



June 1, 2021

Reading Conservation Commission  
c/o Charles Tirone, Conservation Administrator  
16 Lowell Street  
Reading, MA 01867

Re: Waiver and Variance Requests – Notice of Intent Application  
Maillet, Sommes and Morgan Land, 0 Lowell Street and 0 Willow Street, Reading, MA

Dear Members of the Conservation Commission:

On behalf of the Applicant, the Town of Reading, the Horsley Witten Group, Inc. (HW) respectfully requests consideration for both a variance and a waiver pursuant to the above referenced Notice of Intent (NOI) application. The purpose of this request is to allow this public project to move forward as proposed, allowing proposed work within the locally-regulated buffer zone, which requires consideration of a Variance from the local regulations. In addition, the Town is seeking a Waiver of the local filing fee requirement under the local regulations.

### Proposed Project

The proposed project, which involves open space and stormwater improvements at the Maillet, Sommes and Morgan (Maillet) Conservation Area, is part of a larger, grant-funded effort through the Municipal Vulnerability Preparedness (MVP) grant program and is designed to address current and future flooding within the Mystic River Watershed as well as improve climate change resiliency and water quality while advancing environmental justice and open space connectivity.

The proposed project is designed to meet the performance standards for work within wetland resource areas and the buffer zone in accordance with the Massachusetts *Wetlands Protection Act* (M.G.L. Ch. 131 § 40), its implementing Regulations (310 CMR 10.00), and with the Town of Reading General Bylaw (Section 7.1) and associated Wetlands Protection Regulations to the extent practicable. However, proposed work within the locally-regulated 25-foot Zone of Natural Vegetation (ZNV) and the 35-foot “no structures” buffer zone.

In accordance with Section 2.E of the Reading Wetlands Protection Regulations, the Town respectfully requests consideration of a variance to the provisions under this section to allow the project to move forward as proposed, given the proposed mitigation measures and the overriding public benefits associated with the project.

In addition, the Town formally seeks a waiver under Section 2 with respect to filing fees.

## Background

The Town of Reading's site at the Maillet Conservation land was one of approximately 30 priority sites originally identified to address the program goals of addressing local flooding and water quality within the Upper Mystic River watershed, while also providing opportunities to advance open space connectivity in the area. The site was specifically selected through a rigorous selection process based on its feasibility for a constructed stormwater wetland, access, and opportunities to provide ecological benefits both locally and regionally. This site also provides opportunities to improve water quality within the immediate receiving water body, Aberjona River, which is listed as impaired in the most recent Massachusetts Integrated List of Waters (Massachusetts Department of Environmental Protection (MassDEP) 2016) as a Category 5 (Waters Requiring a TMDL) and address the overall stormwater phosphorus load reduction required for the Mystic River Watershed.

The project will involve installation of a constructed stormwater wetland system to address local flooding and improve water quality within the Aberjona River. The site is primarily wooded but bisected by wetlands and constrained by the Aberjona River. The design focuses on stormwater management and open space improvements in the upland areas, limiting impact to wetland areas, trees, and other vegetation within the conservation area to the extent possible. This design was advanced above other proposed concepts because it maximizes the stormwater management area and trail system improvements while minimizing impacts to the existing ecology onsite. Also, this design can be permitted under the Massachusetts Wetlands Protection Act and the local Wetlands Protection Regulations.

However, the proposed project design submitted with the NOI involves a small wetland crossing and will also necessitate work within the locally-regulated 25-foot Zone of Natural Vegetation (ZNV) and the 35-foot "no structures" buffer zone both associated with the proposed wetland crossing as well as the overall project design in order to maximize the stormwater treatment and water quality benefits.

## Project Impacts

Proposed impact within the buffer zone include approximately 0.82 ac of disturbance within the 25-foot ZNV with an additional disturbance within the 35-foot buffer of 0.33 ac (14,379 SF) as shown in Table 1 below.

These buffer impacts are necessary to accommodate the construction of sediment forebays and three constructed stormwater wetland cells and to allow the stormwater system to function as intended. Structures within the 35-foot buffer include the proposed boardwalk crossing as well as some of the public amenities designed to enhance recreational opportunities within this site.

Table 1. Summary of Resource Area Impacts (reiterated from NOI Project Narrative)

Jurisdictional Area	Impacts (SF)	(ac)
BVW (net alteration upon restoration)	711	0.016
Buffer Zone		
0-25 foot ZNV	35,592	0.82
0-35 foot No Structures Zone	49,971	1.15
25-100 foot buffer zone	43,213	0.99
35-100 foot buffer zone	57,592	1.32
<b>Total Buffer Zone Alteration 0-100 feet</b>	<b>78,805</b>	<b>1.81</b>

*Please note that several of the buffer zones overlap and that impacts are not additive.*

### Request for Variance from Regulations

Based upon the project purpose and objectives of the Town and with support from the project partners, including the Mystic River Watershed Association (MyRWA), the Town respectfully requests consideration for a Variance from the local regulations at Section 2.E.

The Town presented an extensive alternatives analysis in the NOI (see also Section 3.2 of the project narrative), that explored several alternatives of the proposed project in order to avoid and minimize impacts within wetland resource areas and buffer zones while still resulting in viable project that met the project purpose and need. Alternatives considered included the No Build Alternative, Off Site Alternatives at nearby sites, and various On-site Alternatives including various configurations and types of stormwater management practices as well as different trail routes, to minimize disturbance to the existing jurisdictional areas.

Following input from Town departments and the public, the Town is pursuing the proposed project as the Preferred Alternative, concluding that no alternative design, including the No-Build and Off-site Alternatives, would provide the same benefits without also impacting resource areas and the associated buffer zone.

### Proposed Mitigation and Public Benefits

The project proposes several mitigation measures and public benefits as part of the overall design. These include the constructed stormwater wetland system itself, which will result in water quality benefits within the Aberjona River and will contribute to improved water quality within the Upper Mystic River watershed; wetland mitigation at a 2:1 ratio (both wetland replacement and wetland restoration) for unavoidable impacts to the Bordering Vegetated Wetland (BVW) associated with the stormwater design; replacement of lost trees and addressing the local Replacement Tree and Shrub Policy to the extent practicable; and buffer zone restoration by implementing an invasive species management plan and restoring native plant communities within disturbed buffer zone areas, enhancing the resource areas and wildlife habitat.

The project also seeks to enhance and improve the existing trail system within the Maillet Conservation Area with development of accessible trails, formalized trail markers, educational signage, and seating areas. The proposed trail system will allow users of all abilities and interests use and enjoy the site for either passive or active recreation. Benches, overlooks and other contemplative areas allow for enjoyment of the existing and constructed wetlands and reflect the needs of the residents based on feedback gathered during the public engagement process.

For these reasons, we believe that the project will result in an overriding public benefit through proposed mitigation of localized flooding and water quality improvements, wetland replacement and restoration, invasive species management, restoration of native plant communities. It is anticipated that the entire project, upon implementation of mitigation measures, will result in an overall improvement to the interests protected by these resource areas and the locally regulated buffer zones.

### **Request for Waiver**

Section 2.D. (Filing Fees) imposes additional filing fees in addition to those required under the Massachusetts Wetlands Protection Act. Section 2.D.2 specifically states:

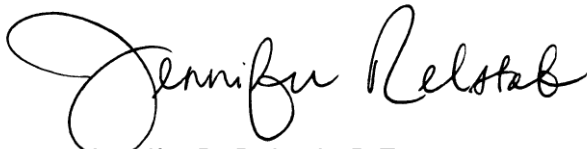
*2. Town projects are exempt from filing fees under these Regulations.*

As the project proponent is the Town of Reading, the Town respectfully requests that the Conservation Commission waive this provision.

Thank you in advance for your consideration of these requests. We look forward to meeting with you later this month to discuss the project. Please do not hesitate to contact me with any questions (508) 833-6600 or at [jrelstab@horsleywitten.com](mailto:jrelstab@horsleywitten.com).

Sincerely,

**Horsley Witten Group, Inc.**



Jennifer R. Relstab, P.E.  
Project Manager

cc: MassDEP, Northeast Regional Office  
Alex Rozycki, P.E., Town of Reading  
Ryan Percival, P.E., Town of Reading  
Catherine Pedemonti, Mystic River Watershed Association  
Patrick Herron, Mystic River Watershed Association