

Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Municipality

A. General Information

Important:

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



1. Applicant:

Eliza

First Name

Hatch

Last Name

36 Peabody Road

Address

Arlington

City/Town

MA

State

02476

Zip Code

978-852-0672

Phone Number

eliza.hatch@gmail.com

Email Address

2. Property Owner (if different from Applicant):

First Name

Last Name

Address

City/Town

State

Zip Code

Phone Number

Email Address (if known)

3. Representative (if any)

First Name

Last Name

Company Name

Address

City/Town

State

Zip Code

Phone Number

Email Address (if known)

B. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

36 Peabody Road

Street Address

Arlington

City/Town

42.41111

Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)

-71.15600

Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)

121

Assessors' Map Number

121-2-10

Assessors' Lot/Parcel Number

b. Area Description (use additional paper, if necessary):

Backyard of 36 Peabody Road

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Title

Date

Title

Date

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



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B. Project Description (cont.)

2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

See Appendix A.

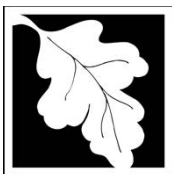
- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

See Appendix B.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary).
-



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Municipality _____

C. Determinations

1. I request the Conservation Commission make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.
- ☐ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.
- ☐ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).
- _____

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date

Appendix A

We plan to repair one wall that is failing due to improper installation. We are adding additional retaining wall to address ongoing erosion and to create a more stable planting area because the things we planted in that area did not survive. We are relocating one staircase to accommodate an upcoming planned addition to our house. We will be adding a total of thirty-four (34) square feet of hardscape (see attached plans for details). As part of the work on the house we plan to remove brick pavers, though this is slightly outside of the resource area.

In order to do this, we plan to install erosion controls at the base of the steepest part of the hill, as we are trying to reduce overall erosion on our property. We plan to remove one 14" Sycamore Maple and one 12" Norway Maple which shows signs of the trunk failing at the base of the tree. We plan to replace them with four native trees per the replacement requirements. We also will be moving one native tree that we installed in 2020 just inside the 100' buffer zone and replanting it in a slightly different location just outside of the 100' buffer zone. Lastly, we plan to install approximately ten new native shrubs once work on the walls and staircase is complete. It is our hope that these shrubs and replacement trees will help to stabilize this last section of hillside.

Appendix B

This project qualifies for Conservation Agent Administrative Review under the Arlington Regulations for Wetlands Protection Section 8.

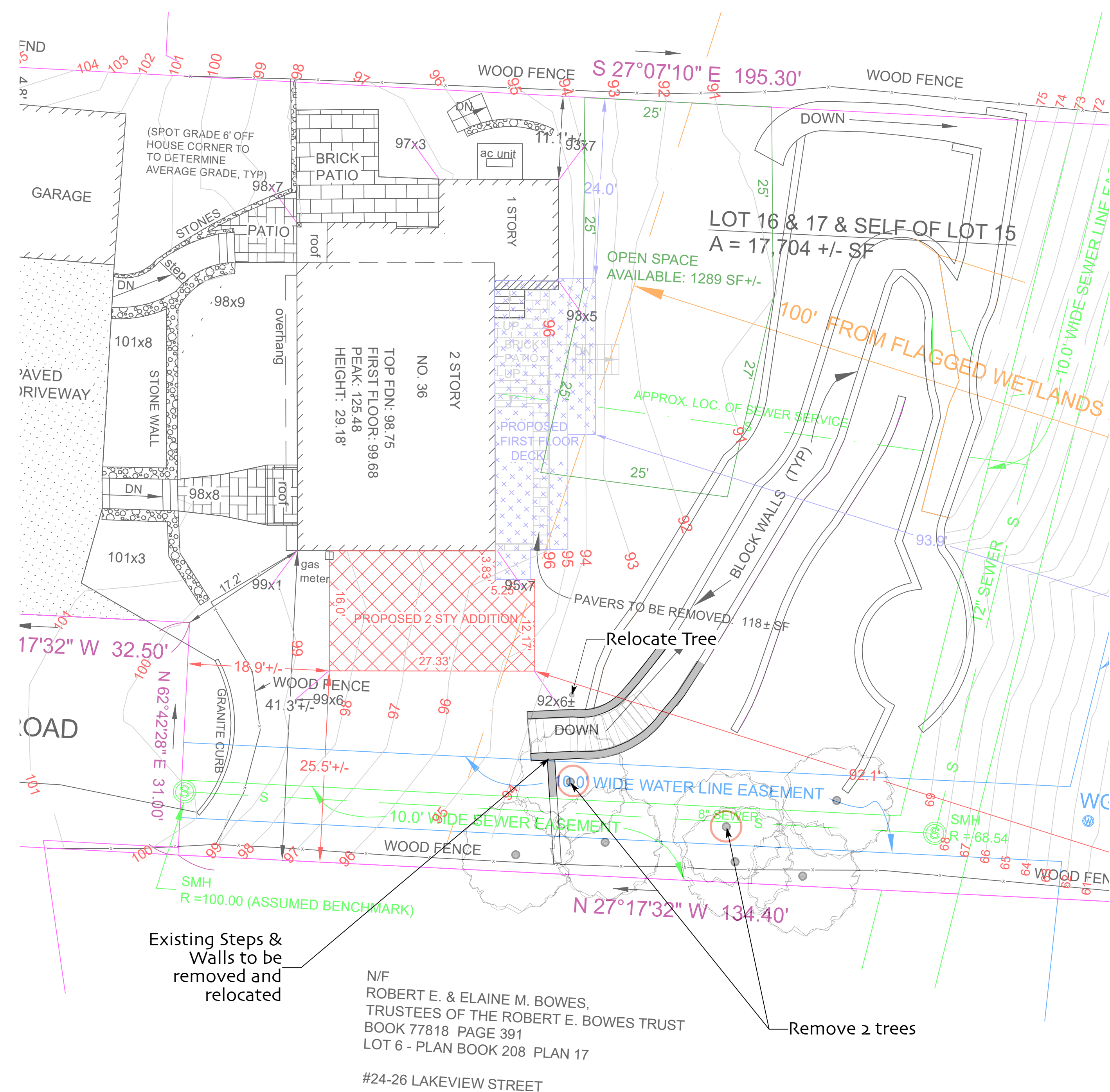
Section 8(B) states that the Applicant may apply for Administrative Review if the project meets the criteria of Sections 8(C) and 8(D).

Section 8(C):

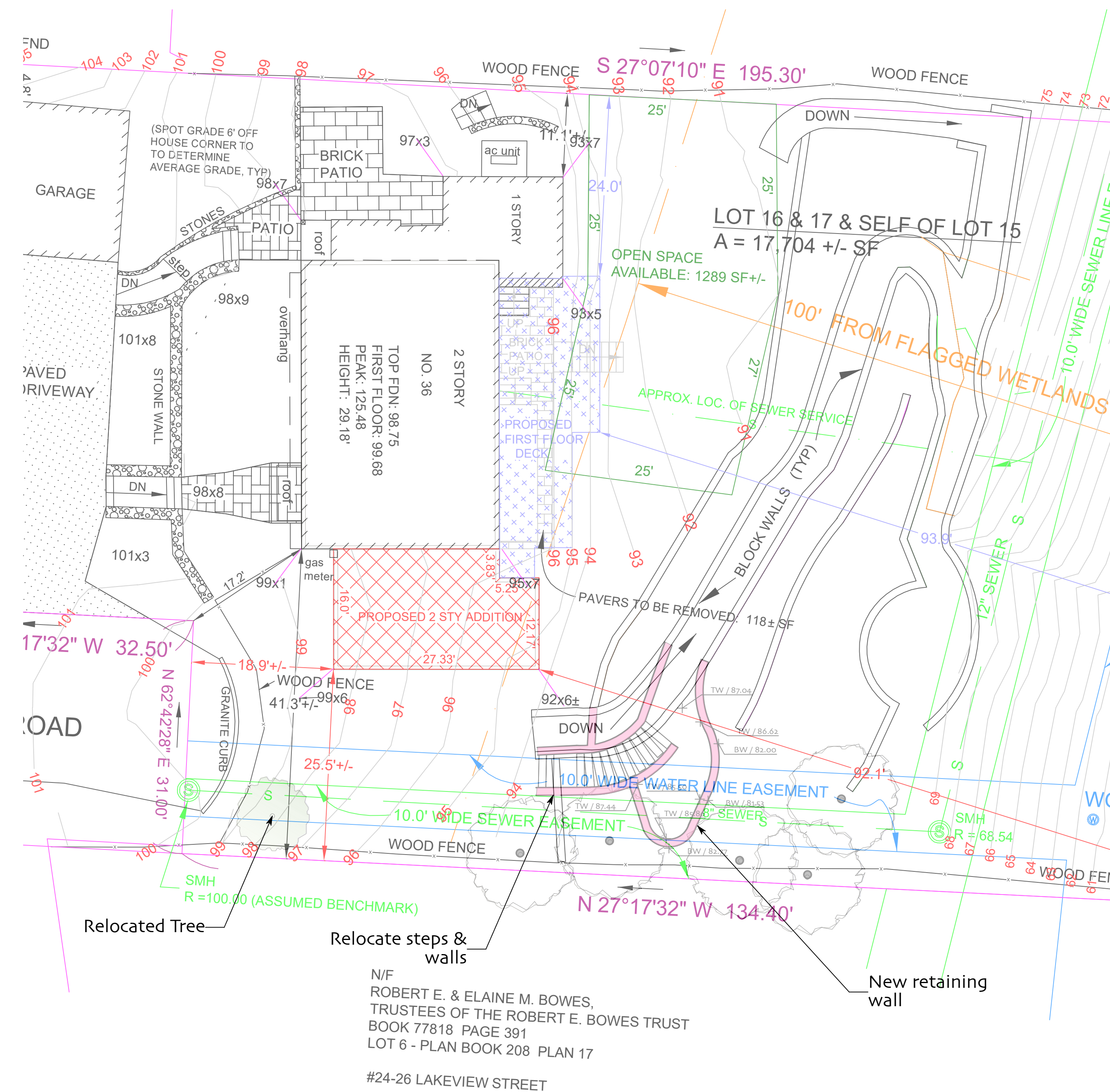
- (1) The work is proposed only in the Adjacent Upper Resource Area (AURA).
- (2) The work is going to be significantly less than 5,000 square feet.
- (3) The work will not be in the first 25 feet of the AURA, with the exception of our plan to install appropriate erosion controls.
- (4) We do not plan to remove non-invasive vegetation. We plan to remove two trees but plan to replace them with four additional and more appropriate trees from the native plant list.
- (5) The work will not adversely impact climate change resilience functions. In fact, we hope that by stabilizing the steepest part of our hillside more we will be able to replant several native shrubs that did not survive the drought a few years ago as well as prevent further erosion into Spy Pond.

Section 8(D):

- (2) Installation of a short stretch of new stone wall; repair of existing wall/staircase, and a slight relocation of a staircase. The sides of the staircase, especially the freestanding one, will likely need mortar in order to withstand the pressure of the steep slope, but the remaining walls will be freestanding.
- (4) We plan to install approximately ten additional native shrubs once the walls are repaired/installed.



EXISTING CONDITIONS/DEMOLITION
54 SF Walls to be removed



PROPOSED PLAN

88 SF Walls to be added

88-54= 34 SF Total Additional Hardscape



Eliza Hatch & Ian Jessen
36 Peabody Rd
Arlington, MA

Site Modifications for Proposed Addition

Abutter Notification

Notification to Abutters Under the Massachusetts Wetlands Protection Act And Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a virtual public meeting using Zoom, on Thursday, March 21, 2024, at 7:00pm in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended), the Town of Arlington Bylaws Article 8, Bylaw for Wetland Protection, and 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, for a Request for Determination of Applicability from Eliza Hatch and Ian Jessen, for repairing walls, adjusting placement of staircase, moving/replacing trees at 36 Peabody Road, Arlington, MA 02476, within 100 feet of a wetland, on Assessor's Property Map/s #121, Lot/s #121-2-10. Please refer to the Commission's online meeting agenda for specific Zoom meeting access information.

A copy of the application and accompanying plans are available by request by contacting the Arlington Conservation at 781-316-3012 or mmuszynski@town.arlington.ma.us. For more information call the applicant at 978-852-0672 or the Arlington Conservation Commission at 781-316-3229, or the DEP Northeast Regional Office at 978-694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) business days in advance in The Arlington Advocate and will also be posted at least 48 hours in advance in the Arlington Town Hall.

The meeting information for your hearing is:

Date: 3/21/24

Time: 7:00

**CERTIFIED ABUTTERS LIST**

Date: January 19, 2023

Subject Property Address: 36 PEABODY RD Arlington, MA

Subject Property ID: 121-2-10

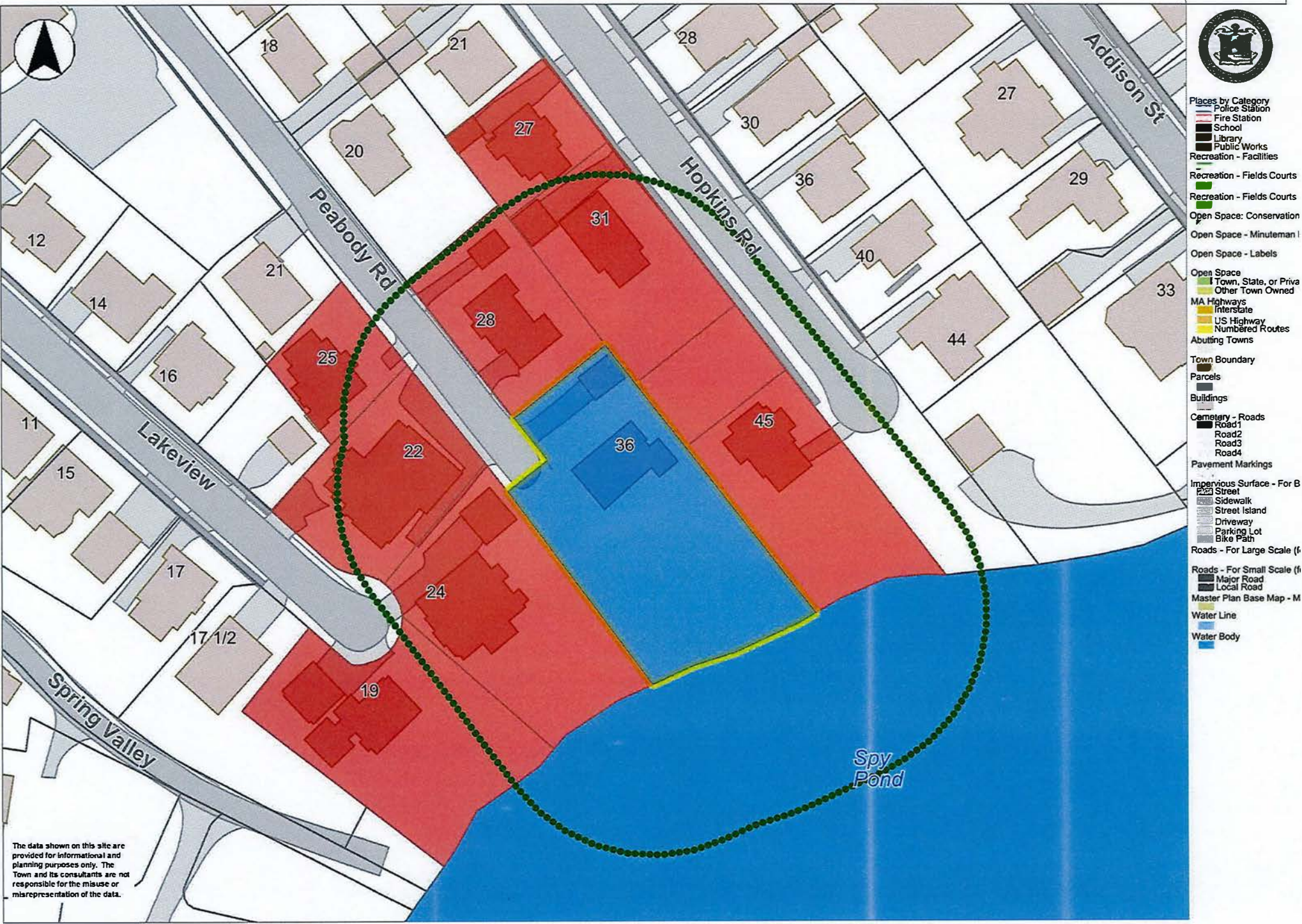
Search Distance: 100 Feet - Conservation

Parcel ID:	Property Location	Owner 1	Owner 2	MAILING ADDRESS			
				Mailing Address 1	Town	State	Zip
121-1-6	25 PEABODY RD	WADSWORTH MARY DEIRDRE		25 PEABODY RD	ARLINGTON	MA	02476
121-1-7	22 LAKEVIEW	22 LAKEVIEW LLC		31 PHILEMON STREET	ARLINGTON	MA	02474
121-1-8	26 LAKEVIEW	BOWES ROBERT E & ELAINE M/ TRS	ROBERT E BOWES TRUST	26 LAKEVIEW	ARLINGTON	MA	02476
121-2-5	27 HOPKINS RD	CONN KATHARINE	MANQUIN BRENDAN	27 HOPKINS RD	ARLINGTON	MA	02476
121-2-7	31 HOPKINS RD	AUMULLER CHRISTIAN		PO BOX 292	ARLINGTON	MA	02476
121-2-8	0-LOT HOPKINS RD	CAP GMBH		PO BOX 292	ARLINGTON	MA	02476
121-2-9	45 HOPKINS RD	CAP GMBH		PO BOX 292	ARLINGTON	MA	02476
121-2-10	36 PEABODY RD	JESSEN IAN	HATCH ELIZA	36 PEABODY RD	ARLINGTON	MA	02476
121-2-11	28 PEABODY RD	BLAIR COLIN C & SUSANNE S /TRS	COLIN & SUSANNE BLAIR TRUST	28 PEABODY RD	ARLINGTON	MA	02476
122-5-16.B	19 LAKEVIEW	BARBERA MARIANNE		19 LAKEVIEW	ARLINGTON	MA	02476

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters to a single parcel within 100 feet.

Town of Arlington
Office of the Board of Assessors
730 Massachusetts Ave
Arlington, MA 02476
P: 781.316.3050
E: assessors@town.arlington.ma.us





- Places by Category**
- Police Station
 - Fire Station
 - School
 - Library
 - Public Works
 - Recreation - Facilities
- Recreation - Fields Courts**
- Recreation - Fields Courts
- Open Space: Conservation**
- Open Space - Minuteman I
 - Open Space - Labels
- Open Space**
- Town, State, or Private
 - Other Town Owned
- MA Highways**
- Interstate
 - US Highway
 - Numbered Routes
 - Abutting Towns
- Town Boundary**
- Parcels
 - Buildings
- Cemetery - Roads**
- Road1
 - Road2
 - Road3
 - Road4
- Pavement Markings**
- Impervious Surface - For B
 - Street
 - Sidewalk
 - Street Island
 - Driveway
 - Parking Lot
 - Bike Path
- Roads - For Large Scale (ft)**
- Roads - For Small Scale (ft)
 - Major Road
 - Local Road
- Master Plan Base Map - M**
- Water Line
 - Water Body

0 100 200 ft

Printed on 01/19/2024 at 08:45 AM

Affidavit of Service

(Please return to Conservation Commission)

I, Eliza Hatch , being duly sworn, do hereby state as follows: on March 5, 2024, I mailed a "Notification to Abutters" in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

Repairing walls, adjusting placement of staircase, moving/replacing trees at 36 Peabody Road, Arlington, MA 02476.

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this 5th day of March.



Name

Bylaw Filing Fees and Transmittal Form

Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
\$150		(R1) RDA- \$150 local fee, no state fee
		(N1) Minor Project - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		(N2) Single Family Dwelling - \$600
		(N3) Multiple Dwelling Structures - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		(N4) Commercial, Industrial, and Institutional Projects - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		(N5) Subdivisions - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		(N6) Other Fees - copies, printouts; per public records law
		(N7) Minor Project Change - \$50
		(N8) Work on Docks, Piers, Revetments, Dikes, etc - \$4 per linear foot
		(N9) Resource Boundary Delineation (ANRAD) - \$1 per linear foot
		(N10) Certificate of Compliance (COC or PCOC) - No charge if before expiration of Order, \$200 if after that date.
		(N11) Amendments - \$300 or 50% of original local filing fee, whichever is less.
		(N12) Extensions -
		a. Single family dwelling or minor project - \$100.
		b. Other - \$150.
		(N13) Consultant Fee -per estimate from consultant
\$150	TOTAL	

Note: Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

Legal Notice Charge Authorization

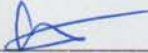
DATE: March 5, 2024

TO: legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to be published in the Arlington Advocate newspaper on _____ for a public hearing with the Arlington Conservation Commission to review a project at the following location:

36 Peabody Road, Arlington

Thank you.

Signed: 

Send bill to:

ELIZA WATZ (Address)

36 PEABODY RD

ARLINGTON MA 02476

978-852-0672 (Phone)