



TOWN OF ARLINGTON

MASSACHUSETTS

## CONSERVATION COMMISSION

March 19, 2021

Zoning Board of Appeals  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: 1165R Mass Ave – Application for Comprehensive Permit  
First Set of Comments from Conservation Commission**

Dear Chairman Klein and Members of the Board:

The Arlington Conservation Commission (ACC) provides this first set of comments to the ZBA to consider the wetlands and stormwater components of the 1165R Mass Ave 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).

These comments were discussed at the ACC's public meeting on March 18, 2021, which was attended by the Applicant's representatives and BETA Group (BETA), the Town's peer review consultant.

### **BETA Wetlands / Resource Area Regulatory Peer Review dated March 11, 2021**

ACC generally agrees with all the statements and recommendations made by BETA in its wetlands and resource area peer review letter, with the following clarifications and additions.

### **Waivers to the Arlington Bylaw and Wetland Regulations**

The Applicant has requested a number of waivers as tabulated in "Table 1 – Waiver Request Summary for Arlington's Wetland Bylaw and Regulation" included in BETA's March 11, 2021 peer review letter. Based on discussions at a Working Session on March 18, 2021 at the public meeting of the ACC, the ACC maintains that the project can be designed to meet these regulations without waivers.

***Recommendation: 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.***

### **Environmental Resource Areas**

BETA lists the resource areas on this site in their March 11, 2021 letter, so they are not reiterated herein, other than to clarify decisions of the ACC, as follows. In the fall of 2020, the Applicant filed a Request for Determination of Applicability (RDA) to determine the Resource Area jurisdictions of the property under the Wetlands Protection Act. The ACC issued a determination (October 24, 2020) that Ryder Brook is not jurisdictional as a stream under the MassDEP Wetlands Protection Act (WPA). However, the ACC distinguished that Ryder Brook is jurisdictional as an intermittent stream under the Arlington's Wetland Bylaw and implementing Regulations.

Due to the location of Mill Brook and Ryder Brook, most of the jurisdictional Resource Areas within the site are the 100-ft Wetlands Buffer, the Adjacent Upland Resource Area (AURA), and the 200-ft Riverfront Area. The floodway and floodplain are generally confined to the channelized Mill Brook.

In addition to reviewing the jurisdiction of Ryder Brook through the RDA process, the ACC also determined that a significant portion of the site is exempt from the Riverfront Standards of the WPA and Bylaw due to the Historic Mill Complex Exemption (310 CMR, Section 10.58 (6) (k)). The limits of the Historic Mill Complex are delineated on the plan entitled "Pre-1946 Mill Complex Footprint Exhibit" prepared by Bohler Engineering, dated August 7, 2020, revised September 21, 2020.

***Recommendation: ACC recommends that the Applicant propose additional enhancements to jurisdictional Riverfront Areas on the site (i.e., outside of the Historic Mill Complex), consistent with those identified by BETA in their March 11, 2021 peer review letter (comments #1, 2, & 3) and the clarifications and additions described in the remainder of this comment letter.***

### **Pervious Area**

The Property is largely impervious with hardscape and building, covering approximately 94% of the site. There is very limited open pervious and vegetated space on the site. The proposed development proposes to reduce the impervious hardscape, increase the impervious building, and overall increase the open pervious and vegetated space. The impervious cover will decrease to approximately 77%.

By increasing the amount of pervious surface on the site, less stormwater runoff will enter Mill Brook. Instead, more stormwater will enter the site's soil or stormwater management systems and recharge the groundwater table.

***Recommendation: Should the permit be granted, ACC recommends that all proposed pervious surfaces be maintained as pervious in perpetuity as a continuing condition of the permit.***

### **Stormwater Management**

The Drainage Report (Stormwater Management Report) dated March 4, 2021 indicates 1) that the stormwater management system will include a deep sump hooded catch basin discharging to a proprietary water quality unit and 2) a commitment to meet DEP stormwater management standards. During the February 23, 2021 ZBA hearing, the Applicant stated that the stormwater report would be calculated using the NOAA Atlas 14+ data. The Commission agrees that the NOAA 14+ dataset captures current impacts of severe storms and is adequate to use in designing the site's stormwater management system. However, the March 4, 2021 Drainage Report uses NOAA 14 data.

***Recommendation: The stormwater management report should be revised using the NOAA 14+ data. NOAA Atlas 14+ is calculated as 0.9 x upper bound of the 90<sup>th</sup> percentile interval.***

### **Adjacent Upland Resource Area to Mill Brook**

The Applicant has requested waivers from Section 25 of Arlington's Wetland Protection Regulations, which addresses the Adjacent Upland Resource Area (AURA), the land within 100 feet of rivers, streams, bordering and isolated wetlands, etc. ACC agrees with BETA's comments and recommendations concerning the AURA (comments #7 and #8 from their March 11, 2021 letter), with the following clarifications and recommendations.

The Commission recognizes that the site has previously been altered and that some development in the AURA is inevitable. The Commission believes that site redevelopment must do more to enhance the wetland resource area of the Mill Brook corridor. The Mill Brook Corridor (2019) report recognizes Mill Brook as a hidden gem and among its recommendations is to reduce surface areas covered by asphalt or concrete. The proposed site plans shared with the Commission at its March 18, 2021 meeting show some increases in vegetated buffer along parts of Mill Brook but also delineate parallel parking spaces across from Mill Brook on the western portion of the Property. Parking so close to Mill Brook is detrimental to the interests of the resource area values in the potential for increased pollution runoff and decrease in habitat value.

***Recommendation: No disturbance of the 25-foot area closest to the resource should be allowed, other than restoration or improvements of the resource area values. The ACC recommends removing the parking spaces proposed near Mill Brook, widening the vegetated buffer adjacent to the brook, and creating a continuous vegetated buffer to the extent practicable.***

### **Ryder Brook**

The Applicant has requested a Waiver of the local Bylaw and implementing Wetlands Regulations for Ryder Brook. The Applicant refers to Ryder Brook as a man-made ditch; however, the Commission has consistently protected this brook as an intermittent stream under its local Wetlands Regulations. In 2006, the Commission supported a limited restoration including invasive plant removal and native plantings along the bank of Ryder Brook.

ACC agrees with BETA's comments and recommendations concerning Ryder Brook (comments #6 & #11 from their March 11, 2021 letter) with the following clarifications and recommendations.

Stormwater alterations are proposed for Ryder Brook, including rerouting Ryder Brook from the middle of the site to the northern edge of the property. Additionally, the project proposes to increase the diameter of the conveyance pipe for Ryder Brook from 24-inches to 30-inches. As presented in a revised plan to the ACC at the March 18, 2021 meeting, these proposed changes will increase the daylight portion of Ryder Brook by approximately 9 linear feet, from 120 linear feet to 129 linear feet.

During the March 4, 2021 ACC meeting, the Commission discussed the potential effects of relocating Ryder Brook on the resource area values under the Commission's protection. The ACC concluded that the proponent should first consider developing the site in a manner that improves and enhances Ryder Brook's values including but not limited to stormwater management, flood control, and habitat in its current location and footprint.

If enhancing and leaving the stream in place puts an undue burden on the Applicant, the Conservation Commission believes that the current proposal to mover Ryder Brook needs additional mitigation to improve the resource area values of this intermittent stream, as recommended below.

***Recommendation: ACC recommends that the proposal for re-configuring Ryder Brook be enhanced to further improve the wetland habitat, wildlife corridor, and aesthetic values by considering the following: (1) increase the length of the proposed open channel as much as possible, preferably until it needs to be culverted under roadway or parking areas; (2) install coir fascine logs and plant vegetation on these logs to stabilize the relocated brook banks rather than using riprap and rock for bank stabilization; (3) improve the habitat value of the longer channel with appropriate native plantings tolerant of anticipated channel shading (Shadow Study July 28, 2020); and (4) consider a bioswale or similar enhancement to the brook as designed for the Brigham's site.***

#### **Wildlife Habitat and Vegetation Removal and Replacement**

There are no known endangered, threatened, or special concern species onsite. The ACC points out, however, that the definition of "Protection of Wildlife" in the Arlington Wetland Regulations (Section 4, #59) "means protection of the ability of any resource area to provide food, breeding habitat, shelter or escape cover and species falling within the definition of wildlife set forth in these regulations."

An updated landscaping plan was presented to the ACC by the Applicant at the March 18, 2021 meeting; however, details about vegetation removal and replacement were not included. ACC agrees with BETA's comments and recommendations concerning vegetation replacement and the need for resource enhancements (comment #6 through #10 of the March 11, 2021 letter), with the following clarifications and recommendations.

As discussed above, enhancement of wetland resources including habitat improvements can be achieved through additional native vegetation in close proximity to Mill Brook and the proposed Ryder Brook re-design. Vegetative buffers are critical to preservation of the wetland resource area values and to protection of wildlife. Therefore, the landscaping plans should concentrate on the importance of native vegetative buffers along Mill Brook and Ryder Brook, while also considering the site as a whole.

***Recommendation: ACC recommends that the ZBA require now, or include as a condition of approval, that the Applicant show the species, size and/or age, numbers, locations, and care instructions of all plants in the design. Native vegetation should be chosen that will be beneficial to improvement of the riverine habitat. The Applicant needs to describe how these plantings will compensate for vegetation that will be removed for the Project, compliant with Section 24 of the Arlington Wetland Regulations.***

#### **Conclusion**

We hope the ZBA finds the above comments helpful in providing clarity and recommendations on how to best protect the Wetland Resource Areas on this site while acknowledging the current site conditions. We have an opportunity to improve the wetland resource areas on this site along with revitalizing and adding affordable housing units for our town. I am confident that we all can work together towards these goals. Please contact us should you have questions.

Very truly yours,

*Susan*

Susan Chapnick, Chair  
Arlington Conservation Commission