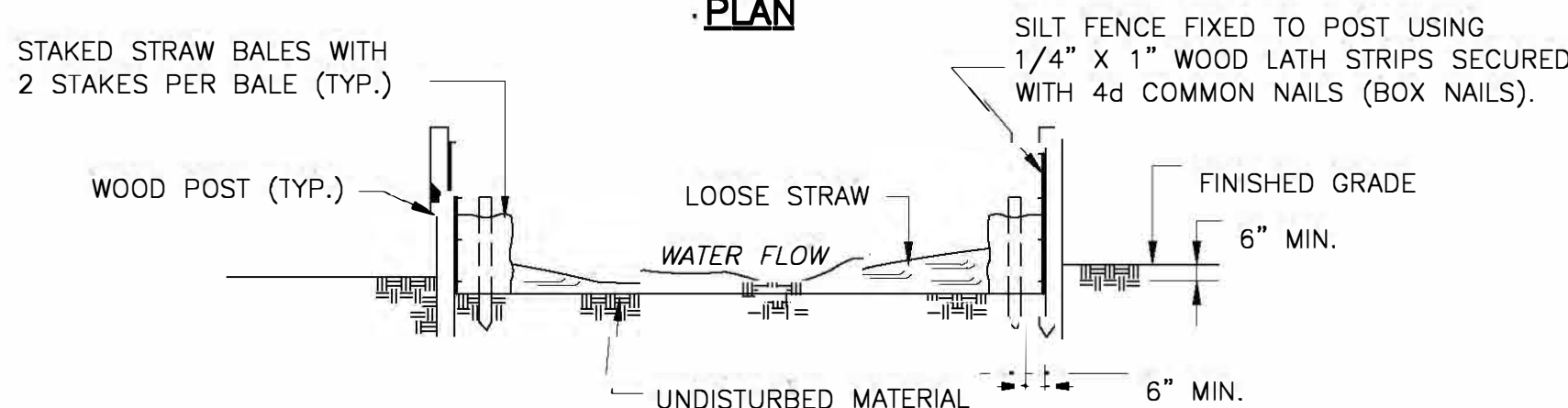


SECTION

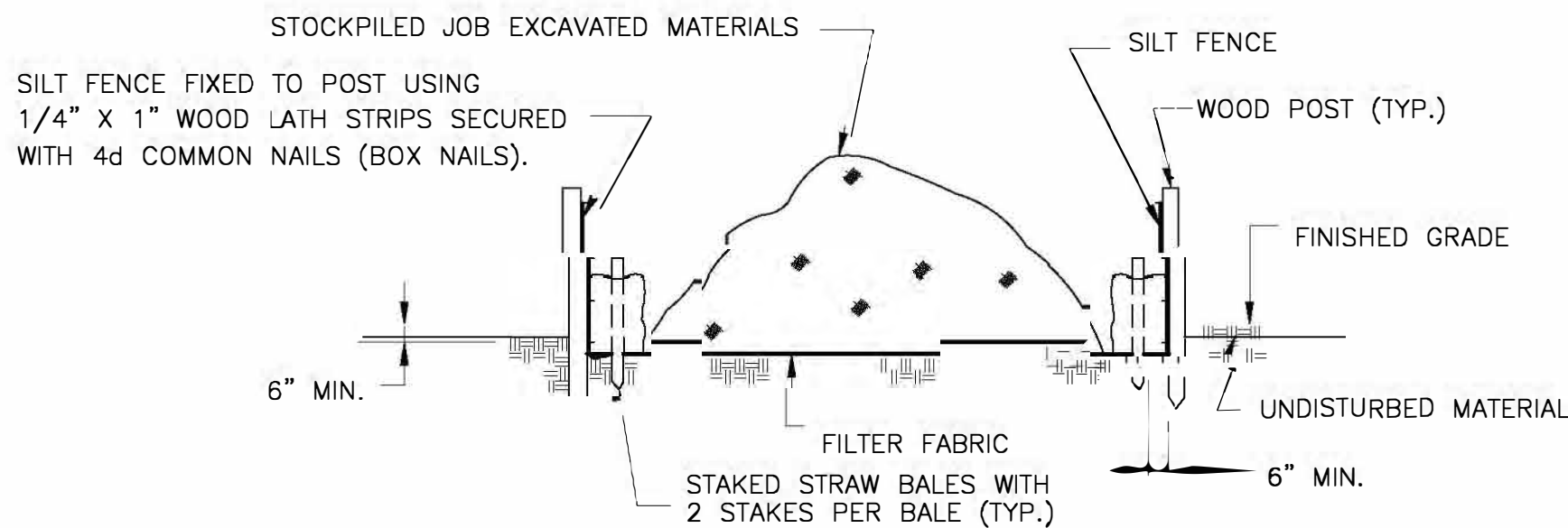
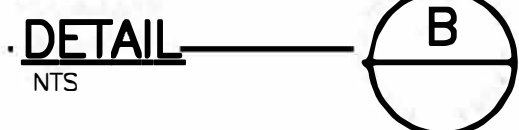
TEMPORARY SILT SOCK/SILTATION FENCE



PLAN

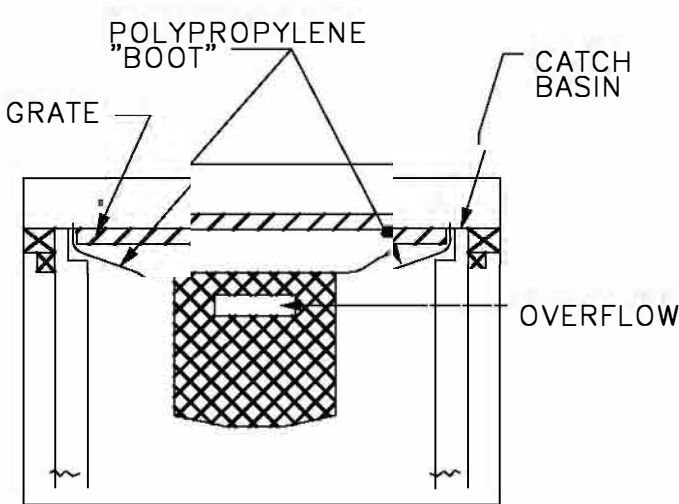
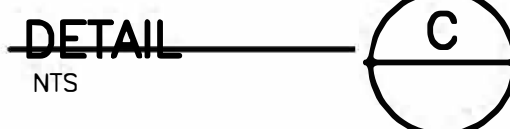


DEWATERING SEDIMENTATION BASIN

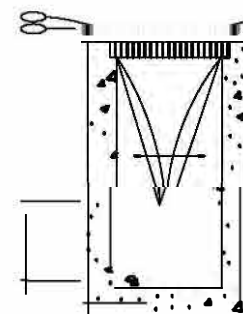


ELEVATION

STOCKPILED MATERIAL



TEMPORARY INLET  
SEDIMENT FILTER

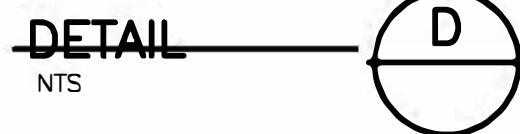


INSTALLATION

NOTE:

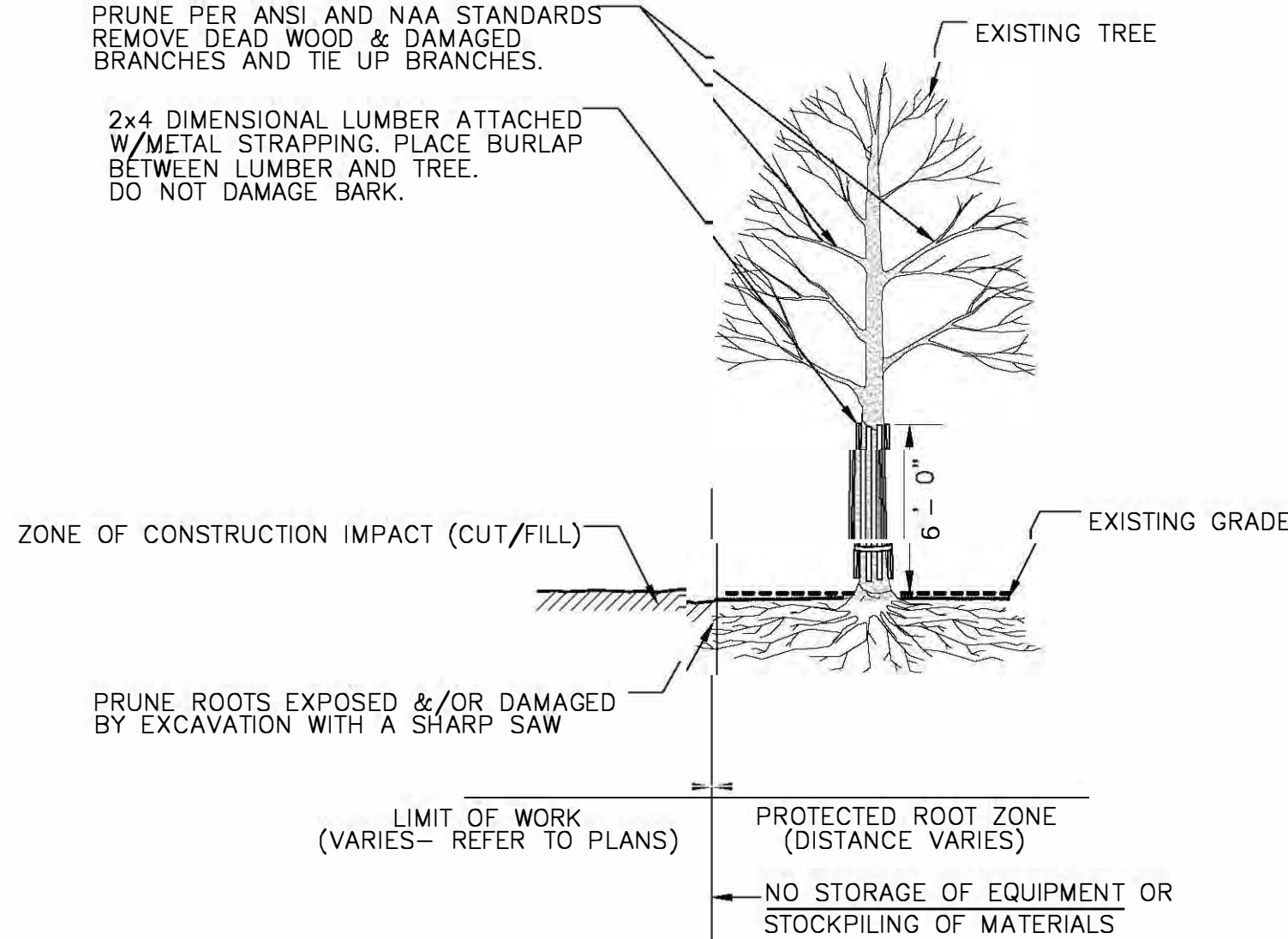
1. INSTALL INLET PROTECTION IN EXISTING CATCH BASIN, BEFORE COMMENCING WORK, AND IN NEW CATCH BASINS IMMEDIATELY AFTER INSTALLATION OF STRUCTURE. MAINTAIN UNTIL BINDER COURSE PAVING IS COMPLETE OR A PERMANENT STAND OF GRASS HAS BEEN ESTABLISHED.
2. GRATE TO BE PLACED OVER INLET PROTECTION.
3. INLET PROTECTION SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS AND CLEANING OR REPLACEMENT SHALL BE PERFORMED PROMPTLY AS NEEDED.

INLET PROTECTION FILTER BAG

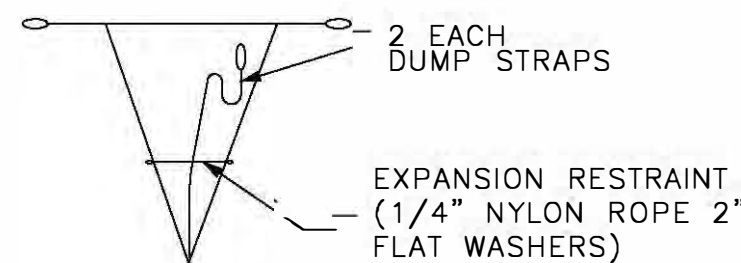
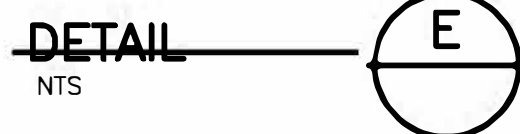


PRUNE PER ANSI AND NAA STANDARDS REMOVE DEAD WOOD & DAMAGED BRANCHES AND TIE UP BRANCHES.

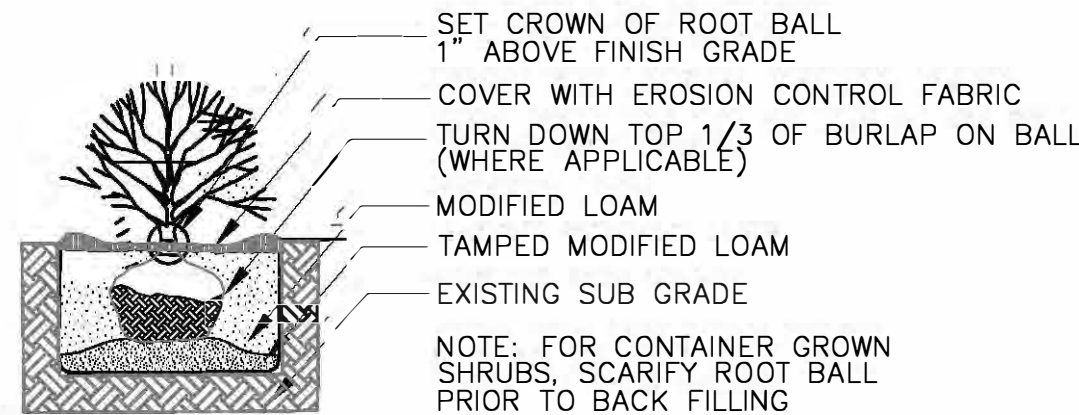
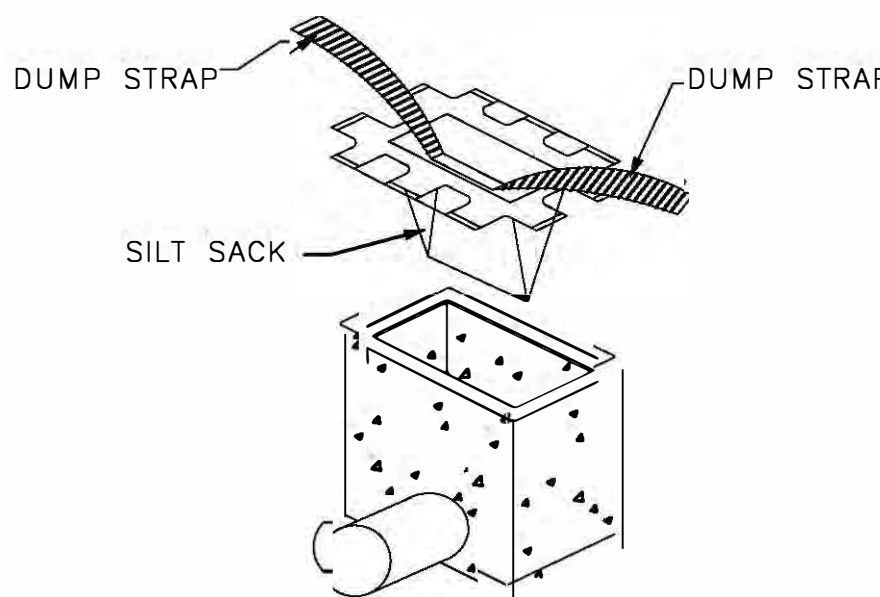
2x4 DIMENSIONAL LUMBER ATTACHED W/METAL STRAPPING. PLACE BURLAP BETWEEN LUMBER AND TREE. DO NOT DAMAGE BARK.



TREE PROTECTION DETAIL



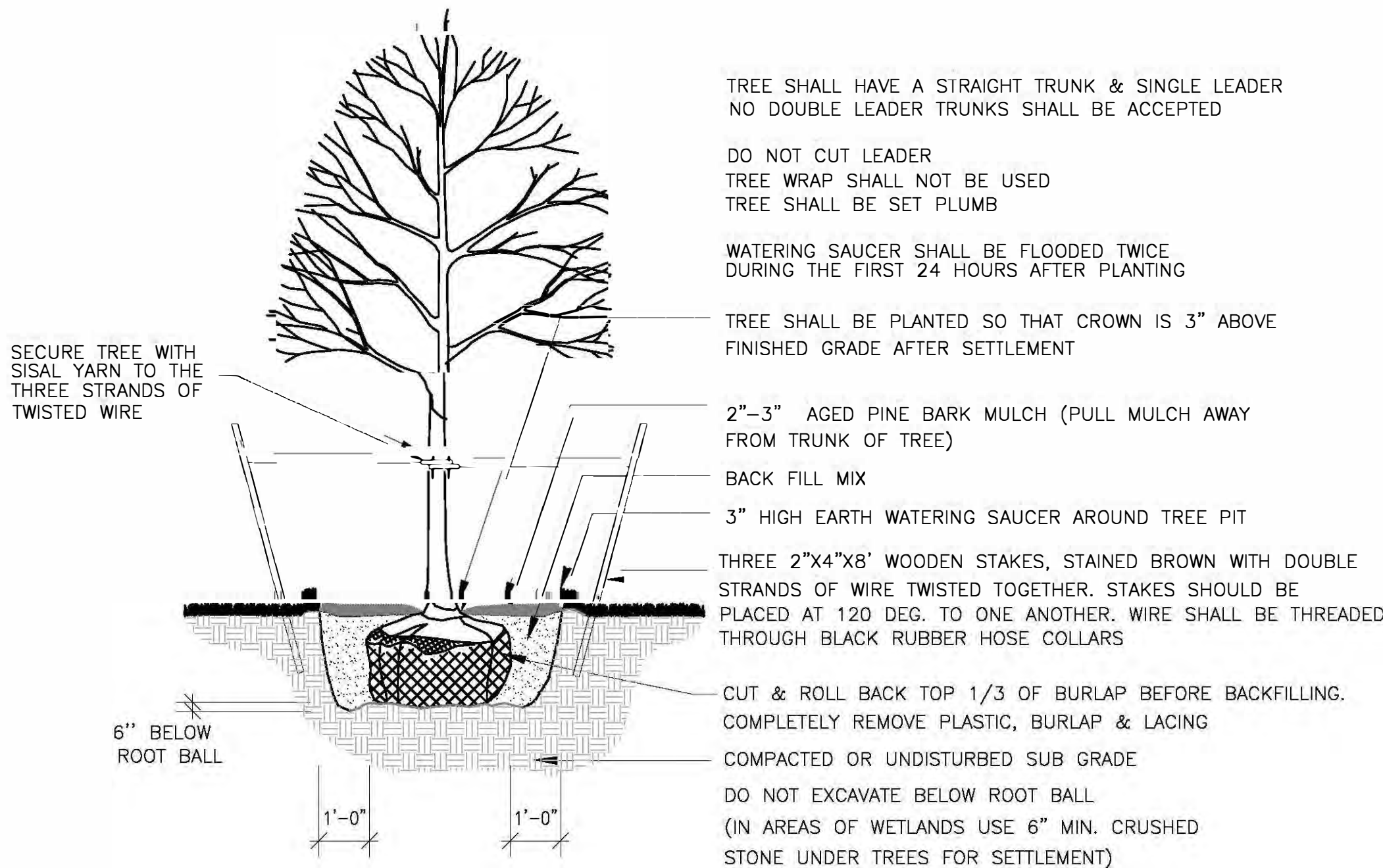
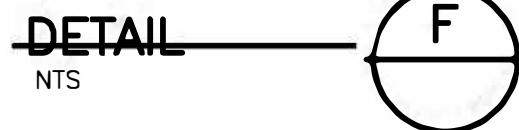
BAG



NOTES:

1. SHRUBS SHALL NOT BE PLANTED WITHIN 10' OF THE AUTHORITY'S MAINS OR APPURTENANCES AS MEASURED FROM MAIN STEM OF SHRUB TO EDGE OF MAIN OR APPURTENANCE.
2. COORDINATE LOCATIONS AND SPECIES FOR REPLACEMENT SHRUB WITH THE AUTHORITY.

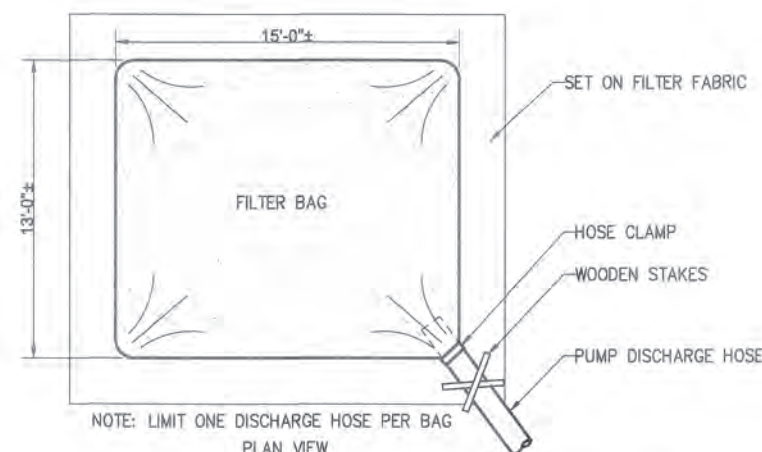
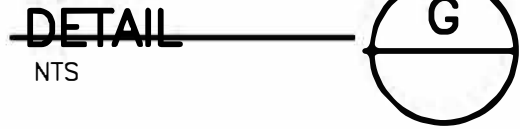
SHRUB PLANTING



NOTES:

1. TREES SHALL NOT BE PLANTED WITHIN 10' OF THE AUTHORITY'S MAINS OR APPURTENANCES AS MEASURED FROM C. OF TREE TO EDGE OF MAIN OR APPURTENANCE.
2. COORDINATE LOCATIONS AND SPECIES FOR REPLACEMENT TREE WITH THE AUTHORITY.

TREE PLANTING



- NOTES:
1. STRAW BALES SHALL BE PLACED AROUND FILTER BAGS FOR DEWATERING.
  2. HOSE CLAMPS/CONNECTORS SHALL BE SPECIFICALLY DESIGNED AND MANUFACTURED FOR USE WITH FILTER BAGS AND SHALL BE SCREENED ON TO THE END OF DISCHARGE HOSE. REFER TO SPECIFICATION SECTION 02276.

FILTER BAG



NO.	DATE	BY	CHK'D	REVISION

CONTRACT NO. 6539	CAD FILE NO. D-11
ACCESSION NO. :	SECTION NO. :
DATE: AUGUST, 2019	DESIGNED BY: CS
SCALE: AS SHOWN	DRAWN BY: VP
	CHECKED BY: CS/SS
	APPROVED BY: SS/PR



MASSACHUSETTS WATER RESOURCES AUTHORITY

PREPARED BY:



GREEN INTERNATIONAL AFFILIATES, INC.  
CIVIL & STRUCTURAL ENGINEERS  
239 LITTLETON ROAD, SUITE 3  
WESTFORD, MASSACHUSETTS

WESTON AQUEDUCT SUPPLY MAIN 3, CONTRACT 1  
REHABILITATION OF WATER MAINS  
MEDFORD, SOMERVILLE AND ARLINGTON

TREE PLANTING, PROTECTION AND EROSION  
AND SEDIMENTATION CONTROL DETAILS

DRAWING NO.

D-11

**From:** "Rivard, Mike" <Mike.Rivard@mwra.com>  
**To:** 'Emily Sullivan' <ESullivan@town.arlington.ma.us>  
**Cc:** "Card, Bethany" <Bethany.Card@mwra.com>, "White, Mary" <Mary.White@mwra.com>, "Lotz, Erica" <Erica.Lotz@stantec.com>  
**Date:** 12/13/2019 11:41 AM  
**Subject:** RE: [EXTERNAL] MWRA Contract No. 6544 Questions from Arlington Conservation Commission

---

Thank you for your comments. Responses in red below. I will plan on attending your December 19<sup>th</sup> meeting with a representative from Stantec our engineering consultant. Attached are the drawings included with our letter.

Response from:  
Mike Rivard, Program Manager  
MWRA Engineering & Construction  
2 Griffin Way  
Chelsea, MA 02150  
(617) 570-5427

The Arlington Conservation Commission reviewed the letter regarding MWRA Contract No. 6544 (dated 11/13/2019) at its 12/5/2019 meeting. The Commission had the following questions/comments:

1. Is the proposed disturbance limited to the two identified access pits? We anticipate only the two locations for work including adjoining area for excavation equipment and laydown area.
2. How will trees and vegetation be impact by the proposed work? The Commission requests that a fence is placed around the dripline of any trees in the lay down area. No trees or vegetation other than grass will be disturbed. Protective fence can be required.
3. Is there an identified parking location or equipment storage location for the work? The Commission requests that any stockpiled soil should be covered with a tarp if stored for more than 30 days. MWRA prefers that soil be removed from the site. In the event on-site soil storage is necessary, a tarp cover can be required for soil stockpiles more than 30 days. Laydown area shown on the plan is to provide for stockpile of material, equipment and parking, as needed. No stockpiling will be allowed in the 100-foot buffer zone.
4. Where will dewatering occur? Dewatering may be required at the access pits. Contractor would pump to filter bag setup nearby. As the Contract is not yet awarded, we are not 100% sure where the filter bag would be placed. Areas around the worksite are fairly flat and specification requires Contractor to discharge to filter bag in upland area. This can be determined with a field visit after award of the contract, if needed.
5. Who will be Resident Engineer onsite during the work and will he/she be onsite for the entire project duration? The Commission requests that all reports from the Resident Engineer be shared with the Commission. A resident has not been identified at this time, but once assigned they will be on-site for the project duration. Since there are multiple sites in the overall contract the resident engineer will be mobile with a field office location to be provided by the Contractor. Monthly reports can be shared with the Con Com.
6. The Commission requests that all project specifications be sent to the Commission when the project is put out to bid. OK
7. The Commission requests that the plan set included in the 11/13/2019 letter be shared electronically. OK

Would it be possible for a MWRA representative to attend the Commission's 12/19/2019 meeting at 7:45pm to discuss the project in more detail? Yes, I will attend as well as a representative from Stantec our engineering consultant.

**Attachments:**

File: [ArlingtonConComAttach2red.pdf](#) Size: 3350k Content Type: application/pdf