



Arlington Zoning Board of Appeals

Date: Tuesday, December 22, 2020
Time: 7:30 PM
Location: Conducted by remote participation
Additional Details:

Agenda Items

Administrative Items

1. Remote Participation Details

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the Arlington Zoning Board of Appeals meetings shall be physically closed to the public to avoid group congregation until further notice. The meeting shall instead be held virtually using Zoom.

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

The Legal Department is inviting you to a scheduled Zoom meeting.
Topic: Zoning Board of Appeals, Meeting/Hearing
Time: December 22, 2020, 7:30 PM Eastern Time (US and Canada)

You are invited to a Zoom meeting.
When: Dec 22, 2020 07:30 PM Eastern Time (US and Canada)
Register in advance for this meeting:
<https://town-arlington-ma-us.zoom.us/j/91461766698>
After registering, you will receive a confirmation email containing information about joining the meeting.

Join Zoom Meeting:
<https://town-arlington-ma-us.zoom.us/j/91461766698>
Meeting ID: 914 6176 6698

Find your local number: <https://town-arlington-ma-us.zoom.us/j/91461766698>

Dial by Location: 1-646-876-9923 US (New York)

2. **Members Vote: Approval of Meeting Minutes from December 8, 2020**
3. **Members Vote: Decision for 50-52 Newcomb Street**

Comprehensive Permits

4. **Thorndike Place - Continued Hearing on Wetland and Floodplain Impacts**
Accepted Documents
5. **Thorndike Place - Correspondence Received**
Previous Correspondence Received

Meeting Adjourn



Town of Arlington, Massachusetts

Remote Participation Details

Summary:

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Town of Arlington, Massachusetts

Thorndike Place - Continued Hearing on Wetland and Floodplain Impacts

Summary:

Accepted Documents



Town of Arlington, Massachusetts

Thorndike Place - Correspondence Received

Summary:

Previous Correspondence Received

ATTACHMENTS:

| Type | File Name | Description |
|--------------------|--|---|
| Reference Material | SMOLAK___VAUGHAN_LL.P.pdf | SMOLAK & VAUGHAN LLP |
| Reference Material | ACC_Comments_at_ZBA_Hearing_Thorndike_Place_08DEC2020_Chapnick.pdf | ACC Comments 12-8-20 |
| Reference Material | ACC_Comment_Letter_12-18-20.pdf | ACC_Comment Letter 12-18-20 |
| Reference Material | A_Reese.pdf | A Reese |
| Reference Material | D_Finn.pdf | D Finn |
| Reference Material | Dana.pdf | Dana |
| Reference Material | E_Suarez.pdf | E Suarez |
| Reference Material | G_McCormick.pdf | G McCormick |
| Reference Material | Julia_Twarog.pdf | Julia Twarog |
| Reference Material | L_Saylor.pdf | L Saylor |
| Reference Material | M_Kornhaber.pdf | M Kornhaber |
| Reference Material | A_Ellinger_.pdf | A Ellinger |
| Reference Material | ZBA_reqest_for_more_info_12-21-20.pdf | ZBA request for more info 12-21-20 |
| Reference Material | Subject_Urgent__please_oppose_the_Mugar_wetlands_development.pdf | John Sanbonmatsu, Ph.D. Letter 12/22/20 |

December 9, 2020

Via Email

Christian Klein, Chair
Arlington Zoning Board of Appeals
51 Grove Street
Arlington, MA 02476

**RE: ZBA Docket #3515
Thorndike Place, Arlington, MA**

Dear Chairman Klein and Members of the Board,

On behalf of the Applicant, we wish to thank the Board for a thoughtful and focused hearing last evening to discuss matters related to wetlands and floodplain regarding the Thorndike Place 40B project. I am writing today to clarify that certain actions that have been requested or suggested to be undertaken by the BETA Group would exceed the peer review function as set out in the 40B regulations and, as such, are not expenses for which the Applicant is responsible as part of its payment of peer review fees.

Per 760 CMR 56.05(5), when the Board determines that in order to review a comprehensive permit application, it would require technical advice on areas such as civil engineering, transportation, environmental resources and design review, it may employ outside consultants and request the Applicant to provide peer review funds. The 40B regulations impose parameters regarding the allowable uses of peer review funds. Section 56.05(a) generally states that the Board shall not impose “unreasonable or unnecessary time or cost burdens on the Applicant” and that “[l]egal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant. The regulations, thereafter, more specifically require that:

- (b) A review fee may be imposed only if:
1. the work of the consultant consists of review of studies prepared on behalf of the Applicant, and not of independent studies on behalf of the Board;
 2. the work is in connection with the Applicant’s specific Project;
 3. all written results and reports are made part of the record before the Board,
 4. a review fee may only be imposed in compliance with applicable law and the Board’s rules.

760 CMR 56.05(5)(b) (emphasis added).

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During last night's hearing, John Hession presented the BSC Group's wetlands delineation and detailed how the BSC Group's wetlands scientists concluded that a small area formerly designated as Isolated Vegetated Wetland (IVW) (which is jurisdictional only under the local wetlands bylaw) did not presently qualify as isolated wetland. The BETA Group's Site Peer Review Report #3, dated November 20, 2020, likewise stated that the BSC Group evaluation was accurate.¹

Following discussion and comments presented to the Board by the Conservation Commission's Chair, Ms. Chapnick, the Board requested that BETA Group obtain additional soil samples from the area of the former isolated wetland. Should the Board seek to task the BETA Group to conduct such sampling, we respectfully remind the Board that such work is beyond the role of peer review, as it does not involve review of studies prepared by the Applicant, but instead is an independent study. Per 760 CMR 56.05(5)(b), such work is not review of a study and therefore the Applicant cannot be requested to fund such work.

On a similar vein, with reference to the written comments submitted by the Conservation Commission to the Board, the Commission recommended certain actions be undertaken by the BETA Group which likewise exceed the function of peer review. Specifically, with respect to the floodplain and compensatory storage, the Commission recommended that the BETA Group: "evaluate the efficiency of the proposed compensatory flood storage location(s) to act as flood mitigation in the future, taking into consideration potential climate change impacts..." and that the BETA Group "consider climate change impacts, in concert with BSC and in consideration of data available for Arlington in the Massachusetts Coastal Flood Risk Model... and information generated by Cambridge's Climate Change Vulnerability Assessment to propose even more robust mitigation..." See Conservation Commission letter, dated November 20, 2020, p.3 (Action Items 3 and 5). Further, with respect to the Commission's written comments on stormwater management, the Commission recommended that BETA Group "consider climate change flooding impacts using NOAA+ and NOAA++ precipitation rates to be resilient/protective for future extreme storms..." See Conservation Commission letter, dated November 20, 2020, p.5 (Action Item 4). Similar to the request for the BETA Group to undertake independent soil samples, the above-referenced action items suggested by the Commission to be undertaken by the BETA Group are beyond the role of peer review.

¹ The BETA Group's Site Peer Review #2 Report, dated November 2, 2020 states in pertinent part: "[d]uring the site visit BETA confirmed the wetland boundaries were field delineated in accordance with the definition and methods approved in the MA DEP Delineating Bordering Vegetated Wetlands Handbook (March 1995). BETA found BSC's evaluation of the previously delineated isolated wetlands, presented on the 2006 ANRAD Plan as Wetlands F, G, H and I, to be accurate in that the areas did not demonstrate a predominance of wetland vegetation or other indicators of hydrology." BETA Site Peer Review #2, p. 6 of 8. BETA Group's wetlands scientist made reference during her presentation last evening as to standing water possibly in the area of the former isolated wetland, but the BETA report does not indicate that a BETA consultant had first hand knowledge of the existence or characteristic of such standing water.

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Should the Board desire to engage the BETA Group to perform independent investigations with respect to the area formerly shown as IVW and/or to undertake the above actions suggested by the Conservation Commission, such services would be at the expense of the Town and are not peer review costs for which the Applicant is responsible. To ensure that record keeping is appropriately maintained, I would respectfully reiterate the Applicant's request for copies of all contracts entered into with the BETA Group as well as detailed invoices for all work performed to date as well as the future.

The Applicant looks forward to continuing the public hearing process with the Board. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

/s/ Stephanie A. Kiefer

Stephanie A. Kiefer

cc: Marta Nover, BETA Group
Paul Haverty, Esq.
Jenny Raitt, Director of Planning and Community Development

Comments Summarized from the Arlington Conservation Commission

as given by Susan Chapnick, Chair

ZBA Hearing Dec. 8, 2020

Thank you, Chairman Klein, for the opportunity to summarize the Arlington Conservation Commission's comments from our fourth set of written comments on the Thorndike Place submittals – by letter dated Nov. 20, 2020 and from the Working Session held at the Conservation Commission's public meeting of Dec 3rd, where BSC Group and BETA Group (Town's peer review consultant) discussed the supplemental materials presented by the Applicant in November (as presented tonight).

The purpose of the Working Session was informational and to define next steps.

The ACC is pleased that the supplemental materials were responsive to many of our prior comments, however an important requirement of the ACC's wetland regulation to protect the ability of the 100-year floodplain to hold flood waters has not been fully addressed, as was discussed and will be summarized tonight.

In addition to those issues specifically discussed at the Working Session, I want to stress that the ACC's prior comments concerning the value of the wetland resources, vegetation replacement, floodplain, and stormwater impacts are still valid. I will summarize issues discussed at the Working Session as well as some others and recommend next steps.

Issue #1. Wetlands Delineation

ACC understands that BETA Group has performed a review of BSC's wetland boundary delineations and has agreed with the updated delineation. However, the Conservation Commission does not yet agree with the conclusion of BSC and BETA that the 2 Isolated Vegetated Wetlands no longer exist on the site. BETA's review does not appear to be based on any examination of the soils at the site. The Commission agrees with the Town Engineer's observation that the potential for the existence of the 2 isolated wetlands has not been adequately evaluated.

Recommendation:

- ***Perform soil investigation to evaluate the potential for Isolated Vegetated Wetlands in the northeast disturbed portion of the site, consistent with 310 CMR 10:55(2)(c)3 and Arlington Wetland Regs Section 21.B.(3)(c).*** BETA concurred at our Working Session.

These regulations say that "Where an area has been disturbed (e.g., by cutting, filling, or cultivation), the boundary is the line within which there are indicators of saturated or inundated conditions sufficient to support a predominance of wetland indicator plants, or credible evidence from a competent source that the area supported, or would support under undisturbed conditions, a predominance of wetland indicator plants prior to the disturbance or characteristic of hydric soils."

Issue #2. Floodplain & Compensatory Flood Storage

ACC understands that BETA Group has found that the flood storage volume lost and compensatory flood storage proposed are consistent.

ACC finds the 2:1 compensatory flood storage proposed consistent with Town Bylaw and Regulations.

Recommendations:

- **Require that the applicant provide plans for floodplain restoration for the proposed compensatory flood storage area, compliant with the Vegetation Removal and Replacement Section 24 of the Arlington Wetland Regulations.**
- **Review existing FEMA Floodplain line.** The ACC included this in our comment letter of July 9th; however, it has not been addressed by BSC or BETA but was brought up in Public Comment of the Working Session last week. The existing FEMA mapping is 10 years old and likely not based on the Cornell dataset (as required in our Wetland Regulations). When the Commission has valid documentation or compelling evidence suggesting that the FEMA floodplain and base flood elevation is not accurate, it can require an Applicant to re-delineate the floodplain line. Reference the Arlington Wetland Regulations Section 23.B(1)(c)ii:

“Notwithstanding the foregoing, where National Flood Insurance Program (NFIP) profile data [FEMA Floodplain line] is unavailable or determined by the Commission to be outdated, inaccurate or not reflecting current conditions, the boundary of bordering land subject to flooding shall be the maximum lateral extent of floodwater which has been observed or recorded or the Commission may require the applicant to determine the boundary of Bordering Land Subject to Flooding by engineering calculations which shall be...” [continues with specific requirements, including use of Cornell precipitation data]

- **Require that climate change impacts be evaluated in consideration of the requirements of the “Limited environmental impact” review criteria specified in the ZBA Comprehensive Permit Regulations (adopted 7/08/2015) Section 6.2 & 6.3** – specifically, how the development demonstrates that it will “improve water quality, control flooding, maintain ecological diversity, promote adaptation to climate changes.” The ACC recommends using data available for Arlington in the Massachusetts Coastal Flood Risk Model (MC-FRM, communication from Woods Hole Group) and information generated by Cambridge’s Climate Change Vulnerability Assessment - *considering that the base flood elevation/extent of flooding in the area is projected to rise in the coming decades.*

Issue #3. Stormwater Management

ACC understands that BETA Group reviewed the efficacy of the stormwater management design presented by BSC and has enumerated several concerns. We have further recommendations for the design of the stormwater management system.

Recommendations:

- **Require the use, in the stormwater modeling, of minimum standards now recommended by the MassDEP Stormwater Advisory Committee and the Town of Arlington proposed Stormwater requirements including the use of “NOAA Plus” precipitation data, 90% TSS removal, and revised recharge guidance.** While ACC is aware that formal revisions to MassDEP regulations will not occur until next spring 2021, these stormwater standards will be in effect prior to the proposed project construction and, furthermore, it is within the spirit of the State Executive Order 569, State Hazard Mitigation and Climate Adaption Plan, and Arlington’s Comprehensive Permit Regulations to conservatively design a stormwater management system so that *climate change and hazard mitigation are taken into account.*

- ***Require verification of existing groundwater elevations based on test-pit data.*** BETA concurred at our Working Session.

Issue #4. Evaluation of Wildlife Habitat & Vegetation

BSC provided a comprehensive Wildlife Habitat and Vegetation Evaluation report supported with field survey notes, as requested by the ACC.

Recommendation:

- ***Require the Applicant to quantify the numbers and types of trees (including species and DBH) that will be removed during construction in the AURA and impacted in the floodplain and provide a vegetation replacement planting plan as mitigation for loss of canopy, wildlife habitat, and climate change resilience attributes.*** This type of tally is required by Section 24 of the Arlington Wetlands Regulations on Vegetation Replacement.

Issue #5. Conservation Restriction for Undeveloped Lands of the Mugar Parcel

Recommendation:

- ***Propose an appropriate conservation and stewardship mechanism for the undeveloped portions of the site as a condition of the permit.*** ACC recommends that the ZBA work with the ACC, the Arlington Land Trust, the Arlington Open Space Committee and other Town officials to develop an appropriate conservation and stewardship mechanism similar to the Symmes Conservation areas that are protected resource areas under the Town Bylaw and implementing Wetlands regulations. This mechanism should include funding considerations.



TOWN OF ARLINGTON

MASSACHUSETTS

CONSERVATION COMMISSION

December 18, 2020

Zoning Board of Appeals
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02474

**RE: Thorndike Place – Application for Comprehensive Permit
Fifth Set of Comments from Conservation Commission**

Dear Chairman Klein and Members of the Board:

The Arlington Conservation Commission (ACC) provides this fifth set of comments to the ZBA in advance of its December 22, 2020 hearing to consider the wetlands and stormwater components of the Thorndike Place Comprehensive Permit Application. The Conservation Commission is providing this comment letter to assist the ZBA as it moves forward with its review of the permit application, including under the Town of Arlington Wetlands Protection Bylaw (the Bylaw).

The Conservation Commission recommends that the ZBA not grant any waivers requested by the Applicant to the Bylaw and the Commission's Wetland Regulations promulgated under the Bylaw.

Presence of Isolated Vegetated Wetlands

The ZBA should assume that Isolated Vegetated Wetlands (IVW) are present on the site (in the Northeast corner), despite the Applicant not showing them on the latest plans. This is because BETA Group's review for evidence of potentially filled wetlands "did not look at soil profiles underlaying disturbed areas" as indicated in their "Site Peer Review #2" letter, dated November 20, 2020. That is, BETA Group relied on BSC's evaluation of hydrology and did not take its own soil samples to evaluate the potential for hydric soils as an indicator of IVW. The ZBA should note that the lack of wetland vegetation is not in-and-of-itself the defining factor for IVW, especially since this is a disturbed (e.g., by filling) site and since the vegetation observed by BSC were invasives, which are inconclusive for wetland delineation. Under Section 21 of the applicable Town Wetland Regulations, where an area has been disturbed, one looks for indicators of saturated or inundated conditions sufficient to support a predominance of wetland indicator plants, even if those wetlands plants are no longer present.

A preponderance of the evidence indicates that IVW are present, including: 1) IVWs were delineated and officially confirmed by the ACC in 2000 or 2001 (where BSC was the peer reviewer); 2) one of the two soil tests performed by BSC in 2020 indicate the presence of wetland soils; and 3) the 12/3/2020 memorandum from the Town Engineer strongly supports the continued presence of these IVWs.

While the Applicant's latest project redesign no longer has buildings in the IVWs, work will occur within the 100-foot Buffer Zone or Adjacent Upland Resource Area ("AURA"), so the Applicant must meet the Arlington Wetland Regulation's standards for work within the AURA (see below).

Work Proposed in AURA

As the ACC has pointed out before, Section 25 of the Arlington Wetland Regulations prohibits any work within the first 25 feet of the AURA (the No-Disturbance Zone), and work within the 25-100 foot portion of the AURA (the Restricted Zone) shall be avoided and alternatives pursued, with work allowed only if no reasonable alternatives are available.

When the Applicant proves that reasonable alternatives are not available or practicable, the Restricted Zone is evaluated as suitable for "no, temporary, limited, or permanent disturbance" based on the characteristics of the area (reference Section 25 of the Arlington Regulations for definitions).

If the ZBA decides to approve the project, the ACC asks the ZBA to include conditions that the area of IVW and their AURA be shown again on the plans (they were on the September 2020 plans), and that no disturbance be allowed within 50 feet, limited activity be allowed within the 50-75 feet, and mitigation be provided for any disturbances of the 50 -100 feet.

Vegetation Removal and Replacement

As you know, Section 24 of the Arlington Regulations for Wetlands Protection require that any vegetation removed or extensively pruned requires "in-kind replacement" in wetland resource areas including Bordering Land Subject to Flooding (the 100-year floodplain) and the AURA. This project proposes extensive vegetation removal in the AURA, including in the AURA of the IVW for the compensatory flood storage area.

"In-kind replacement" means "a combination of species type and surface area as defined by the area delineated by the drip line of the affected plant(s)."

"In-kind" means the same type and quantity of plant species that was removed, extensively pruned, or damaged. Only non-invasive plant species shall be planted as replacements.

Here, the Applicant has not provided the specific information required to demonstrate compliance with this Section of the Arlington Wetland Regulations. This includes the reasons for removal and a detailed planting plan showing the location, size, and species of vegetation to be removed as well as the proposed replacements.

While the Application provides a Planting Plan (Sheet L-100, March 13, 2020), it does not include sufficient information to evaluate whether the proposed replacement of the trees and other vegetation planned to be removed complies with Section 24 of the Regulations.

The ZBA should require now, or include as a condition of approval, that the Applicant show the species, numbers, locations and care instructions of all plants in the design. The Applicant needs to describe how these plantings will compensate for the numbers, density, species and variety of vegetation that will be removed for the Project.

Stormwater Management Plan

The Applicant needs to present a Stormwater Management Plan that is responsive to the concerns and comments raised in the Conservation Commission, the Engineering Division and BETA comment letters. This includes suitable documentation accurately establishing the seasonal high groundwater elevations (within the footprint of the chambers) to ensure that there is a two-foot separation between the bottom of the infiltration chamber and the water table. It is not sufficient to presume what the water table elevation is based on past borings of an undefined date or limited exploration. The Frimpter Method should be used.

Further, the stormwater management design and system must account for any discharge from the site building roof. The disposition of rooftop stormwater must be fully evaluated and presented, both from the standpoint of managing stormwater runoff as well as addressing the MA Wetlands Protection Act's recharge standards for stormwater management. Further, to the extent that one of the infiltration chambers must be relocated to outside the sewer easement, the new locations must be identified. If the proposed stormwater management system must be resized or relocated, this could have bearing on either the footprint of the proposed building area, or the encroachment on wetland resource areas or both given the constrained nature of the site.

Precipitation Data

The Commission understands that the Applicant has used the Cornell method to derive precipitation values for the analysis, consistent with Arlington's current wetland protection regulations. Since the Applicant has previously indicated its desire to address the community's environmental concerns, the Commission continues to respectfully request that the Applicant conduct an analysis using NOAA+ values. The MADEP indicates that NOAA+ precipitation values incorporates risk observed in the current data (storm data based on storms up to 2014) to reflect the range of larger observed storms. The Commission has required such analysis for another large town of Arlington development and such analysis was accordingly conducted. We are hopeful that the environmental impact assessment for this project will reflect the current state of knowledge. While use of NOAA+ plus data could increase the size of the required stormwater management features, we feel this level of protection is warranted in this area vulnerable to flooding.

Low Impact Development

Per MADEP's Stormwater Management design guidance, the Conservation Commission continues to advocate for low impact development techniques/alternatives that minimize land disturbance and impervious surfaces.

Conclusion

The Conservation Commission urges the ZBA not to grant any waivers requested by the Applicant from the Bylaw and the Town's wetlands bylaw and regulations as these provide flood control, storm damage prevention, and other interests of local concern.

We hope the ZBA finds the above comments helpful in providing clarity on missing information for Stormwater Management and providing direction on mitigation and conditions for protection of wetland resource areas including IVW, floodplain, and the AURA. Please contact us should you have questions. I and other ACC members plan on attending the ZBA's continued hearing on the Application on December 22, 2020.

Very truly yours,

Susan

Susan Chapnick, Chair
Arlington Conservation Commission

Hello,

I am writing regarding the Mugar Wetlands site that continues to creep closer to becoming an environmental mistake. While I agree that dense housing is necessary to solve a host of issues, developing this land, whether for single family dwellings or, as proposed, 179 units, will certainly have ruinous unintended but completely foreseeable consequences. During heavy storms (which are becoming more unpredictable and more frequent), wetlands serve a vital role in ensuring all of East Arlington and parts of North Cambridge doesn't flood. Losing this natural flood barrier is a mistake.

Regarding the traffic, it will be untenable, unless a direct link to route 2 is established in both directions, which would be costly and unlikely to ever happen. One of the great things about this neighborhood is its proximity to mass transit, however to expect that all 179 units would use mass transit alone would be ridiculous.

I hope that the decision to develop this land is based on the environment first.

Best regards,
Amy Reese
Arlington, MA

ZBA,

I bought 105 Fairmont St in 1999 and have experienced an INCREASING variety of water related issues in my cellar over the years.

When we first bought the property we were not in a designated flood zone yet now we are.

Flood insurance is expensive and certainly a deterrent for prospective buyers thus devaluing the neighborhood property values.

In addition to water in the basement that seeps up from below the foundation, we have experienced a consistent increase in the dampness of our basement during the non heating season.

Anecdotally, this has coincided with the extensive Alewife development and most recently a brand new home built on the lot next door to us.

I find it almost unbelievable that building is being considered on this undeveloped land and am strongly opposed to this proposal.

Please deny this and future requests to build on the scarce open land that help absorb water and protect the fragile ecosystem of the Thorndike area.

Deborah Finn
105 Fairmont St
Arlington, MA 02474

I am truly disappointed to follow the coverage related to the Mugar wetlands and the speculation that this will be approved. Jamming through this development on the back of a [temporary] affordable housing loophole is despicable.

Much of east Arlington is in a floodplain. Allowing further development is foolish and irresponsible.

Arlington is already facing challenges with traffic, schools, and public services. All I see is additional housing being built rather than figuring out how to balance our budgets or improve our infrastructure.

In what universe is it a good idea to bulldoze the one remaining wetland, in a floodplain, in a highly congested area (Lake St), with no solutions on how the increased demand will impact our already strained services? Who are you working for? I am continually surprised to find the zoning board allowing contractors and developers to push their own personal agendas and not protect the best interests of the town. Shame on all of you if this is approved.

Dana
Brattle Square

My house is on Dorothy Road and I have experienced increase flooding in the last 3-4 years. There is a city drainage in front of my property but that does not seem to work. I'm very concern about the propose development, although very supportive of building more affordable housing in Arlington, I do believe that destroying the wetlands will cause more flooding as experts have reported. I hope the City of Arlington protects it wetlands. With climate change we will get more rain and more flooding and if we destroy the natural environment around us that reduce the risk of flooding, we will have a bigger and more expensive problem.

Thank you for your consideration,

Elizabeth Gonzalez Suarez
Owner

I live in the Spy Pond Condo Complex, and I have worked on climate change for 30 years (check climatecrisisblog.com). 2020 is expected to be the warmest year on record or tie with 2016.

We are concerned here about the already enormous increase in insurance rates for flooding. As sea levels rise, virtually all of East Arlington can expect to face that. Those who hope to live in the Mugar development's affordable housing will ultimately be unable to afford flood insurance along with most others in the area.

At some point basements, yards and streets will be flooded making it impossible to get to work, school or elsewhere without a better plan to deal with the climate crisis than now exists.

Placing a development in the intended location will be the reverse of mitigation. Any loss of land that can absorb moisture is simply insane.

Gail McCormick

Hello,

I am writing to express my opposition to the development of the Mugar wetlands. Based on everything I have read about the topic, approving the project will result in only limited, short-term gains to affordable housing in Arlington at the cost of wetlands that protect homes from flooding and are a habitat for wildlife. In addition, it will worsen the already terrible traffic on Lake Street during rush hour in non-Covid times. This tradeoff is not one worth making, and I strongly urge you to reject it.

Best regards,

Julia

Julia Twarog
18 Mott St, Arlington, MA 02474

To whom it may concern:

I understand that I may be a day late in submitting these comments, but I wanted to make it known to your committee that we have had significant problems with flooding at our condo at 118-120 Thorndike Street which is only a block or two from the new scheduled Mugar development. Our street is often flooded, causing danger for pedestrians in the winter when the water freezes over the sidewalks and makes them impassible. We spend a ton of money running our sump pumps from fall to spring to keep our garages from flooding. We have had a significant flood of a foot and a half depth in our garage when one of the sump pumps failed, so this is a constant source of stress for us. We believe that development of these wetlands would significantly increase this stress & problems for our neighbors, two of whom have significant flooding as well but are too elderly to involved in this protest. I can provide their phone numbers if you would be interested in hearing their flooding stories.

Thank you,
Laura Saylor

Dear Zoning Board Members,

I'm writing to voice my deepest concerns about any development of the Mugar land. We need to take preventive action in the face of climate change and absolutely must take steps to mitigate, not advance, climate change. Any housing placed in Mugar will be a nightmare for those living there due to likely flooding, and the upshot will be hardship for them and a waste of taxpayer money.

Thank you for your attention.

Mindy Kornhaber
71 Harlow Street

Dear Zoning Board,

We have lived in Arlington for 35 years, near Spy Pond. Please do not allow the development planned for the Mugar Wetlands. It is vitally important to preserve this land to mitigate against flooding--which we can expect more and more due to climate change. Please don't be short-sighted. This is not a minor issue. Please do everything you can to fight this.

Sincerely,
Anne and Christopher Ellinger
21 Linwood St, Arlington, MA 02474
Creating a culture of empathy, respect and creativity

Arlington Zoning Board of Appeals
Arlington Town Hall.

December 21, 2020

May I have the following information on Thorndike Place/Mugar Wetlands. I was on the Arlington ZBA ZOOM calls on Nov. 24, 2020, and Dec. 3, 2020, learning the issues so I could know about them for the League of Women Voters of Arlington.

1. The latest rendered site plan with wetlands boundaries – this may be the October 22, 2020. The plans on the website are sparse. I want to see where the wetlands are precisely.
2. May I have the BSC Group Wildlife Habitat and Vegetation Evaluation Nov. 3, 2020.

Regarding this, when I visited the site via Dorothy Road and talked to neighbors. It looked to me like the site has being deliberately degraded with dumping, truck tracks and overgrown so developers could say it had no wildlife or vegetation value.

Tell me if it is impractical to send the documents to me, mail or e-mail (nanhaydon@gmail.com). Tell me if there is a better way. Thanks.

Please include me when there is a walk-through. I would like to walk the site as an observer, along with other Arlington residents. When I asked at the first ZOOM meeting I attended, I was told by a representative of the owner of the site that 1. It would not be safe and 2. It is private property. I feel the land has been deliberately made not safe. Is there a better answer for Arlington residents who have a genuine interest in welfare of the town and care deeply about wetlands as I do?

Thank you.

Nancy Gray
30 Mill street #304
Arlington, MA 02476
781 646 4590, c: 302 530 2168

Subject: Urgent: please oppose the Mugar wetlands development

December 22, 2020

Conservation Commission
Town of Arlington

Dear Conservation Commission,

I speak for the trees. So speaks the Lorax. Theodor Geisel, the Springfield native better known as Dr. Seuss, wrote *The Lorax* as an urgent call to arms against the destruction of nature and the rapacious pursuit of profit at the expense of the flora and fauna who make up our living world. What would the Lorax or Geisel have thought, I wonder, of the planned Mugar development on Dorothy Street, which will raze 17 acres of animal habitat?

It is no secret that we live in a society that enfranchises the very wealthy at the expense of the many. The Mugar, an immensely wealthy family with the political clout that such wealth effortlessly buys, feel that they should be able to accumulate more and more private wealth, more and more power and influence, with as few constraints as possible. Having already come to dominate our local landscape with their commercial developments, they now want to destroy hundreds more trees, and to kill or uproot hundreds more animals, for more wealth and power.

When I attended the Conservation Commission's hearing on the planned Mugar development two weeks ago, I listened with mounting frustration and anger as Mr. Hession of the BSC Group and attorney Stephanie Kiefer of Smolak & Vaughan belittled the Commission's environmental concerns about flooding and wetlands loss, effectively weaponizing the 40 B provision in order to bulldoze through widespread community concerns about this development. David Mugar meanwhile sat quietly in the background, his camera off, allowing his family's hired guns do his bidding--the unseen face of power.

I have lived in Arlington for 12 years, first on Thorndike Street and now on Varnum. As such, I'm familiar with the area that the Mugar family wants to obliterate. Foxes live there. Deer and turkeys live or have lived there. Cotton-tail rabbits live there. Field mice and squirrels and opossums live there. Black-capped chickadees and dark-eyed juncos and many other birds either live there or make use of the forested canopy year-round. Countless insects are living in hibernation there, awaiting spring. And for what urgent purpose, for what "higher good," must these conscious beings now be uprooted from their nests and burrows, or even killed outright under the bulldozer blades? For profit; so that the Mugar family can acquire even more capital, and thereby acquire even more land to ruin elsewhere.

Who, I wish to know, is truly protecting the animals of our town? Since moving to Arlington, I have seen relentless destruction of local animal habitat here as a result of development and climate change. Spring is arriving weeks earlier than it did in the mid-19th century; winters are now so mild that Spy Pond, which once provided ice to markets as far-flung as India, no longer freezes over. Light pollution is interfering with the ability of fireflies to communicate with one another during their mating season. Meanwhile, as global warming

increases storm activity, we see old growth trees bearing torn up and toppled by unusually high winds. On top of all this and more, we have homeowners and developers clearing more land and destroying more trees.

In 1845, Henry David Thoreau built and lived in a small cabin in Concord, in order that he might "front only the essential facts of life." Today, reading *Walden*, Thoreau's famous account of his sojourn, it is easy to come away with the impression of a biotic community in full flower, teeming with animal life. However, Thoreau himself felt otherwise. *Walden* was as much a requiem for nature and its denizens as a celebration of it. By the time Thoreau settled into his cabin, New England had been depopulated of most of its animal life, destroyed by massive deforestation, the killing of millions of animals for the fur trade, and exterminationist campaigns against reviled species like wolves. In a journal entry in March 1856, Thoreau laments that he has found the book of nature "mutilated," its pages "torn out":

I spend a considerable portion of my time observing the habits of the wild animals, my brute neighbors.....But when I consider that the nobler animals have been exterminated here--the cougar, panther, lynx, wolverine, wolf, bear, moose, deer, the beaver, the turkey, etc...I cannot but feel as if I lived in a tamed and, as it were, emasculated country....Is it not a maimed and imperfect nature that I am conversant with? As if I were to study a tribe of Indians that had lost all its warriors. Do not the forest and the meadow now lack expression...? When I think what were the various sounds and notes--the migrations and works and changes of fur and plumage which ushered in the spring and marked the other seasons of the year--I am reminded that this life in Nature...is lamentably incomplete. I listen to a concert in which so many parts are wanting.

In the years since Thoreau penned these words, dozens of other species have vanished. Others now rest precariously on the knife-edge of survival. Nonetheless, commercial developments like the Mugar one are still being greenlighted, rubber-stamped though pro forma "environmental assessments" designed to favor developers.

Surely Commission members are aware that we are living through the greatest mass extinction event in 65 million years. In the waters of the Antarctic and the mountains of Nepal, in the deserts of the Kalahari and under the canopies of the Costa Rican rainforest, on the African savannahs and in the fjords of Scandinavia, the animals are dying. Or rather, we are killing them.

Humans have destroyed two-thirds of all extant wild animals in just the last 40 years. The devastation is hitting with equal apocalyptic force across the phylogenetic spectrum--birds, reptiles, amphibians, mammals, others. Species at imminent risk of extinction include familiar ones like hammerheads, giraffes, tigers, polar bears, walruses, rhinos, chimpanzees, gorillas, elephants, Blue Fin tunas, Mantas, orcas, and jaguars, and less familiar ones such as the Arabian Oryx and Giant Ibis. Even the horseshoe crab, an ancient denizen whose forebearers populated the seas hundreds of millions of years before the emergence of the dinosaurs, is hurtling towards extinction. Most ominously, insects and other arthropods, comprising 97% of all animal life on earth, are suddenly disappearing. Their obliteration threatens to destabilize the entire terrestrial food web.

Not since an asteroid slammed into the Yucatan Peninsula to bring a sudden violent end to the Cretaceous period has animal life suffered a cataclysm of remotely similar proportions. There have been only five mass extinction events in the last half billion years, all believed to have been caused either by volcanism or meteor strikes. This is the first one to be caused by a life form--ours. What we euphemistically term the "extinction crisis" is in fact better described as a crisis of extermination. A growing number of scientists have in fact compared our extermination of animal life to "biological annihilation" and "genocide."

This is the apocalyptic context in which you have been asked to evaluate the planned Mugar development. It is useless to quibble about how much of the Mugar plot is "wetlands" and how much is "uplands." *All* of it is habitat. Where are the animals to go after being evicted by their Mugar landlords?

We live a topsy-turvy world in which the powerful live in comfort while the poor and vulnerable are made to suffer privation. Due to COVID, millions of Americans are now facing either home foreclosure or eviction; meanwhile, wealthy companies plot to build even more luxury condominiums for the wealthy, further driving up rents and property values, thereby in turn sowing the conditions of inequality and alienation that have fueled the rise of fascism across our land. The animals to be displaced by this wetlands development are the sisters and brothers of the working families being thrown out onto the street.

I plead with you: use every means at your discretion to preserve the ecological diversity of our town. We owe our nonhuman neighbors so much, yet we give them so little. They have just as much a right to live here as we do.

Sincerely,

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