



Stantec Planning and Landscape Architecture P.C.
226 Causeway Street Boston, MA 02114

December 2, 2019
File: 210810271

Boston Conservation Commission
Boston City Hall
1 City Hall Square
Room 709
Boston, MA 02201

Reference: Request for Determination of Applicability
Chestnut Hill Realty
201-259 Independence Drive
Boston, MA 02132

Dear Commission Members,

On behalf Chestnut Hill Realty, Stantec Consulting Services (Stantec) is filing a Request for Determination of Applicability (RDA) under 310 CMR 10.05(3)(a) for the temporary use of a portion of a parcel of land owned by Hancock Village II LLC, for construction staging and material storage purposes located within the 100-foot buffer zone to Bordering Vegetated Wetlands off of Independence Drive, Boston, MA (Site). The Boston/Brookline municipal boundary is immediately south of the project site and construction activities will occur within Brookline and the parcel in Boston will be an ancillary use in support of construction activities. The work is proposed solely within the 100- buffer zone and includes the enhancement of an existing unpaved access road and temporary use of a portion of the parcel for material storage and construction staging. The road and material staging/storage area will be stabilized upon completion of construction activities. Figure 1 provides a USGS Locus Map of the parcel.

Introduction

The parcel consists of 34 acres of land improved with several buildings fronting on Independence Drive in Boston and Brookline. Approximately 0.4 acres will be used as a temporary construction staging/material storage area during construction, all outside the 100' Buffer Zone. Access to the area will be from an existing unpaved driveway located at the western end of an existing parking lot at 201-259 Independence Road. The unpaved driveway will be widened to accommodate construction equipment. The majority of the lot contains mature trees, while approximately 22,000 square feet (sf) consists of mowed, maintained lawn area. This lawn area will be used for the construction staging. The area is expected to be used for a period of six months starting in March 2020.

Wetland Resource Delineation

On October 18, 2019, a Stantec Wetland Scientist delineated the wetlands on, and within 100 feet of the access road and proposed staging area. Four wetland series A through D were flagged from east to west beginning at the parking area at the end of the existing access road. Series A (Flags A01 through A14), located south of the visitor parking area, is dominated by Red Maple (*Acer rubrum*) and Black Gum (*Nyssa sylvatica*) in the canopy and shrub layer and poison ivy (*Toxicodendron radicans*) and cinnamon fern (*Osmunda cinnamomea*) dominant in the herbaceous layer; however, there is an open emergent marsh

portion of this BVW. Series B (Flags B01 through B08) represents the north side of a hydrological connection between Series A and Series C. Series B continues south of the unpaved access road. The hydrological connection has a well-defined bank with upland on each side, although it is not mapped as an intermittent stream. Water-stained leaves and exposed saturated soils were observed features of the hydrological connection; however, there was no flowing water on October 18, 2019 during the wetland delineation effort.

Further west are Series C and D, dominated by Red Maple (*A. rubrum*), spicebush (*Lindera benzoin*), poison ivy (*T. radicans*) and buckthorn (*Frangula spp.*). The 100-foot buffer zone extends generally north and northwest from each wetland flag series. The attached existing conditions plan depicts existing conditions and flag locations.

According to a review of MassGIS, the parcel is not mapped within the FEMA 100- year flood zone or Bordering Land Subject to Flooding. The parcel is also not mapped within an Estimated Habitat of Rare Wildlife, Priority Habitat of Rare Species, nor does it contain recognized Potential Vernal Pools or Certified Vernal Pools. Figure 2 depicts an aerial photograph of the parcel and MassGIS-based regulatory datalayers.

Crushing Operation Description

The intent is to set up a temporary crushing operation in the area designated in the attached plan to minimize the need for offsite trucking and utilize this operation to crush blast rock being extracted for building construction elsewhere on the property. The temporary crushing operation will be actively crushing blast rock during the blasting operations for approximately six months. The mobile crushing operation equipment is composed of a jaw crusher and cone crusher in sequence, with built in feeder hoppers, belt conveyors and control systems. Both crushers will be equipped with water sprinkler systems to keep dust from migrating outside the units. The jaw crusher will breakdown the raw blasted rock, move the material using its belt conveyer to the cone crusher, which will breakdown to reusable material for backfill and road base. The operation will be supported by one excavator to load the jaw crushing plant and front-end loaders that will move the raw blasted rock to the feeding excavator, move the processed materials into stockpiles and load truck as required. Processed materials will be temporarily stockpiled, loaded and trucked on and offsite as needed.

Proposed Temporary Use

Access Road

The existing access road located at the northwest end of the parking lot at 201-259 Independence Drive is an unimproved gravel driveway. In order to accommodate construction equipment access to the staging area, the driveway must be widened and stabilized to avoid continuous rutting and resultant sediment-laden runoff during use. The driveway will be widened from 15 to 20 feet and a 6- inch layer of aggregate base course will be added as a stabilized surface. The stone will remain as a permanent stabilization measure when the road use is no longer required to access the construction support/staging area. Approximately 555 sf of the widening of the access road will be located within the 100-foot buffer zone to BVW. See attached plan for the proposed access route improvements.

Staging Area

The extent of the processing area and resulting footprint within the 100 -buffer zone was minimized to the extent practicable while accommodating the area required for construction support activities.

Earthwork associated with the construction project will require the excavation of material by conventional means and blasting of ledge. The blasted ledge will be trucked to the staging area, where it will be crushed.

The blasted material will be handled by a portable rock crushing and screening operation where material will be processed by crushing it to an aggregate size for reuse in utility trenches and various uses within the construction site. The process requires crushing, screening and conveying material to a stockpile location and/or waiting dump truck to transport the material back to the construction zone. Some material may be stockpiled at the site until it is needed for construction purposes. The staging area will be located outside the 100-foot buffer zone to BVW. See attached drawing.

There will be no refueling, washing or maintenance of construction equipment within 100-foot Buffer Zone portion of the staging area.

Construction Term Best Management Practices

Because the project includes stockpiling and processing of materials, erosion prevention, sediment control and pollution prevention practices will be extremely important to implement correctly and maintain throughout the duration of construction. To minimize the potential for adverse impacts to the adjacent resource area the following measures are provided on the project plans to inform the contractor. In addition, pollution prevention and good housekeeping notes are provided for contractor implementation. The measures include the following, as shown on the plan sheet.

Sediment Controls

Compost wattles will be placed along the length of the BVW, upgradient of the resource area to prevent the migration of sediment laden runoff from entering the adjacent BVW and additionally demarcate the limit of the resource area. Sediment controls will also be placed around soil stockpiles. The location of sediment controls is shown on the Project Plan Sheets.

Erosion Prevention

The covering of exposed soil stockpiles with a secured polyethylene tarp will be used to prevent erosion of material. The access road and staging area will be stabilized with gravel to prevent erosion. Permanent stabilization measures include the application of stone/gravel to remain in place. The contractor is to stabilize all disturbed areas

Pollution Prevention

Pollution prevention measures will include dust suppression by wet spray or mist during crushing operations to minimize fugitive dust. Good housekeeping measures include the storage of materials such as gas cans and oil lubricants will be sealed and stored under cover. Provision for pollution prevention are included on the detail sheet in note format. Loaded trucks leaving the staging area will be covered to prevent fugitive dust and potential debris on City streets.

Summary

The temporary construction support activities and use of the access road will be limited to the 100-foot buffer zone to BVW. All areas disturbed during construction support activities will be permanently stabilized. The

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implementation and maintenance of best management practices by the contractor will protect adjacent resources areas and will not result in long term alterations to the BVW. The plans include directives for best management practices for the contractor to follow. Therefore, we respectfully request the issuance of a Negative Determination confirming that the work described is within the Buffer Zone but will not alter an Area subject to protection under the Act and does not require the filing of a Notice of Intent.

If you have any questions or comments on the project, please do not hesitate to contact me.

Regards,

Stantec Planning and Landscape Architecture P.C.

A handwritten signature in black ink, appearing to read 'Theo Kindermans', with a stylized flourish at the end.

Theo Kindermans

617 654 6060

theo.kindermans@stantec.com

Attachment: 2 copies – original and 1 copy WPA Form 1 Request for Determination of Applicability
Photosheet
Figure 1 USGS Map
Figure 2 MassGIS NHESP & FEMA Datalayers

CC: Marc Levin, Chestnut Hill Realty
MassDEP, NERO-Wetlands and Waterways



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:

Mark Levin, Chestnut Hill Realty

Name

E-Mail Address

300 Independence Drive

Mailing Address

Boston

MA

02132

City/Town

State

Zip Code

617.323.8800

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Stantec Planning and Landscape Architecture P.C.

Firm

Theo Kindermans

Theo.Kindermans@stantec.com

Contact Name

E-Mail Address

226 Causeway Street

Mailing Address

Boston

MA

02114

City/Town

State

Zip Code

617.654.6060

Phone Number

Fax Number (if applicable)

B. Determinations

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

- 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:

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):

201-259 Independence Drive	Boston
Street Address	City/Town
2006994000	
Assessors Map/Plat Number	Parcel/Lot Number

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

The 34-acre parcel is part of the Hancock Village development. The rear of the parcel abuts Hancock Woods. The parcel contains several residential buildings, wooded areas and areas of maintained mowed lawn. See Figure 1 for a USGS Locus Map and Figure 2 for Aerial Photograph.

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

_____	_____
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):
The project includes the temporary use of a portion of a parcel of land for construction staging and material storage purposes located within the 100- foot buffer zone to Bordering Vegetated Wetlands. The Boston/Brookline municipal boundary is located immediately north of the property line and construction activities will occur within Brookline and the parcel in Boston will be an ancillary use in support of construction activities. The work is proposed solely within the 100- buffer zone and includes the enhancement of an existing access road and temporary use of a portion of the parcel for construction storage and staging. Both the access driveway and parcel will be stabilized upon the completion of construction.



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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).

N/A

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.)



WPA Form 1- Request for Determination of Applicability
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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.

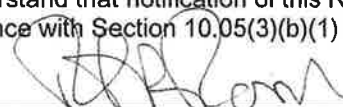
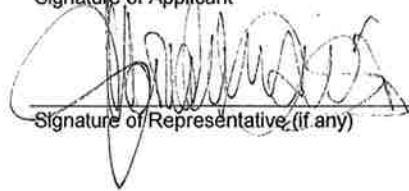
Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Hancock Village II LLC	
Name	
300 Independence Drive	
Mailing Address	
Boston	
City/Town	
MA	02132
State	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.

	TREASURER OF MANAGE	Date
Signature of Applicant		11/26/19
		Date
Signature of Representative (if any)		Dec 2, 2019



View from access road looking northwest toward project site



View from project site looking south toward parking lot



View looking southeast into Buffer Zone portion of staging area.



View from access road looking north and northwest toward project site



Open water portion of wetland Series A showing the high water mark



Wetland Data Plot in Series A



Project Location

Independence Drive, Boston, MA

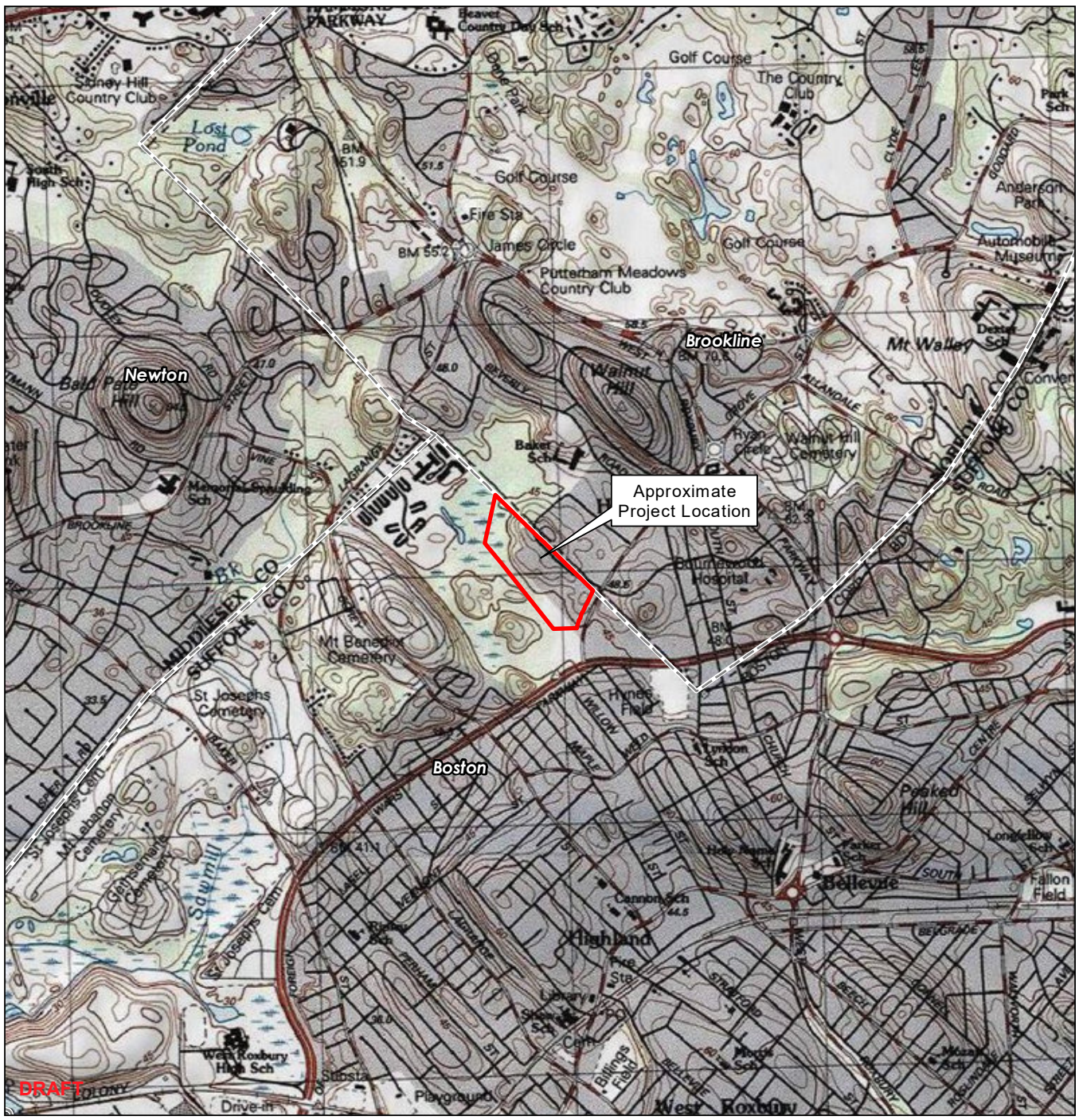
Client/Project



Chestnut Hill Realty

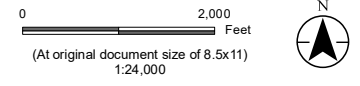
Title

Site Photographs October 18, 2019

V:\1956\active\Task Owner and other Non-BC\1956 Jobs\210810271\03_data\gis_cad\gis\MXD\210810271_01_USGS.mxd Revised: 2019-10-30 By: rmack



Legend
 Approximate Project Location
 Town Boundary



Project Location Boston, Massachusetts Prepared by REM on 2019-10-24
TR by KWH on 2019-10-25
IR Review by LC on 2019-10-29

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Boston, MA

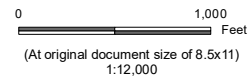
Figure No. 1
Title USGS Site Location Map
DRAFT

Notes
1. Coordinate System: NAD 1983 StatePlane Massachusetts Mainland FIPS 2001 Feet
2. Data Sources: Massachusetts Bureau of Geographic Information (MassGIS).
3. Background: USGS topo provided by Esri web mapping service.

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



- Legend**
- Approximate Project Location
 - Certified Vernal Pool
 - Potential Vernal Pool
 - Priority Habitats of Rare Species (August 2017)
 - Estimated Habitats of Rare Wildlife (August 2017)
 - 100 Year Flood Zone (AE)
 - 500 Year Flood Zone (X)
 - Town Boundary



Project Location: Boston, Massachusetts
 Prepared by REM on 2019-10-24
 TR by KWH on 2019-10-25
 IR Review by LC on 2019-10-29

Client/Project: Chestnut Hill Realty
 Boston, MA
 210810271

Figure No. **2**
 Title **NHESP and FEMA National Flood Hazard**
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Notes
 1. Coordinate System: NAD 1983 StatePlane Massachusetts Mainland FIPS 2001 Feet
 2. Data Sources: Massachusetts Bureau of Geographic Information (MassGIS); FEMA.
 3. Background: 2014 aerial imagery provided by Massachusetts Bureau of Geographic Information (MassGIS).