

February 4, 2008

Karen M. Mullins
Conservation Administrator
Town of Lexington
1625 Massachusetts Avenue
(P) 781-862-0500 ext. 227
(F) 781-861-2780

RE: 19 South Rindge Ave
Request for Determination of Applicability

Dear Ms. Mullins:

This letter and enclosures constitute a Request for Determination of Applicability (RFD) for several activities we planned for the Spring of 2008. It is our hope that the Lexington Conservation Commission (LCC) will meet with us to discuss these activities. Although the nature of our plans is routine and environmentally beneficial, we recognize that the LCC may have concerns about the portion of the work that lies in the buffer zone around the Arlington Reservoir. At this meeting, we request a determination for the need of a Notice of Intent (NOI) and what, if any, restrictions need to be included therein.

Background

Our family moved into our house at 19 South Rindge Avenue (Figures 1 to 4) in the Summer of 2005. Since that time we have cultivated an organic lawn and yard with a reputable contractor (Organic Soil Solutions Inc., Woburn, MA). We have also developed a garden plan with Sally Naish (Light & Shade Garden Design, Arlington, MA) that emphasizes native species and plants with beneficial habitat value for the yard.

Project Description

We are currently working on several problems on the property boundary that is located within the wetland buffer zone around the Arlington Reservoir (on the landside of the main walking path). As presented in Figure 4, we intend to:

1. Remove two Norway Maple trees (red tape) that are impinging on the health of surrounding oaks, ash, and cherry trees;
2. Limb-up other trees (many possessing dead wood) that hang over the yard;
3. Plant a bed of ferns (*Athyrium filix-femina* and *adiantum pedatum*), wild ginger (*Asarum canadense*), day lilies (*Hemerocallis* spp.), and possibly other shade tolerant plants (*Hostas*) on the sloped property boundary to reduce erosion;
4. Place wood chips along a public easement to improve walking safety, protect tree roots, and reduce erosion; and
5. Remove several patches of poison ivy with Roundup.

Jurisdiction

The planned work lies within a residential back yard that slopes gradually towards the Arlington Reservoir. It is our understanding that the wetland resource area extends to the top of the slope around the Arlington Reservoir between the shoreline and the public walking path. The MADEP wetland buffer zone extends from the top of the resource area boundary towards the property line for a distance of 100 feet. This buffer zone boundary loosely parallels the current tree line and may extend into the yard 10 to 20 feet.

Rationale for NOI Exemption

We believe the work will not adversely impact aspects of the wetland protected under the state and local rules and regulations. The work is limited to 1) the removal of two Norway Maple trees by a reputable arborist (Boston Tree Preservation), 2) routine maintenance of remaining trees, 3) erosion controls in the form of native plants (primarily ferns) and natural materials (wood chips), and 4) safety improvements (trail maintenance and poison ivy control).

The tree removal is planned for dry weather (preferably frozen ground) and completed within several hours. No equipment storage will occur on the property (i.e., no potential significant leaks of vehicular fluids). It is also not possible that erosion will increase as a result of this project, so hay bales or other temporary erosion controls will not be necessary. The long term erosion controls we have installed (wood chips on selected slopes) will mitigate any soil scuffing that might result from this work. There will be no negative change in the flood storage capacity of the property as a result of these activities. The habitat loss as a result of tree removal is considered insignificant because it will result in the loss of an invasive species and promote the health of native tree species in the immediate vicinity.

We look forward to discussing this project with you. Please let us know if you require any additional information.

Respectfully,



Stephen Emsbo-Mattingly
19 South Rindge Ave
Lexington, MA 02420
(P) 781-862-6351
(E) emsbomattingly@comcast.net

Figure 1. Topographic Site Map

Arlington Reservoir, USGS Boston North (MA) Topo Map

View [TopoZone Pro](#) topographic maps, aerial photos, street maps, coordinate and elevation display

UTM 19 319837E 4699263N (NAD27)

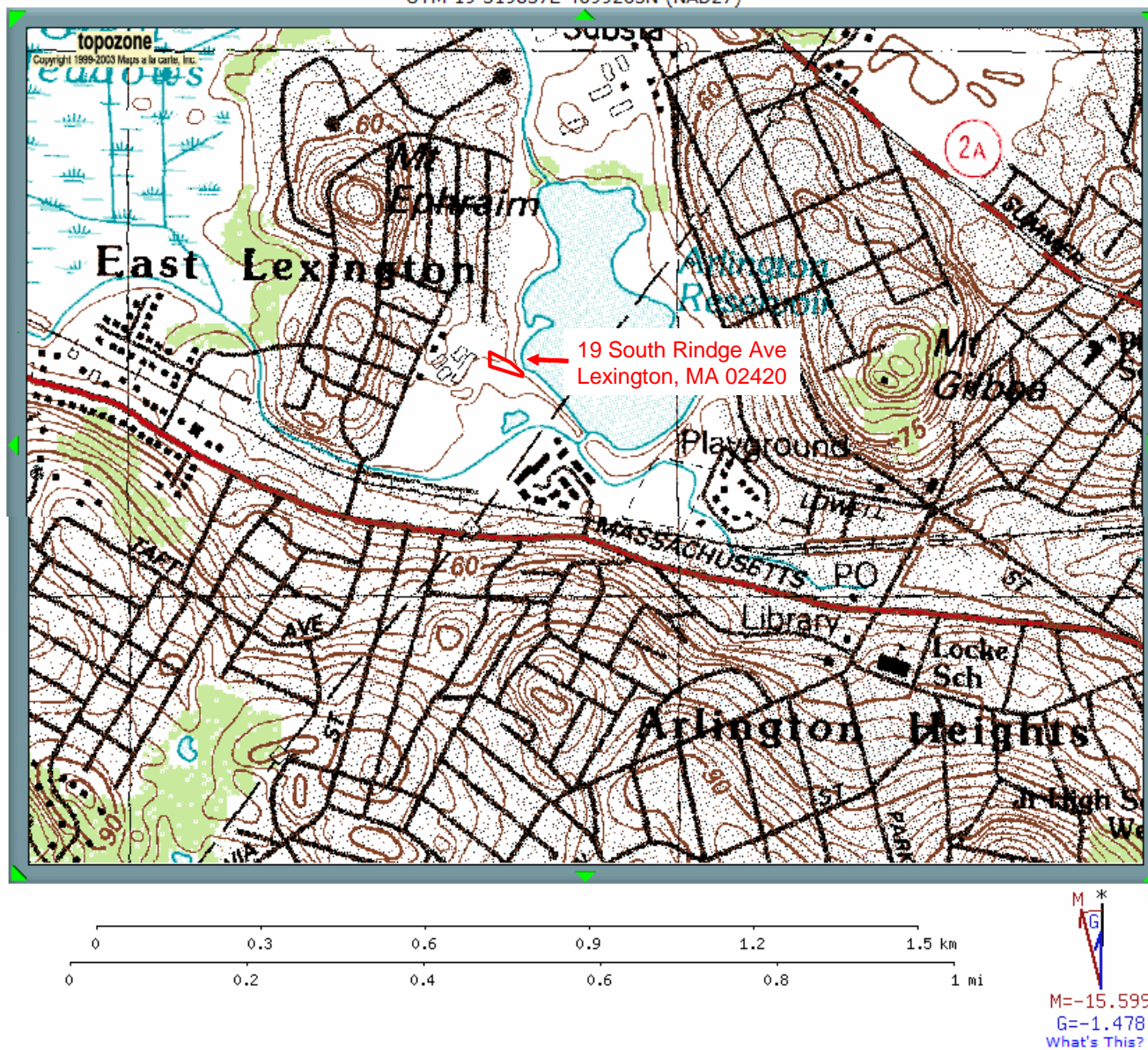


Figure 2. Lexington Site Map (1 : 200)

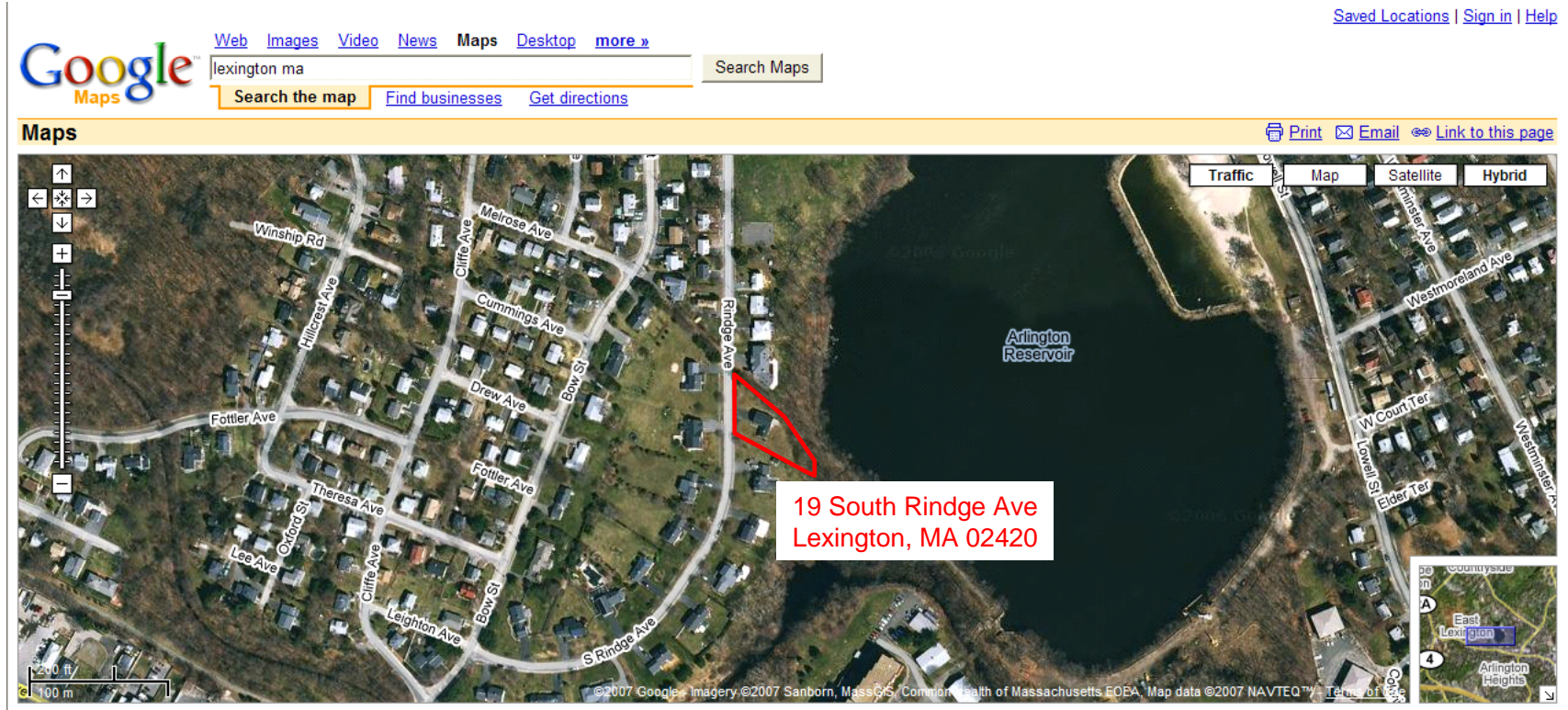
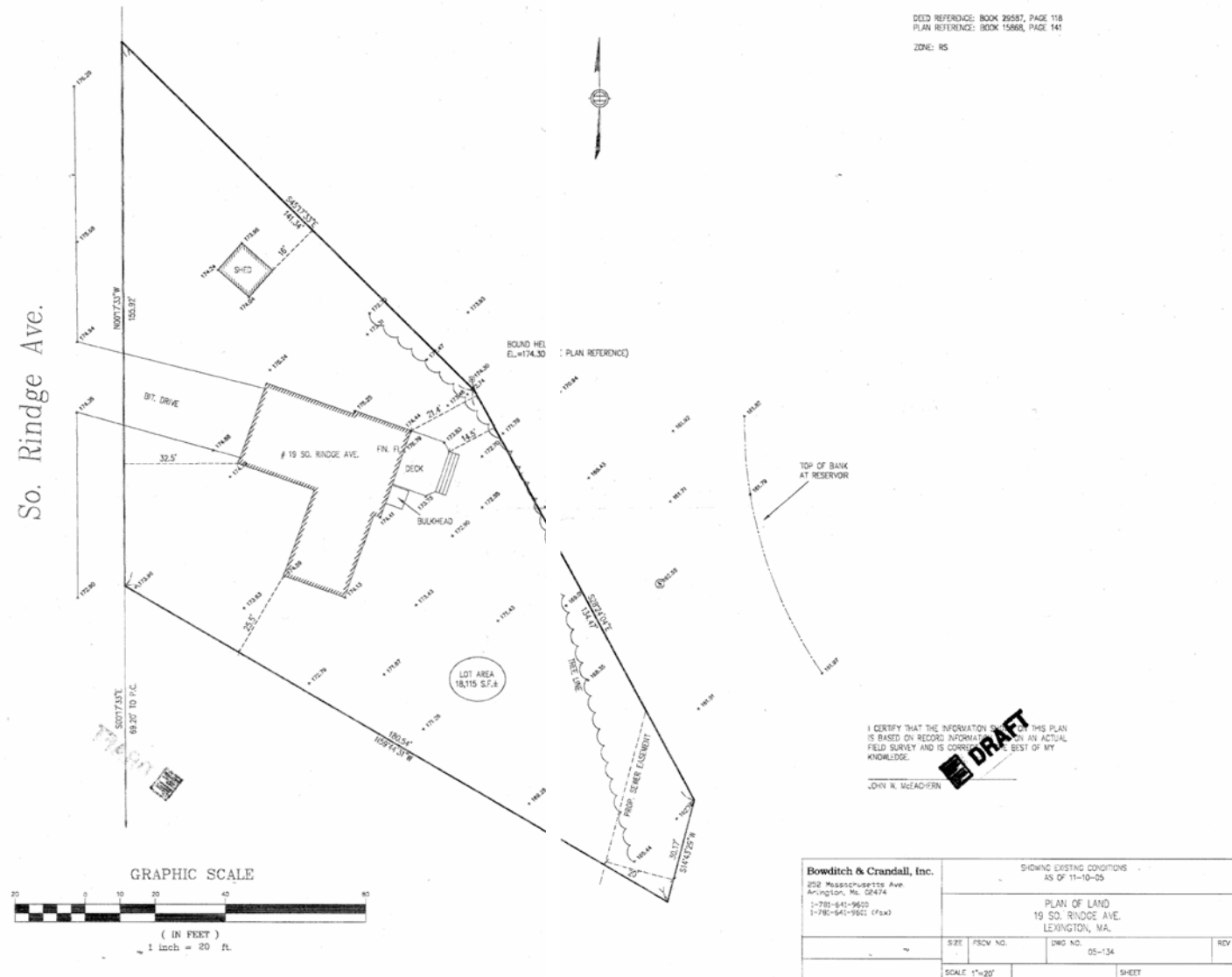


Figure 3. Existing Conditions (Survey Map 11-10-05 - Elevations)



Project Description

- Remove Norway Maples
- Limb Up Remaining Trees
- ... Plant Fern/Shade Plant Bed
- Remove Poison Ivy
- ... Wood chips on path

Wetland Buffer Zone

Wetland Resource Area

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

Bowditch & Crandall, Inc.
PDP Massachusetts Ave.
Andover, MA 01834
1-781-641-9600
1-781-641-9601 (Fax)

REV. 1/4/05/ CONSIDERS IDENTIFIED

SCALE 1"=20'

SHOWING EXISTING CONDITIONS AS OF 11-10-03

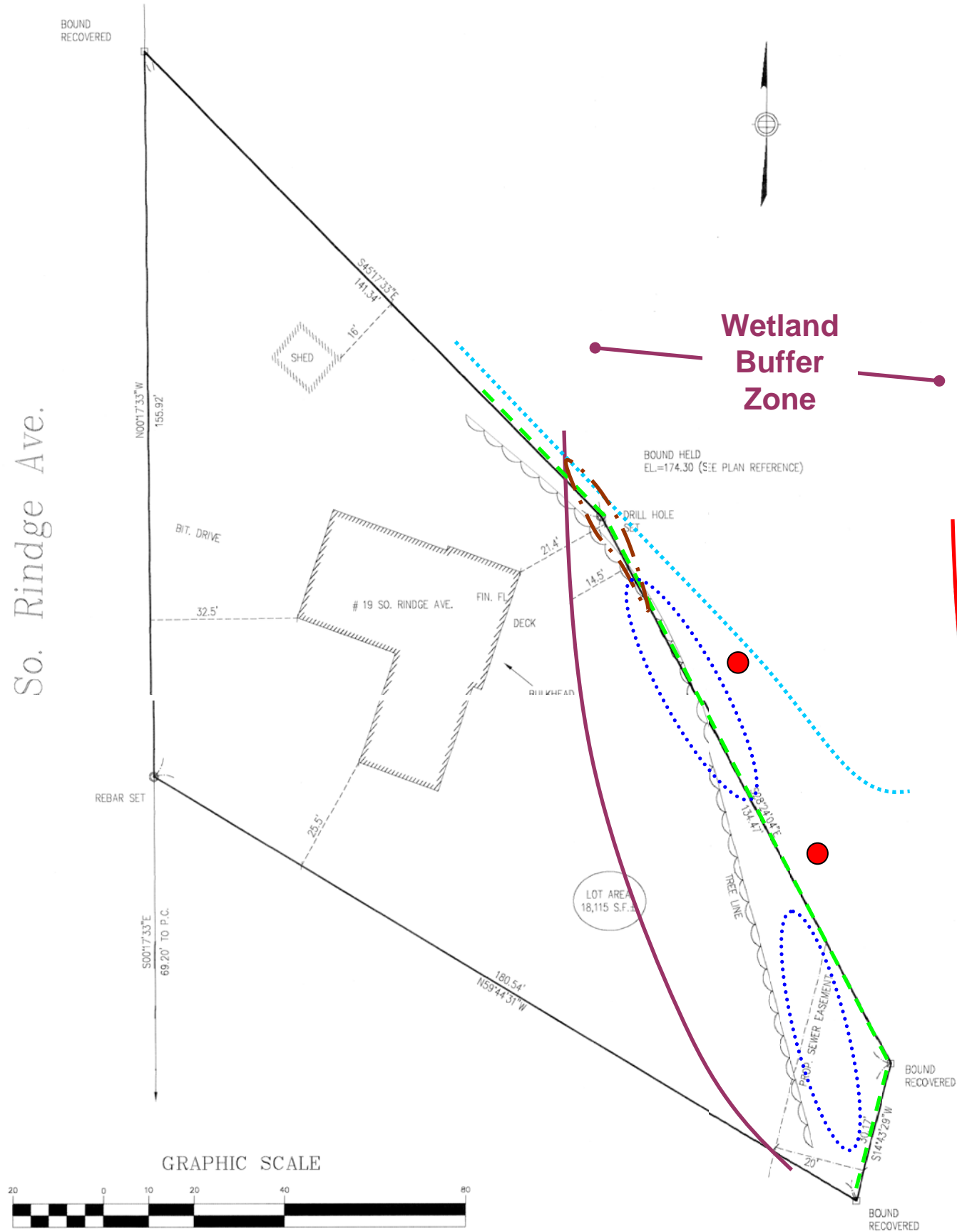
PLAN OF LAND
19 SO. RINDGE AVE.,
LEXINGTON, MA.

DWG NO. 05.134

SHEET

JOHN W. McEACHERN
NO. 35500
PROFESSIONAL
LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS



DEED REFERENCE: BOOK 29587, PAGE 118
 PLAN REFERENCE: BOOK 15868, PAGE 141
 ZONE: RS

Project Description

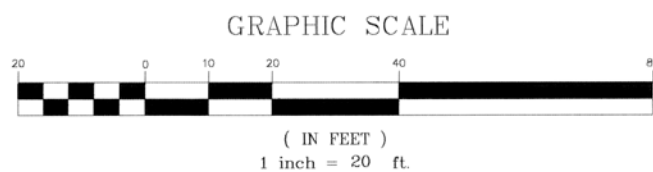
- Remove Norway Maples
- Limb Up Remaining Trees
- ... Plant Fern/Shade Plant Bed
- Remove Poison Ivy
- ... Wood chips on path

Wetland Resource Area

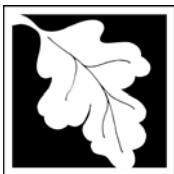
I CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAN IS BASED ON RECORD INFORMATION AND ON AN ACTUAL FIELD SURVEY AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

JOHN W. McEACHERN

John W. McEACHERN
 1-4-06



Bowditch & Crandall, Inc. 252 Massachusetts Ave. Arlington, Ma. 02474 1-781-641-9600 1-781-641-9601 (Fax)	SHOWING EXISTING CONDITIONS AS OF 11-10-05		
	PLAN OF LAND 19 SO. RINDGE AVE. LEXINGTON, MA.		
REV. 1/4/05/: CORNERS IDENTIFIED	SIZE	FSCM NO.	DWG NO. 05-134
SCALE 1"=20'		SHEET	



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Lexington
City/Town

WPA Form 1- Request for Determination of Applicability

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

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:

Stephen Emsbo-Mattingly

Name

emsbomattingly@comcast.net

E-Mail Address

19 South Rindge Ave

Mailing Address

Lexington

City/Town

MA

State

02420

Zip Code

781-862-6351

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

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

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below 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 below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Lexington

Name of Municipality

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



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C. Project Description

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

19 South Rindge Ave

Street Address

Lexington

City/Town

Deed Book 15868 Page 141 Lot 14

Assessors Map/Plat Number

Plan Number 1338 of 1984

Parcel/Lot Number

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

The planned work lies within a residential back yard that slopes gradually towards the Arlington Reservoir. It is our understanding that the wetland resource area extends to the top of the slope around the Arlington Reservoir between the shoreline and the public walking path. The wetland buffer zone extends from the top of the resource area boundary towards the property line for a distance of 100 feet. The buffer zone boundary loosely parallels the current tree line and may extend into the yard 10 to 20 feet.

- c. Plan and/or Map Reference(s):

Lexington Town Topo and 1:200 Site Maps

Title

2006

Date

19 South Rindge Ave Existing Conditions (Surveyed Map)

Title

11-10-05

Date

Work Description (Drawn on Surveyed Map)

Title

4-2-07

Date

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

We have cultivated an organic lawn and yard and want to address several problems on the property boundary that lies within the wetland buffer zone around the Arlington Reservoir (on the landside of the main walking path). Specifically, we intend to remove two Norway Maple trees that are impinging on the health of surrounding oaks, ash, and cherry trees. We intend to limb-up other trees (many possessing dead wood) that hang over the yard. We intend to plant a bed of native ferns, native ginger, day lillies, and possibly other shade tolerant plants on the sloped property boundary to reduce erosion. We intend to remove several patches of poison ivy with Roundup. We would like to place wood chips along a public easement to improve walking safety, protect tree roots, and reduce erosion.



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C. Project Description (cont.)

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).

The work is limited to 1) the removal of two trees by a reputable arborist (Boston Tree Preservation), 2) routine maintenance of remaining trees, 3) erosion controls with native plants and natural materials (wood chips), and 4) safety improvements (poison ivy control). All of the work will be performed in dry weather and completed within several hours. The erosion controls will be improved as a result of this work. There will be no negative change in the flood storage capacity of the property as a result of these activities. The habitat loss as a result of tree removal is considered insignificant because it will result in the loss of an invasive species and promote the health of native tree species in the immediate vicinity.

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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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.

Name and address of the property owner:

Stephen Emsbo-Mattingly

Name

19 South Rindge Ave

Mailing Address

Lexington

City/Town

MA

State

02420

Zip Code

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

2/3/08

Date

Signature of Representative (if any)

Date