ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 2 Reservoir Road
MassDEP File # 091-0360
UNDER THE WETLANDS PROTECTION ACT and ARLINGTON BYLAW FOR WETLANDS PROTECTION
Addition and renovations to existing residential structure
04/08/2024

Documents Reviewed

1. 2 Reservoir Road NOI Application
    a. WPA Form 3 – Notice of Intent
    b. WPA Appendix B – Wetland Fee Transmittal Form
    c. Local Filing Fee Form
    d. Legal Notice Charge Authorization
    e. Affidavit of Service
    f. Letter to Abutters
    g. Abutter Notification Form
    h. Certified List of Abutters
    i. Appendix A: Locus Maps
        i. Figure 1: USGS Topographic Quadrangle
        ii. Figure 2: FEMA Flood Insurance Rate Map
        iii. Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map
    j. Appendix B: Conservation Plan
        i. *Conservation Plan*, dated January 4, 2024, prepared by Rover Survey
    k. Appendix C: Planting Plan
        i. *Planting Plan*, dated January 20, 2024, prepared by Holly Garden Design
2. Supplemental Information
    a. Memo from Rich Kirby and Nicole Ferrara, LEC Environmental Consultants Inc.
        i. Attachment A: Planting Plan
            1. *Planting Plan*, revised and dated March 12, 2024, prepared by Holly Garden Design
    b. Planting Plan
        i. *Planting Plan*, revised and dated March 21, 2024, prepared by Holly Garden Design

Proceedings

The Conservation Commission held a public hearing for the Notice of Intent on March 7, 2024. The hearing was continued to March 21, 2024, on which date the hearing was closed. The Commission deliberated and voted 7-0-0 to approve the Project with conditions under the Wetlands Protection Act (the "Act") and voted 7-0-0 to approve the Project with conditions under the Arlington Wetlands Protection Bylaw (the "Bylaw").

Findings of Fact and Law under Arlington Wetlands Protection Bylaw and Wetlands Protection Act

A. The project as approved will construct an addition, renovate a front porch, and conduct hardscaping and landscaping activities at 2 Reservoir Road in Arlington.

B. 2 Reservoir Road is a 4,791± sq. ft. parcel that contains a single-family dwelling, garage, and appurtenances. Residential development associated with Reservoir Road and Nourse Street occur to the west, north, and east. To the south and west of the property, Mill Brook and No Name Brook are found flanking the Minuteman Bikeway.

C. Resource Areas on site or within 100' of the property include Bordering Land Subject to Flooding (Floodplain) associated with Mill Brook and No Name Brook, Riverfront Area associated with Mill Brook, and Buffer Zone and Adjacent Upland Resource Area associated with Mill Brook and No Name Brook.
    i. 11± square feet of Bordering Land Subject to Flooding will be altered for installation of a gravel trench drain. The drain will be at grade and will not result in any loss of flood storage.
    ii. 5,105± square feet of Riverfront Area are found on the property. 363± square feet of Riverfront Area located in the outer riparian zone will be altered.

D. Mitigation associated with the project includes a native planting plan with 978± square feet of yard within the Buffer Zone and Adjacent Upland Resource Area converted to vegetated area, including 735± square feet of restoration and robust enhancement plantings (including 14 trees and numerous straight-species shrubs and ground cover) set aside in a no-mow area demarcated by boulders behind the garage. A trench drain for improved stormwater management will also be constructed.

Conclusion

Based on the testimony at the public hearings, and review of the application materials and the documents listed above submitted during the public hearings, the Commission concludes that the proposed Project as conditioned will not have significant or cumulative effects upon the interests of the Resource Area values of the Massachusetts Wetlands Protection Act and the Arlington Bylaw for

Wetlands Protection when the conditions imposed herein are implemented to protect the Resource Area values. With these conditions contained, the Project meets the performance standards in the Act and Bylaw and implementing regulations.

For the foregoing reasons, the Commission approves this project under the Act and Bylaw with the conditions stated herein and in the plans presented in the applications for work at 2 Reservoir Road.

Additional Special Conditions

In addition to the General Conditions (numbered 1 – 20 above), the Project is subject to the following Additional Special Conditions (under both the Act and Bylaw):

21. Trench drains shall be kept free of leaves and/or organic debris. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

22. No herbicides are approved to treat invasive plants on the property.

Pre-Construction

23. Work permitted by this Order and Permit shall conform to the Notice of Intent, the approved plans and documents (listed above), and oral representations (as recorded in hearing minutes) submitted or made by the Applicant and the Applicant's agents or representatives, as well as any plans and other data, information or representations submitted per these Conditions and approved by the Commission.

24. The provisions of this Order and Permit shall apply to and be binding upon the Applicant and Applicant's assigns, tenants, lessees, property manager, employees, contractors, and agents.

25. The Applicant shall ensure that a copy of this Order and Permit, with any referenced plans, is always available on site, and that contractors, site managers, foremen, and sub-contractors understand its provisions.

26. The lead contractor shall sign and return to the Conservation Agent an acknowledgment that contractors, site managers, foremen, and sub-contractors cannot deviate from the approved plans without Commission approval.

27. If there are conflicting conditions within this Order and Permit, the stricter condition(s) shall govern.

28. No work shall begin under this Order and Permit until: (a) all other required permits or approvals have been obtained and (b) the appeal period of ten (10) business days from the date of issue of this Order has expired without any appeal being filed, and (c) proof that this Order has been recorded in the Registry of Deeds has been submitted to the Conservation Agent.

29. Prior to any work on the site, or within six (6) weeks of the date of this Order, whichever comes first, this Order of Conditions and relevant attachments, including any and all operations

and maintenance plans, shall be recorded at the Middlesex Registry of Deeds or Land Court, and notice filed with the Commission. Failure to do so shall be deemed cause to revoke this Order.

30. Prior to starting work, the Applicant shall submit to the Commission the names and 24-hour phone numbers of project managers or the persons responsible for site work or mitigation.

31. Before work begins, erosion and sediment controls shall be installed at the limits of the work area or as outlined on the approved plans. Unless otherwise specified, erosion controls will include a silt fence and a biodegradable 12-inch diameter straw or silt wattle around the entire work area. Hay bales are not allowed, and biodegradable wattles are preferred.

32. Prior to any work commencing, a sign no less than 2 square feet or more than 3 square feet, visible from the street, shall be displayed reading "**MA DEP File # 091-0360"** and not placed on a living tree.

33. The contractor shall contact the Conservation Agent (concomm@town.arlington.ma.us ; 781-316-3012) at least 72 hours prior to commencement of work to arrange for a pre-construction meeting with the on-site project manager to walk through the Order of Conditions and Permit for Work, confirm the wash out location, and walk the site to confirm the installation and placement of erosion controls prior to the start of any grading or construction work.

34. The Commission, its employees, and its agents shall have the right of entry onto the site to inspect for compliance with the terms of this Order of Conditions and Permit until a Certificate of Compliance has been issued.

35. Any backfill or reuse of on-site materials shall be free of contamination in accordance with the Massachusetts Contingency Plan, 310 CMR 40.0000. All fill used in connection with this project shall be clean borrow. The following shall be prohibited: concrete and asphalt rubble; crushed glass; stumps, invasive plants or debris, and other solid waste or anthropogenic materials.

Stockpiling

36. Any stockpile of soil, sand, or similar materials that is permitted within said areas shall be enclosed within a line of entrenched and staked erosion control socks or silt fence in addition to the perimeter erosion controls for the site. In the event that all earthwork ceases for more than 15 days or if inclement weather is imminent, all exposed stockpiled soils shall be stabilized with a temporary vegetative cover, tarp, or other erosion control acceptable to the Conservation Commission.

Erosion

37. Areas that are disturbed by construction and access activities shall as soon as possible be brought to final grade and reseeded and restabilized and shall be done so prior to the removal of the erosion control barrier. Erosion control measures shall be installed per the approved plans or as directed by the Conservation Agent.

38. The Commission and its Agent shall have the discretion to require additional erosion/siltation control methods during construction if necessary.

39. Upon completion of the project, the applicant shall remove and legally dispose off-site of all temporary erosion controls and other materials determined to be detrimental to the resource areas if left in place permanently.

Sweeping

40. Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.

41. The areas of construction shall remain in a stable condition at the close of each construction day.

Dewatering

42. Any dewatering operations shall conform to the following:
    (a) If dewatering is needed, the Applicant must submit for approval a dewatering plan to the Conservation Agent or Conservation Commission.
    (b) Any catch basins, drains, and outfalls to be used in dewatering operations shall be cleaned out before operations begin.
    (c) Any water discharged as part of any dewatering operation shall be passed through filters, on-site settling basins, settling tank trucks, or other devices to ensure that no observable sediments or pollutants are carried into any Resource Area, street, drain, or adjacent property.
    (d) Measures shall be taken to ensure that no erosion or scouring shall occur because of dewatering operations.
    (e) Dewatering shall occur only where noted on approved plans.

Plantings and Vegetation

43. Prior to the installation of all plant materials, the Applicant shall submit a final proposed planting plan, all installation details to the Conservation Agent for approval to ensure compliance with that which was approved by the Commission. Planting details shall include plant sizes, Latin (scientific) names, common names, number of plants, and how the plant materials will be grown and transported to the site (containerized, balled-and-burlapped, etc. including the size of the root ball and/or container).

44. All plantings shall be as specified in the planting plan and installed and maintained according to the standards of the American Association of Nurserymen (AAN). **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

45. The Applicant shall protect new trees through installing tree stakes between 6-8 feet in length. The stakes shall be installed vertically such that one end is installed directly into the ground and firmly anchored. The tree stakes shall be removed after one full year of growth. Alternative protection measures must be approved by the Commission or its agent.

46. The Applicant shall protect all area trees per the Town Wetlands Protection Regulations, Section 24 Vegetation Removal and Replacement. The Commission may at its discretion supersede the requirements of Section 24.

47. All native restoration plantings shall be monitored for three full growing seasons. A survival rate of at least 100% of trees and 80% of other vegetation in the planting plan must be maintained and demonstrated unless otherwise approved by the Commission.

48. A monitoring report shall be submitted annually in November for the three growing season monitoring period and shall include the number and types of restoration plantings evaluated, condition of the plantings, and status of invasive plant removal. The Applicant must provide a monitoring report by a qualified consultant for survival of all approved plantings. The monitoring report must include measures to remove invasive species if they are discovered.

49. Any planting areas provided as mitigation shall be maintained in perpetuity. **This shall be a continuing condition that survives the expiration of this permit /Order and shall be included in any Certificate of Compliance as a continuing condition in perpetuity.**

50. Any invasive species management plans implemented through this project shall be ongoing. **This shall be a continuing condition that survives the expiration of this permit /Order and shall be included in any Certificate of Compliance as a continuing condition in perpetuity.**

51. There shall be no dumping of woody vegetation, leaves, grass clippings, brush, or other debris into a wetland resource area or associated buffer zones. **This shall be a continuing condition that survives the expiration of this permit /Order and shall be included in any Certificate of Compliance as a continuing condition in perpetuity.**

Fertilizer and Chemical Use

52. To avoid adding excess nutrient runoff, the Applicant shall only treat existing lawn area with no phosphorous, low nitrogen, slow-release fertilizer and it shall be applied at the lowest rate necessary. Any application of phosphorus-containing fertilizers for new lawn must be first reviewed and approved by the Conservation Agent. Except for the establishment of vegetation in the first growing season, the Application of lawn fertilizer cannot occur in the summer, or before or after storm events. Lawn fertilizer shall at most be applied twice a year. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

53. No pesticides or rodenticides shall be used to treat pest management issues. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

Pervious Surfaces

54. Pervious surfaces shown on the project plans shall be maintained and not be replaced by impervious surfaces. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

55. Installed hardscaped permeable surfaces shall be maintained in perpetuity, at least once annually in the spring. The Applicant shall provide evidence of this maintenance at the request of the Conservation Agent. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

Stormwater

56. The project shall not cause an increase in run-off or stormwater volume onto adjacent properties, either during construction or when completed.

Snow and Deicing

57. Deicing chemicals containing sodium, potassium, and calcium chloride are prohibited from use in the wetland resource area and the associated 100-foot buffer. An alternative deicing product such as magnesium chloride (MgCl) may be used as recommended in the Winter Parking Lot and Sidewalk Maintenance Manual published by the Minnesota Pollution Control Agency, https://www.pca.state.mn.us/sites/default/files/p-tr1-10.pdf. **This shall be a continuing condition that survives the expiration of this permit /Order and shall be included in any Certificate of Compliance as a continuing condition in perpetuity.**

Project Completion

58. Upon completion of the project or 60 days prior to the expiration of this Order of Conditions, the Applicant or a representative thereof shall file for a Certificate of Compliance.

59. In conjunction with the sale of any portion of the site covered by this Order of Conditions, the Applicant shall submit to the Commission a signed statement by the buyer that the new owner is aware of outstanding Orders of Conditions.

60. When requesting a Certificate of Compliance for this Order of Conditions, the Applicant must submit a written statement from a qualified professional licensed and/or registered to work in Massachusetts. The type of professional shall be determined by the Conservation Agent as is applicable to the project. A professional engineer, registered land surveyor, or registered landscape architect may be chosen. The statement submitted by said professional shall certify that the completed work complies with the plans referenced in this Order and the chosen professional shall provide an as-built plan and statement describing any differences.