



July 3, 2020

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

re: Thorndike Place, Application for Comprehensive Permit

Dear Mr. Klein and Members of the Board,

Arlington Land Trust has long supported the Town of Arlington's well-established policy goal of permanently protecting the Mugar site. In our comments regarding the proposed Thorndike Place project in September 2016 we urged this Board to require that the project comply with all local environmental laws and regulations. The recent March 2020 submittal by the proponent reinforces the need to adhere to Arlington's Wetlands Bylaw and other environmental safeguards on this sensitive site.

Stormwater and flooding

Major flooding in and around Alewife Brook and the Mugar site has resulted in extensive property damage in nearby neighborhoods of Arlington and adjacent towns well beyond the extent of the FEMA-designated flood zone. This historical precedent constitutes a valid "Local Concern" under state Comprehensive Permit regulations.

The recent submittal by the proponent includes no stormwater modelling that would reveal how it plans to control flooding while building in the flood zone. Nover-Armstrong Associates, in its initial 2015 review of the project, recommended the Board "deny all waivers requested by the applicant relating to the Arlington Wetlands Protection Bylaw. Waiver of the Wetland Bylaw would prevent the [Conservation] Commission from taking into account evidence of flooding of residences located beyond the Zone AE limits shown on FEMA's maps."

Wetland resources

The wetlands delineation shown in the proponent's March 2020 submittal was conducted in December and January. As this work depends at least in part on identifying plant types, at a minimum the proponent should be required to conduct this field work during the growing season and when the groundwater is not frozen.

In the case of a disturbed site, however, regulations call for consideration of factors beyond visual inspection in determining the extent of wetlands. The Mugar land has been abused for decades. "The long dormant site has been altered by excavations and dumping of fill over the years. Our inspection found old stockpiles of earthen material,

solid waste in the northwest area of the Site and other debris throughout.” (Nover-Armstrong 2015 report.) Whether or not the dumping has been an attempt to fill wetlands, that may have been its effect. From the Town of Arlington Wetlands Regulations (version of 4 June 2015 applicable to this project):

Section 21.B.3. 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, 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.

The history and condition of the site demand that a thorough investigation of soil conditions be required of the proponent and reviewed by the Town’s peer review consultants to reveal the true extent of wetland resources. Note that a similar definition is included in the state Wetlands Protection Act. The state Act applies only to Bordering Vegetated Wetlands; under Arlington’s local Wetlands Bylaw, critical Isolated Wetlands are also regulated.

Waiver requests

The following waiver requests by the applicant should all be denied, and full compliance required with the provisions of each law and regulation:

Law or Regulation	Purpose
Title V: Article 8	Wetland Protection By-law
Regulations of the Conservation Commission	Wetland Protection Regulations
Title V: Article 15, Sec 1-5	Stormwater Mitigation
Article 6, Sec 6.07	Building in Floodplain
Article 6, Sec 6.30	Open Space Regulations for PUD
Article 11, Sec 11.04(a)-(g)	Floodplain District
Article 11, Sec 11.05(b),(d),(e),(f)	Inland Wetland District
Article 11, Sec 11.06(b),(d)(1,4,5,6),(e),(f)	Environmental Design Review
Article 11, Sec 11.07	Filing of Any Water or Wet Area

Thank you for your consideration of these comments.

Very truly yours,
Arlington Land Trust, Inc.



Christopher M. Leich, President

cc: Select Board, Town of Arlington
Jenny Raitt, Director of Planning and Community Development