



February 15, 2021

By email

Christian Klein, Chair
Zoning Board of Appeals
Town of Arlington

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Dear Christian:

Thank you for your invitation to comment on the prospective conservation of a portion of the Mugar parcel.

Arlington Land Trust (ALT) stands with the Select Board of the Town of Arlington in firm opposition to the proposed 40B development scheme. To build within the floodplain and impinge on functioning wetlands is dangerous folly. To do so in ignorance of the effects of climate change is unconscionable. We concur with the Select Board in its 2015 comments that this project should never have been granted site approval by MassHousing “given the very real and demonstrated threats to public health and safety posed by the proposed project”.¹ We continue to advocate for the permanent protection of the entire floodplain.

We recognize, however, that under Chapter 40B the Zoning Board of Appeals bears the responsibility of determining under what conditions a comprehensive permit may be issued. The developer has proposed that approximately 12 acres of the 17-acre site be permanently conserved. You have asked for our comment on how best to accomplish that prospect.

Permanent protection of land can be accomplished through various mechanisms ranging from imposition of a Conservation Restriction (in which case a Mugar entity would continue to own the land); transfer of the fee interest to a non-governmental conservation entity such as ALT or Mass Audubon; or transfer to a governmental agency. Often a combination of the above may be employed, for example by having the fee held by an NGO or government agency, and having another NGO or different level of government hold a Conservation Restriction on the

¹ Arlington Board of Selectmen to MassHousing, August 18, 2015

parcel, to provide a second layer of protection and engagement in the future management of the resource.

If feasible, we suggest that in this case the most appropriate mechanism is transfer of the fee to the state, specifically to the Department of Conservation and Recreation (DCR). DCR has a long history of interest in the site. Its predecessor agency the Metropolitan District Commission (MDC) conducted an in-depth study to identify and prioritize parcels for a long-term acquisition program². Of 205 parcels identified throughout the 37-municipality service area, the Mugar parcel was 12th highest-ranked for protection. To date it is one of only two parcels among the highest-ranked sites that have yet to be permanently protected.

Ownership by DCR would align its protected status with the other parcels owned by DCR in the immediate area, including the Alewife Brook Reservation, the “cattail marsh” area to the east of Thorndike Field, and the Minuteman Bikeway. As noted by the developer’s engineer, “there is a tenable green-way connection to the bike path that leads north to Spy Pond, a Natural Heritage & Endangered Species Program BioMap2 Core Habitat and Priority Habitat polygon (PH 1421) and to the Alewife Brook Reservation, which connects to the Mystic River to the north”.³ The parcel was highlighted in the state’s Alewife Reservation and Brook Master Plan of 2002 as a target for hydrological and pedestrian connectivity.⁴

The optimal use of this site would include tapping its potential for wetlands restoration and flood storage capacity, providing improved flood control as well as the ecological benefit of additional wetland areas and increased public health and safety for the East Arlington neighborhood and broader Alewife area. We believe that such significant undertakings are best accomplished with state involvement, which also increases the possible range of funding sources for both planning and execution.

If a transfer of the fee interest to DCR is not feasible, ALT stands ready to participate in an alternate conservation arrangement.

In all events, the condition of the site must be addressed. As noted by the Town's peer reviewer, the site “has been a location for the dumping of earthen fill and assorted debris throughout the years”.⁵ “A history of disturbance is apparent throughout much of the site with remanent (sic) piles of asphalt, piles of earthen material, and an abundance of construction stone and debris” and there are “potential health hazards that exist from old

² MDC Land Acquisition Program, Julia O’Brien et al, late 1990s

³ BSC Group report to Arlington Land Realty on Wildlife Habitat and Vegetation, November 2020

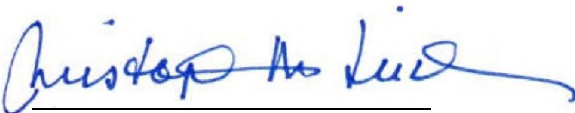
⁴ Alewife Reservation/Alewife Brook Master Plan: Part 1 Inventory; Part 2 Opportunities and Options, 2002

⁵ BETA Group memo to Town of Arlington, August 5, 2020

construction material”.⁶ An inspection of the site should be conducted in accordance with state 21E regulations to identify and appropriately remove or remediate these materials, restoring as far as practicable the land to a naturally vegetated state. The presence of a homeless encampment on the site has also resulted in the property being littered with human waste and other hazardous materials, which must be cleaned up. These issues must be remedied by the owner independently of any development proposals, and certainly before any conservation arrangements are put in place.

Thank you for your efforts to optimize the potential of this site for conservation. We look forward to participating and assisting in any way that is helpful to the Board and the Town.

Very truly yours,
Arlington Land Trust, Inc.

By: 

Christopher M. Leich
President

cc: Adam Chapdelaine
Jenny Raitt
Susan Chapnick
Emily Sullivan
Doug Heim
Sen. Cindy Friedman
Rep. Dave Rogers
Rep. Sean Garballey

⁶ BETA Group memo to Town of Arlington, November 20, 2020