

Checklist for Filing a Notice of Intent with Boston Conservation Commission

In order for the Boston Conservation Commission to effectively process your Notice of Intent, BCC requests that you complete the checklist below and include it with your submission. If you should need assistance please contact Commission Staff: 617-635-3850 (cc@boston.gov).

Please Submit the Following to the Conservation Commission:

- Two copies (a signed original and 1 copy) of a completed Notice of Intent (WPA Form 3) **WPA Form 5 (Amended OC)**
- Two copies (a signed original and 1 copy) of a completed Boston Notice of Intent (Local Form)
- Two copies of plans (reduced to 11" X 17") in their final form with engineer's stamp affixed supporting calculations and other documentation necessary to completely describe the proposed work and mitigating measures. Plans must include existing conditions, the proposed project, erosion controls and mitigation measures, grading and spot elevations and all wetland resource areas and associated buffer zones. Some projects may require both an aerial view of the plans along with a profile view of plans depending on the scope of work.
- Two copies of an 8 ½" x 11" section of the [USGS quadrangle map](#) of the area, containing sufficient information for the Conservation Commission and the Department to locate the site of the work.
- (If applicable) Two copies the Federal Emergency Management Agency Flood Insurance Rate Map for the project site. FEMA Flood Maps: <https://msc.fema.gov/portal>.
- Two copies of the determination regarding the Natural Heritage and Endangered Species Program: Review Section C. Other Applicable Standards and Requirements of the Notice of Intent, page 4 of 8, pertaining to wildlife habitat. The Conservation Commission and the [Natural Heritage & Endangered Species Program](#) have the maps necessary to make this determination.
- (If applicable) Two hard copies of a Stormwater Report to document compliance with the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q), including associated drainage calculations for rooftops, parking lots, driveways, etc., for the required design storm events. **Covered in narrative**
- (If applicable) A narrative detailing best management practices for stormwater management as set forth in the Stormwater Management Standards of the Massachusetts Department of Environmental Protection and any separate standards and guidelines prepared by the City and the Boston Water and Sewer Commission. **Covered in narrative**
- (If applicable) Two hard copies of the Checklist for Stormwater Report **Covered in narrative**
- Details of the stormwater management system, including: catch basins, oil separating tanks, detention basins, outfalls, sewer connections, etc. **Covered in narrative**
- Any photographs related to the project representing the wetland resource areas.
- Request for OC Amendment** Two copies of a detailed project narrative describing the following: an overview of the entire project, the work proposed within wetland resource areas and/or buffer zones; how the performance standards specific to the wetland resource areas will be met (listing out each performance standard); a consideration of the effect that project sea level rise, changes in storm intensity and frequency, and other consequences of climate change may have on the resource areas and proposed activities; construction equipment and material involved; and measures to protect wetland resource areas and mitigate impacts. The applicant shall also include narrative on how they plan to integrate climate change and adaptation planning considerations into their project to promote climate resilience to protect and promote Resource Area Values and functions into the future.
- Two copies of an Abutters List, Affidavit of Service and Abutter Notification, filed concurrently with the Notice of Intent. All abutters within 300' of the project property line must be notified including those in a neighboring municipality. In such an instance, a copy of the filing must also be sent to the local Conservation Commission of the neighboring municipality.

Checklist for Filing a Notice of Intent with Boston Conservation Commission

- Two copies of the BPDA Climate Resiliency Checklist (for new buildings). This can be completed online at <http://www.bostonplans.org/planning/planning-initiatives/article-37-green-building-guidelines>. Please print the pdf that you will receive via email after completion and include it in your submission.
- Electronic copies. Documents may be submitted via email, or via an email link to downloadable documents. Electronic copy of Amendment Request sent to cc@boston.gov**



To minimize the use of non-recyclable materials ***please do not include vinyl or plastic binders, bindings, folders or covers with the filing.*** Staples and binder clips are good choices.



January 15, 2020

Amelia Croteau
Boston Conservation Commission
1 City Hall Square, Room 709
Boston, Massachusetts 02201

**Re: Garden Garage, 35 Lomasney Way, Boston Massachusetts
Request for Order of Conditions Amendment (MassDEP Wetland Program Policy 85-4)**

Dear Amelia,

Howard Stein Hudson (HSH), on behalf of the Applicant George Kruse / Equity Residential, would like to request an Amendment of the Final Order of Conditions #006-1559 issued by the Boston Conservation Commission on 1/17/2018 and expiring on 1/17/2021.

Pedestrian safety improvements are required within Lomasney Way as part of the project's transportation mitigation. Following the issuance of the original Order of Conditions for the subject property, additional transportation improvements were proposed, which required minor deviations from the project as approved in that order. The following describes the approved design and the proposed changes:

The original project was limited to the redevelopment of the existing site (2.67 acres / 116,305 square feet) and proposed Public Way sidewalk reconstruction, which would have resulted in a total area of disturbance of 2.96 acres / 128,987 square feet. The existing site is predominantly impervious consisting of a parking garage, hardscape and landscape. Scope of the approved project includes demolition of the existing parking garage, construction of a new 44-story residential apartment building with designated commercial and restaurant areas with a five-story underground parking garage, and reconstruction of sidewalks adjacent to the site. The construction includes the installation of building utility services, such as stormwater management system, which has been designed to comply with the applicable requirements of the Boston Water and Sewer Commission (BWSC) and the Massachusetts Department of Environment Protection (MassDEP) Stormwater Management Standards.

Approved design within the property boundaries remains the same. The request for the amendment pertains to alterations within Lomasney Way. As a result, the updated total project area will be 3.9 acres / 170,160 square feet. In the course of the project design and permitting effort multiple discussions were had with various City of Boston agencies. It was concluded that reconfiguration of the intersection in the area of the two entrances to the proposed underground parking garage and



loading dock on Lomasney Way would be needed to facilitate vehicular traffic flow and improve pedestrian safety.

The purpose of this Request is to receive an Amendment to approve Order of Conditions #006-1559 issued by the Boston Conservation Commission on 1/17/2018 and expiring on 1/17/2021 to include the updated scope of the project.

Proposed Impacts

Changes in curb and street island layout within FEMA Flood Zone AE:

Areas on site are located within the Federal Emergency Management Association’s (FEMA) Flood Insurance Zone AE, which is Land Subject to Coastal Storm Flowage (LSCSF), or 100-year Flood Plain. Zone AE in this area has a base flood elevation of 10.0 North American Vertical Datum of 1988 (NAVD88) or an elevation 16.46 Boston City Base (BCB). See **Appendix D** for Flood Maps.

There are no specific performance standards set forth in the regulations for LSCSF. Filling of LSCSF is not subject to the requirement that compensatory storage be provided, as is Bordering Land Subject to Flooding in the inland regulations. HSH calculated potential losses and gains in flood storage availability.

In the process of changing the sidewalk configuration to improve pedestrian safety, some potential flood storage will be lost. The reconfiguration of the roadway in front of 35 Lomasney Way also includes removal of a road island that will provide some compensatory storage that will offset the flood storage lost during the sidewalk expansion. Both the sidewalk and street island reconfiguration were requested by the City of Boston as means to improve pedestrian safety and to facilitate traffic flow in the area of Garden Garage. See **Appendix C** for illustration of the flood storage impacts. LSCSF impacts are provided in **Table 1**:

Table 1. LSCSF IMPACTS

LSCSF Impact			
Feature	Area	Volume	Status
Sidewalk expansion	912 SF	456 CF	Flood Storage Lost
Islands Removed	2,917 SF	1,458 CF	Flood Storage Provided
		1,002 CF	Flood Storage Provided



Stormwater Management Standards Compliance

Stormwater Report and Checklist: A Stormwater Checklist and a detailed Stormwater Report titled “Garden Garage 35 Lomasney Way” prepared by Nitsch Engineering and dated November 21, 2017 accompanied the original Notice of Intent. Drainage calculations were included in the 2017 report to document compliance with the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q). The Amendment of the OC currently proposed makes no changes in impervious cover, runoff flow patterns, runoff discharge points or outfalls and brings no changes to runoff water quality or quantity. Proposed work includes an intersection reconfiguration achieved through restriping, removal of 6” raised traffic islands and sidewalk modification to facilitate vehicular traffic flow and improve pedestrian safety. The work involves repaving existing impervious areas and no changes in runoff pattern. Stormwater Checklist and Stormwater Report for the proposed project expansion would be redundant.

A narrative detailing best management practices for stormwater management: There are no drainage design changes and no new drainage structures or BMPs proposed as part of this amendment.

Details of the stormwater management system, including catch basins, oil separating tanks, detention basins, outfalls, sewer connections, etc.: No new catch basins, oil separators, detention basins, outfalls or sewer or drainage connections proposed as part of the requested amendment. Catch basin inlet protection will be provided and maintained for the duration of the project as shown on the Amended Order of Conditions Sketch.

A copy of the BPDA Climate Resiliency Checklist for new buildings prepared by Epsilon Associates as climate change expert and submitted with the original 2017 NOI submittal prepared by Nitsch Engineering is added as an attachment. Current OC Amendment Request includes intersection reconfiguration and sidewalk modification. Proposed project expansion does not include new building areas or utilities.



Conclusion:

Howard Stein Hudson (HSH) on behalf of the Applicant George Kruse / Equity Residential, would like to request for an Amendment of the Final Order of Conditions #006-1559 issued by the Boston Conservation Commission on 1/17/2018 and expiring on 1/17/2021 to include the expanded scope of the project.

Sincerely,

George N. Mihov, P.E.
Senior Civil Engineer



Attachments

Appendix A: WPA Form 5 - Amended OC

Appendix B: Boston Notice of Intent Application Form (Local Form)

Appendix C: WPA Form 5 – Copy of Signed Order of Conditions and Special Conditions

Appendix D: Amended Order of Conditions Sketch and Specific Repair Plan

Appendix E: Area Map

Appendix F: Flood Hazard Maps and Climate Resiliency Checklist

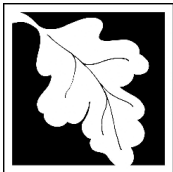
Appendix G: NHESP Map

Appendix H: Affidavit of Service, Abutter Notification, Abutters Map 300 feet, Abutter List

Appendix I: Photographs representing LSCSF Impacts

Appendix A:

WPA Form 5 – Amended OC



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 006-1559
 MassDEP File #
 985456
 eDEP Transaction #
BOSTON
 City/Town

A. General Information

Please note:
 this form has
 been modified
 with added
 space to
 accommodate
 the Registry
 of Deeds
 Requirements

Important:
 When filling
 out forms on
 the
 computer,
 use only the
 tab key to
 move your
 cursor - do
 not use the
 return key.



1. From: BOSTON
 Conservation Commission

2. This issuance is for
 (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
GEORGE KRUSE
 a. First Name b. Last Name

EQUITY RESIDENTIAL
 c. Organization
230 WEST 41st STREET, 12th FLOOR
 d. Mailing Address

NEW YORK NY 10036
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

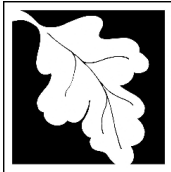
 a. First Name b. Last Name

 c. Organization

 d. Mailing Address
_____ _____ _____
 e. City/Town f. State g. Zip Code

5. Project Location:
35 LOMASNEY WAY BOSTON
 a. Street Address b. City/Town
03 00470000
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42.36472 N 71.06471 W
d m s d m s



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A. General Information (cont.)

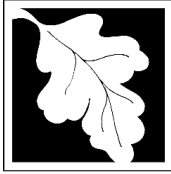
6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 SUFFOLK
 a. County SUFFOLK b. Certificate Number (if registered land) 113
 53565 c. Book 53565 d. Page 113
7. Dates: 11/21/2017 1/3/2018 1/17/2018
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 EXISTING CONDITIONS
 a. Plan Title EXISTING CONDITIONS
 ALEXANDER DIOTTE
 b. Prepared By ALEXANDER DIOTTE c. Signed and Stamped by _____
 11/17/2017
 d. Final Revision Date 11/17/2017 e. Scale _____
 AMENDED OC SKETCH
 f. Additional Plan or Document Title AMENDED OC SKETCH g. Date 01/15/2020

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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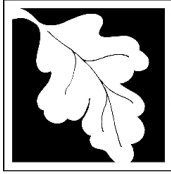
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



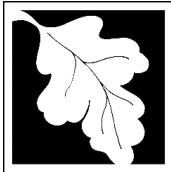
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	7,968	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

_____ a. square feet of BVW

_____ b. square feet of salt marsh

24. Stream Crossing(s):

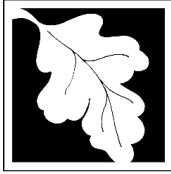
_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 1/17/2021 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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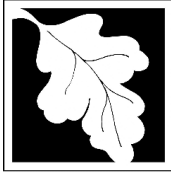
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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 006-1559 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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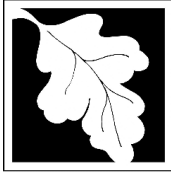
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

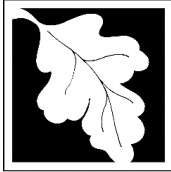


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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c)* The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.)* the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.)* the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d)* Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e)* Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f)* The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
006-1559

MassDEP File #
985456

eDEP Transaction #
BOSTON

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

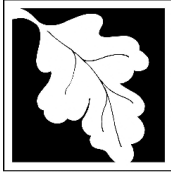
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission (“Commission”) upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

SEE ATTACHED SPECIAL CONDITIONS

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The BOSTON hereby finds (check one that applies):
 Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

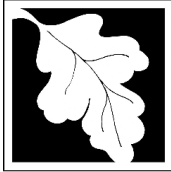
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1/17/2019
 1. Date of Issuance

Please indicate the number of members who will sign this form.

4

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures: _____

by hand delivery on

by certified mail, return receipt requested, on

_____ Date

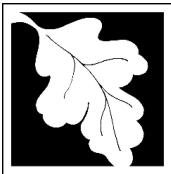
_____ Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

006-1559

Provided by DEP

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

A. Request Information

1. Location of Project

35 LOMASNEY WAY

a. Street Address

BOSTON

b. City/Town, Zip

N/A

c. Check number

N/A

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

GEORGE MIHOV, PE / HSH ASSOCIATES

Name

11 EACON STREET, SUITE 1010

Mailing Address

BOSTON

City/Town

MA

State

02108

Zip Code

617-348-3395

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

GEORGE KRUSE / EQUITY RESIDENTIAL

Name

230 WEST 41st STREET, 12th FLOOR

Mailing Address

NEW YORK

City/Town

NY

State

10036

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

006-1559

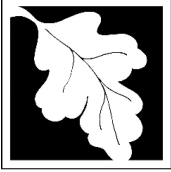
B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

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

DEP File Number:

006-1559

Provided by DEP

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Appendix B:

Boston Notice of Intent Application Form (Local Form)



A. GENERAL INFORMATION

1. Project Location

<u>35 Lomasney Way</u>	<u>Boston</u>	<u>MA</u>
a. Street Address	b. City/Town	c. Zip Code
<u>03</u>	<u>00470000</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant

<u>George</u>	<u>Kruse</u>	<u>Equity Residential</u>
a. First Name	b. Last Name	c. Company
<u>230 West 41st Street, 12th Floor</u>		
d. Mailing Address		
<u>New York</u>	<u>NY</u>	<u>10036</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

3. Property Owner

<u></u>	<u></u>	<u></u>
a. First Name	b. Last Name	c. Company
<u></u>		
d. Mailing Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

Check if more than one owner

(If there is more than one property owner, please attach a list of these property owners to this form.)

4. Representative (if any)

<u>George</u>	<u>Mihov, PE</u>	<u>Howard Stein Hudson Associates</u>
a. First Name	b. Last Name	c. Company
<u>11 Beacon Street, Suite 1010</u>		
d. Mailing Address		
<u>Boston</u>	<u>MA</u>	<u>02108</u>
e. City/Town	f. State	g. Zip Code
<u>617-348-3395</u>	<u></u>	<u>gmihov@hshassoc.com</u>
h. Phone Number	i. Fax Number	j. Email address



5. Is any portion of the proposed project jurisdictional under the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40?

- Yes No

If yes, please file the WPA Form 3 - Notice of Intent with this form

6. General Information

The approved project consists of a new 44-story residential building w/a five-story underground garage. the project expansion consists of a reconfiguration of roadway, sidewalks and roadway islands.

7. Project Type Checklist

- a. Single Family Home
- b. Residential Subdivision
- c. Limited Project Driveway Crossing
- d. Commercial/Industrial
- e. Dock/Pier
- f. Utilities
- g. Coastal Engineering Structure
- h. Agriculture – cranberries, forestry
- i. Transportation
- j. Other

8. Property recorded at the Registry of Deeds
Suffolk

	113
a. County	b. Page Number
53565	
c. Book	d. Certificate # (if registered land)

B. BUFFER ZONE & RESOURCE AREA IMPACTS

Buffer Zone Only - Is the project located only in the Buffer Zone of a resource area protected by the Boston Wetlands Ordinance?

- Yes No

1. Coastal Resource Areas

<u>Resource Area</u>	<u>Resource Area Size</u>	<u>Proposed Alteration*</u>	<u>Proposed Mitigation</u>
<input type="checkbox"/> Coastal Flood Resilience Zone	_____ Square feet	_____ Square feet	_____ Square feet



- 25-foot Waterfront Area
- | | | | |
|--|-------------|-------------|-------------|
| | Square feet | Square feet | Square feet |
|--|-------------|-------------|-------------|

2. Inland Resource Areas

<u>Resource Area</u>	<u>Resource Area Size</u>	<u>Proposed Alteration*</u>	<u>Proposed Mitigation</u>
<input type="checkbox"/> Inland Flood Resilience Zone	Square feet	Square feet	Square feet
<input type="checkbox"/> Isolated Wetlands	Square feet	Square feet	Square feet
<input type="checkbox"/> Vernal Pool	Square feet	Square feet	Square feet
<input type="checkbox"/> Vernal Pool Habitat (vernal pool + 100 ft. upland area)	Square feet	Square feet	Square feet
<input type="checkbox"/> 25-foot Waterfront Area	Square feet	Square feet	Square feet

C. OTHER APPLICABLE STANDARDS & REQUIREMENTS

1. Is any portion of the proposed project located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the Massachusetts Natural Heritage Atlas or go to <http://www.mass.gov/dfwele/dfw/nhESP/nhregmap.htm>.

- Yes No

If yes, the project is subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18).

A. Submit Supplemental Information for Endangered Species Review

- Percentage/acreage of property to be altered:

(1) within wetland Resource Area

_____ percentage/acreage

(2) outside Resource Area

_____ percentage/acreage

- Assessor's Map or right-of-way plan of site

2. Is the proposed project subject to provisions of the Massachusetts Stormwater Management
 3. Is any portion of the proposed project within an Area of Critical Environmental Concern?
- Yes No



4. Is the proposed project subject to provisions of the Massachusetts Stormwater Management Standards?

- Yes. Attach a copy of the Stormwater Checklist & Stormwater Report as required.
 - Applying for a Low Impact Development (LID) site design credits
 - A portion of the site constitutes redevelopment
 - Proprietary BMPs are included in the Stormwater Management System
- No. Check below & include a narrative as to why the project is exempt
 - Single-family house
 - Emergency road repair
 - Small Residential Subdivision (less than or equal to 4 single family houses or less than or equal to 4 units in a multifamily housing projects) with no discharge to Critical Areas

5. Is the proposed project subject to Boston Water and Sewer Commission Review?

- Yes
- No

D. SIGNATURES AND SUBMITTAL REQUIREMENTS

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the Wetlands Protection Ordinance.

Signature of Applicant

Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)


Date

Appendix C:

WPA Form 5 - Copy of Signed Order of Conditions



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40


2018 00012834
Bk: 59188 Pg: 99 Page: 1 of 20
Recorded: 02/14/2018 11:30 AM
ATTEST: Stephen J. Murphy, Register
Suffolk County Registry of Deeds

A. General Information

1. Conservation Commission **BOSTON**
2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name **GEORGE** b. Last Name **KRUSE**
c. Organization **EQUITY RESIDENTIAL**
d. Mailing Address **230 WEST 41ST STREET, 12TH FLOOR**
e. City/Town **NEW YORK** f. State **NY** g. Zip Code **10036**

4. Property Owner

a. First Name **GEORGE** b. Last Name **KRUSE**
c. Organization **EQUITY RESIDENTIAL**
d. Mailing Address **230 WEST 41ST STREET, 12TH FLOOR**
e. City/Town **NEW YORK** f. State **NY** g. Zip Code **10036**

5. Project Location

a. Street Address **35 LOMASNEY WAY**
b. City/Town **BOSTON** c. Zip Code
d. Assessors **03** e. Parcel/Lot# **00470000**
Map/Plat#
f. Latitude **42.36472N** g. Longitude **71.06471W**

6. Property recorded at the Registry of Deed for:

a. County b. Certificate c. Book **53565** d. Page **113**

7. Dates

a. Date NOI Filed : **11/21/2017** b. Date Public Hearing Closed: **1/3/2018** c. Date Of Issuance: **1/17/2018**

8. Final Approved Plans and Other Documents

a. Plan Title: **EXISTING CONDITIONS** b. Plan Prepared by: **ALEXANDER DIOTTE** c. Plan Signed/Stamped by: d. Revised Final Date: **11/17/2017** e. Scale:

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

- | | | |
|--|--|--|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:006-1559
 eDEP Transaction #:985456
 City/Town:BOSTON

Approved subject to:

a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.

c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). _____ a. linear feet

Inland Resource Area Impacts:(For Approvals Only):				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	Cubic Feet Flood Storage _____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
	Cubic Feet Flood Storage _____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____	_____		



Massachusetts Department of Environmental Protection
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	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
---------------	---------------------	----------------------	----------------------	-----------------------

10. Designated Port Areas Indicate size under Land Under the Ocean, below

11. Land Under the Ocean

a. square feet	b. square feet
<u> </u>	<u> </u>
c. c/y dredged	d. c/y dredged
<u> </u>	<u> </u>

12. Barrier Beaches Indicate size under Coastal Beaches and/or Coastal Dunes below

13. Coastal Beaches

a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
<u> </u>	<u> </u>	<u> </u>	<u> </u>

14. Coastal Dunes

a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
<u> </u>	<u> </u>	<u> </u>	<u> </u>

15. Coastal Banks

a. linear feet	b. linear feet
<u> </u>	<u> </u>

16. Rocky Intertidal Shores

a. square feet	b. square feet
<u> </u>	<u> </u>

17. Salt Marshes

a. square feet	b. square feet	c. square feet	d. square feet
<u> </u>	<u> </u>	<u> </u>	<u> </u>

18. Land Under Salt Ponds

a. square feet	b. square feet
<u> </u>	<u> </u>

c. c/y dredged	d. c/y dredged
<u> </u>	<u> </u>

19. Land Containing Shellfish

a. square feet	b. square feet	c. square feet	d. square feet
<u> </u>	<u> </u>	<u> </u>	<u> </u>

20. Fish Runs Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

c. c/y dredged	d. c/y dredged
<u> </u>	<u> </u>

21. Land Subject to Coastal Storm Flowage 7056

a. square feet	b. square feet
<u> </u>	<u> </u>

22. Restoration/Enhancement (For Approvals Only)



**Massachusetts Department of Environmental
Protection**
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"



**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:
MassDEP File #:006-1559
eDEP Transaction #:985456
City/Town:BOSTON

[or "MassDEP"]

File Number : "006-1559"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per



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the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as



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defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

- 1) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:
SEE ATTACHED



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:



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E. Signatures

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

1/17/2018
1. Date of Issuance
4
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

[Handwritten signatures]

[Handwritten signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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(M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

BOSTON
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

BOSTON
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

35 LOMASNEY WAY
 Project Location

006-1559
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page

for:

Property Owner GEORGE KRUSE

and has been noted in the chain of title of the affected property in:

Book	Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number



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Signature of Applicant

Rev. 4/1/2010

A large, dark, handwritten 'X' is drawn across the entire signature area, extending from the top left to the bottom right and vice versa.

December 6, 2017
Attachment – Special Conditions
Equity Residential, 44 Story Residential Building, 35 Lomasney Way
West End, Boston Harbor (LSCSF)
DEP File No. 006-1559

20. The term "Applicant" as used in this Order of Conditions refers to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
22. A member of the Conservation Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
23. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
24. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Act.
26. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with the conditions and the Massachusetts Wetlands Protection Act (hereinafter "the Act"). The Applicant, owner, successor or assigns will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
27. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
28. All project generated discharges, including stormwater, authorized by a NPDES permit, will be subject to the terms of the NPDES permit which is incorporated herein by reference pursuant to 310 CMR 10.03 (4). The Applicant must submit the NPDES permit to the Commission.
29. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas associated with those resource areas. Any equipment used in any wetland resource area that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be repaired outside of any wetland resource area. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas. Equipment must not be re-fueled within any wetland resource areas.
30. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in LSCSF. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet. The spent material should be containerized and disposed of properly.
31. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at

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617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Amelia Croteau, Conservation Agent: amelia.croteau@boston.gov

32. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The fuel tanks must also have a leak detection system. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein, and will not expire upon issuance of a Certificate of Compliance.
33. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
34. All project related correspondence and submittals to the Boston Conservation Commission regarding this Final Order must indicate the DEP File number: 006-1559.

Prior to Construction

35. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
36. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.
37. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
38. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.
39. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.
40. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw wattles or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are

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available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.

41. The contractor must submit a construction materials and equipment staging plan 30 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
42. The Applicant must submit to Commission staff notice of approval by the Boston Water and Sewer Commission (BWSC) of the plans for this project. Any modifications required by BWSC to the plans approved by this Order must be detailed in writing with this submittal so that Commission staff can determine if further conditions are required.
43. The Applicant must design the stormwater drainage system to include infiltration of rooftop runoff and parking lot drainage or submit certification from a registered professional engineer that infiltration is not technically feasible. The revised plans or certification must be approved by the Boston Water and Sewer Commission and then submitted to Conservation Commission staff before construction commences.
44. Before construction commences, the Applicant must submit to Commission staff evidence of notification of this proposed project to the Department of Conservation and Recreation, as property owner of the adjacent to 35 Lomasney Way, and to the Boston Parks and Recreation Commission (hereinafter the Park Commission), to determine if the city ordinance requiring review and approval by the Park Commission of projects within 100 feet of any park within the City of Boston applies to this proposed project.
45. The Applicant must submit a construction and post-construction snow management plan for Commission staff review and approval. Snow from landside areas may not be plowed or otherwise deposited into the waters of Boston Harbor or adjacent coastal beaches or banks. Snow must be stockpiled on paved surfaces that direct melted snow water to catch basins. Deicing material and sand must be stored and contained in areas that will not allow for their migration into wetland resource areas. Prior to April 1st, all sand and salt from winter application must be removed from the site. The approved snow management plan will be a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.

During Construction

46. The Applicant, owner, successor or assigns must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.
47. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
48. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.
49. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
50. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating

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dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.

51. The Applicant, owner, successor or assigns will ensure the cleanliness of all catch basins on the project site or affected by project related activity. Catch basins will be protected with hay bales and/ or silt sacks during the construction period. The proponent must inspect and, as necessary, clean all catch basins at least weekly during construction and more frequently after a significant rain event. Upon completion of the project, the inspection and cleaning of catch basins on the subject property must occur twice a year: once between March 1st and April 30th and once between November 1st and November 30th of each year, and more often if necessary. This **maintenance** condition is perpetual and will not expire upon issuance of a Certificate of Compliance.
52. The Applicant must provide the Commission with copies of the Operations and Maintenance Log for all stormwater BMP's on the subject site yearly. Copies must be provided for a minimum of three years after completion of construction and specify dates of inspections, repairs, replacement, maintenance and cleaning actions, and names of individuals or contractors conducting said maintenance.
53. Repair or replacement of stormwater infrastructure may not commence in advance of a forecasted rain event.
54. All sheet flow from areas where vehicles drive or park must be directed toward catch basins that meet Boston Water and Sewer Specifications.
55. Any new or reconstructed catch basins, or any new or replaced sections of sidewalk or pavement adjacent to surface drains on the project site, must have a permanent plaque within one foot of the structure that states "Don't Dump - Drains to Boston Harbor."
56. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.
57. The contractor must have designated washout areas for concrete equipment that will be comprised of impermeable material and sized to contain project concrete wastes and wash water. Washout areas may not be located in the vicinity of storm drain inlets, stormwater conveyance, surface waters or wetlands.
58. There may be no parking of contractor or laborer vehicles in any resource area without proper stormwater controls or best management practices installed.
59. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
60. There may be no overnight stockpiling or storage of construction material including unconsolidated material, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the 100-year flood plain. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within the resource area. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.
61. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs. Debris removal from resource areas and evaluations of measures employed to reduce impacts to the wetland resource areas. The

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condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.

62. All land-side areas disturbed during construction must be stabilized as soon as possible upon completion of construction. Loaming and seeding should occur within (5 - 30) days of final grading. Barren areas should be stabilized with a temporary cover of rye or other grass if work on the project is interrupted for more than 30 days. If the season is not appropriate for plant growth, then exposed surfaces may be stabilized by straw, snow fence, or other U.S. Natural Resources Conservation Service - recommended methods. The Applicant or their contractor will ensure a mature cover of vegetation is established on previously disturbed or exposed areas.
63. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
64. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
65. All equipment and unconsolidated materials must be removed from the buffer zone and Land Subject to Coastal Storm Flowage (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood) in advance of any forecasted coastal flooding event.

Additional Conditions

66. The Applicant must submit a refuse management plan prior to the opening of the facility to ensure that there is proper containment and disposal of restaurant related trash and debris. Storage areas outside of the existing structure should be indicated on the plan as well as enclosure and containment measures. If applicable, the Applicant must comply with all standards of the City of Boston Public Works Department Regulations regarding dumpsters (City of Boston Code, Ordinances, Title 14, section 264a.). Dumpsters must be constructed and maintained so as to be leak proof and must be equipped with a close fitting permanently attached cover which must remain fully closed except for loading and unloading. The dumpster enclosure must be inspected daily and maintained free of loose debris and trash.
67. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and any modifications or additions to the project, to Commission staff to determine if further Commission review is required. The proposed landscape plan and drainage may be subject to further revisions relative to development on abutting properties. The Applicants agree to attend future public hearings of the Conservation Commission for review of development proposals on abutting properties.
68. Prior to construction, the Applicant must submit for Commission staff review and approval a landscaping plan that details the use of native species within the resource areas.

LOCATION (/EN/LOCATIONS)	PERMITS (/EN/PERMITS) (/EN/APPLICANTS/3421097/EDIT)	TEAM	FORMS	SUBMIT (/EN/FORMS)	STATUS (/EN/APPLICATIONS/3754332)
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35 LOMASNEY WAY**ERECT OR NEW CONSTRUCTION** ERT779522**ACTION REQUIRED****ACTIVITY LOG****We need something from you**

The application has been reviewed and more information is requested before further review. You should be expecting a speed letter from the plan examiner shortly, either electronically or by mail.

Review status: fire protection review more information required

Reviewer comments: meeting update reqd

Reviewed by: Thomas O'Donnell

Upload successful, thank you.



2018-01-26 140391-00_Smoke Control Analysis Report.pdf

01/24/2018 - 04:16 pm

Status update

See information on next steps below.

01/18/2018 - 10:36 am

We need something from you

The application has been reviewed and more information is requested before further review. You should be expecting a speed letter from the plan examiner shortly, either electronically or by mail. Please note: Do not upload additional information through 'Alteration Uploads' if hard copies were originally filed; instead please bring all requested information to 1010 Massachusetts Ave, 5th Floor, Counter 2.

Review status: zoning review more information required

Reviewed by: Luis A Santana

Upload successful, thank you.



Equity Garden Garage CD Energy Model Report.pdf



Equity Garden Garage Energy Code Compliance.pdf

01/18/2018 - 10:36 am

Application locked during staff review

Your application is under review.

11/21/2017 - 01:06 pm

ERECT OR NEW CONSTRUCTION
(/EN/FORMS/ERECT-OR-NEW-CONSTRUCTION)

ISSUED

CONSTRUCTION FIRE SAFETY
(/EN/FORMS/BFD-CONSTRUCTION-DEMOLITION-OR-RENOVATION-PROCESS)

TEMPORARY DUMPSTER APPLICATION
(/EN/FORMS/BFD-TEMPORARY-DUMPSTER-APPLICATION)

Your permit application has been submitted

ERT779522

11/20/2017 - 03:25 pm

STAFF REVIEWS

Fire Protection Review: More information required

meeting update reqd

Assigned to: Thomas O'Donnell

Reviewed by: Thomas O'Donnell

01/24/2018 - 04:15 pm

Building Review: Pending

Assigned to: Luis A Santana

Reviewed by: Luis A Santana

01/18/2018 - 10:36 am

Zoning Review: More information required

Assigned to: Luis A Santana

Reviewed by: Luis A Santana

01/18/2018 - 10:35 am

Article 37 Review: Pending

Assigned to: Kathleen Pedersen

Reviewed by:

01/17/2018 - 08:39 am

P&Z Intake Review: Approve

Assigned to: John E Downey

Reviewed by: Thomas O'Donnell

11/21/2017 - 01:01 pm

Admin Review: Approve

Assigned to: Unassigned

Reviewed by: Richard Kang Chung

11/21/2017 - 12:06 pm

Address verification: Approve

Assigned to: James M Kennedy
Reviewed by: Richard Kang Chung

11/21/2017 - 12:05 pm

Community Sanitation: Pending

Assigned to: Ollie Gray
Reviewed by:

11/20/2017 - 03:26 pm

MILESTONES

Waiting

01/18/2018 - 10:35 am

Planning/Zoning

11/21/2017 - 01:05 pm

Assignment

11/21/2017 - 01:05 pm

Preliminary Inspection

11/21/2017 - 01:05 pm

Fees

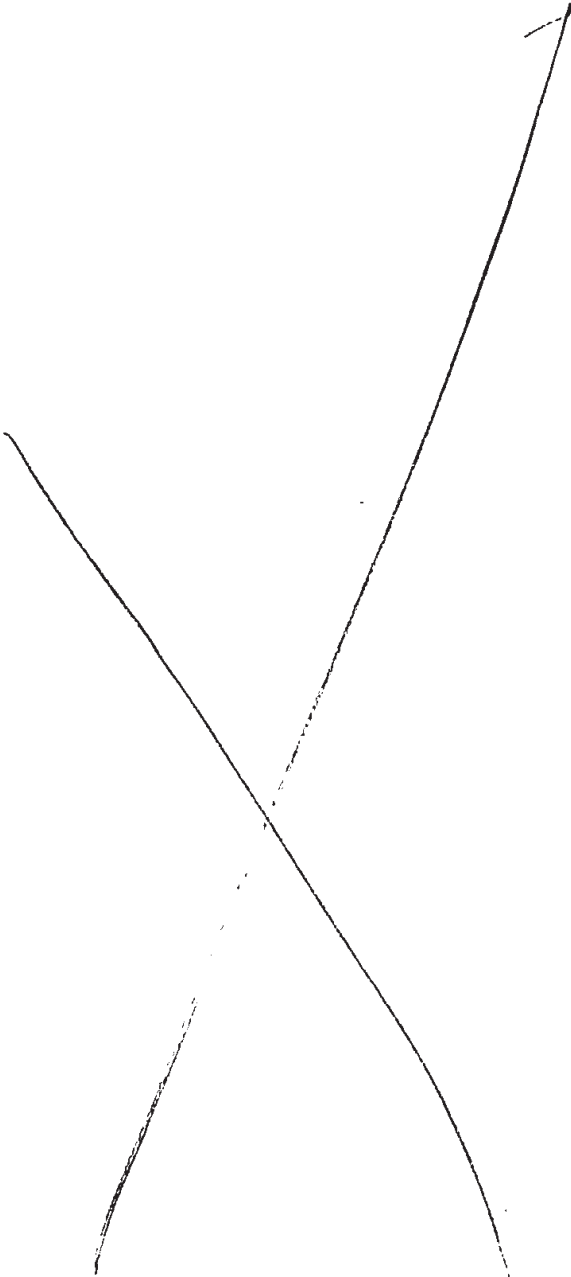
11/21/2017 - 01:01 pm

Admin PZ Review

11/21/2017 - 12:06 pm

Intake

11/20/2017 - 03:26 pm








ATTACHMENTS

YOUR FILES

Erect Or New Construction Upload



2018-01-26 140391-00_Smoke Cc
(<https://d3pg3el1a5ci0n.cloudfro>
01-26+140391-00_Smoke+Contro

Erect Or New Construction Upload	 Equity Garden Garage Energy Co (https://d3pg3ella5ci0n.cloudfro)
Erect Or New Construction Upload	 Equity Garden Garage CD Energy (https://d3pg3ella5ci0n.cloudfro)
Contractor's License Information	 MLP Builder's License.pdf (https://d3pg3ella5ci0n.cloudfro)
Contractor Workers' Compensation	 Workers' Comp Insurance Tishm: (https://d3pg3ella5ci0n.cloudfro)
Contract signed by Homeowner and Contractor	 Permit Ltr - Tishman - signed.pd (https://d3pg3ella5ci0n.cloudfro +Tishman+-+signed.pdf)

YOUR ANSWERS




Description of construction work. *	Project Name: 'Garden Garage Tower' Address: '35 Lomasney Way'. Construct new 44 story residential tower and 5 level below grade garage located on a site created by demolishing an existing parking garage. Total construction gross of 895,000 sf. The structure will consist of a slurry wall foundation, concrete core, columns, and cast in place concrete slabs. The envelope is glass and metal.
Total cost of new construction *	215248597.0
Current Occupancy Type *	Commercial
Proposed Occupancy Type	Residential Tower448 res units
Type of Construction *	Type 1 A
Number of stories	44.0
Height of the building (in feet)	498.0
Will the building contain a party wall?	No
Is the cubic footage of this building greater than 35,000 feet?	
Square Footage of the Building *	895000.0
What material is the foundation made of?	Concrete

Please Provide the Dimensions of the Building

Front Dimension	318.5
-----------------	-------

Right Side Dimension	198.08
Left Side Dimension	249.08
Rear Dimension	431.25

Please Provide the Dimensions of the Lot

Front Dimensions of the lot	376.5
Right Dimensions of the Lot	336.0
Left Dimension of the Lot	399.5
Rear Dimensions of the Lot	647.33
Electronic Plans	
Construction License Exemption for Homeowners (Homeowner Waiver)	
Contractor's License Information	 MLP Builder's License.pdf
Contract signed by Homeowner and Contractor	 Permit Ltr - Tishman - signed.pdf
Contractor Workers' Compensation	 Workers' Comp Insurance Tishman 10.1.18.pdf
Permission to act on behalf of a licensed contractor	

CITY OF BOSTON

[TERMS OF SERVICE \(TOS\)](#) [PRIVACY POLICY \(PRIVACY\)](#)

POWERED BY

([HTTP://OPENCOUNTER.US](http://opencounter.us))

December 6, 2017
Attachment – Special Conditions
Equity Residential, 44 Story Residential Building, 35 Lomasney Way
West End, Boston Harbor (LSCSF)
DEP File No. 006-1559

20. The term "Applicant" as used in this Order of Conditions refers to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
22. A member of the Conservation Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
23. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
24. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Act.
26. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with the conditions and the Massachusetts Wetlands Protection Act (hereinafter "the Act"). The Applicant, owner, successor or assigns will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
27. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
28. All project generated discharges, including stormwater, authorized by a NPDES permit, will be subject to the terms of the NPDES permit which is incorporated herein by reference pursuant to 310 CMR 10.03 (4). The Applicant must submit the NPDES permit to the Commission.
29. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas associated with those resource areas. Any equipment used in any wetland resource area that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be repaired outside of any wetland resource area. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas. Equipment must not be re-fueled within any wetland resource areas.
30. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in LSCSF. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet. The spent material should be containerized and disposed of properly.
31. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at

December 6, 2017
Attachment – Special Conditions
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West End, Boston Harbor (LSCSF)
DEP File No. 006-1559

617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Amelia Croteau, Conservation Agent: amelia.croteau@boston.gov

32. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The fuel tanks must also have a leak detection system. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein, and will not expire upon issuance of a Certificate of Compliance.
33. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
34. All project related correspondence and submittals to the Boston Conservation Commission regarding this Final Order must indicate the DEP File number: 006-1559.

Prior to Construction

35. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
36. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.
37. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
38. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.
39. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.
40. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw wattles or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are

December 6, 2017
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Equity Residential, 44 Story Residential Building, 35 Lomasney Way
West End, Boston Harbor (LSCSF)
DEP File No. 006-1559

available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.

41. The contractor must submit a construction materials and equipment staging plan 30 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
42. The Applicant must submit to Commission staff notice of approval by the Boston Water and Sewer Commission (BWSC) of the plans for this project. Any modifications required by BWSC to the plans approved by this Order must be detailed in writing with this submittal so that Commission staff can determine if further conditions are required.
43. The Applicant must design the stormwater drainage system to include infiltration of rooftop runoff and parking lot drainage or submit certification from a registered professional engineer that infiltration is not technically feasible. The revised plans or certification must be approved by the Boston Water and Sewer Commission and then submitted to Conservation Commission staff before construction commences.
44. Before construction commences, the Applicant must submit to Commission staff evidence of notification of this proposed project to the Department of Conservation and Recreation, as property owner of the adjacent to 35 Lomasney Way, and to the Boston Parks and Recreation Commission (hereinafter the Park Commission), to determine if the city ordinance requiring review and approval by the Park Commission of projects within 100 feet of any park within the City of Boston applies to this proposed project.
45. The Applicant must submit a construction and post-construction snow management plan for Commission staff review and approval. Snow from landside areas may not be plowed or otherwise deposited into the waters of Boston Harbor or adjacent coastal beaches or banks. Snow must be stockpiled on paved surfaces that direct melted snow water to catch basins. Deicing material and sand must be stored and contained in areas that will not allow for their migration into wetland resource areas. Prior to April 1st, all sand and salt from winter application must be removed from the site. The approved snow management plan will be a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.

During Construction

46. The Applicant, owner, successor or assigns must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.
47. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
48. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.
49. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
50. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating

December 6, 2017
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Equity Residential, 44 Story Residential Building, 35 Lomasney Way
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DEP File No. 006-1559

dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.

51. The Applicant, owner, successor or assigns will ensure the cleanliness of all catch basins on the project site or affected by project related activity. Catch basins will be protected with hay bales and/ or silt sacks during the construction period. The proponent must inspect and, as necessary, clean all catch basins at least weekly during construction and more frequently after a significant rain event. Upon completion of the project, the inspection and cleaning of catch basins on the subject property must occur twice a year: once between March 1st and April 30th and once between November 1st and November 30th of each year, and more often if necessary. This **maintenance** condition is perpetual and will not expire upon issuance of a Certificate of Compliance.
52. The Applicant must provide the Commission with copies of the Operations and Maintenance Log for all stormwater BMP's on the subject site yearly. Copies must be provided for a minimum of three years after completion of construction and specify dates of inspections, repairs, replacement, maintenance and cleaning actions, and names of individuals or contractors conducting said maintenance.
53. Repair or replacement of stormwater infrastructure may not commence in advance of a forecasted rain event.
54. All sheet flow from areas where vehicles drive or park must be directed toward catch basins that meet Boston Water and Sewer Specifications.
55. Any new or reconstructed catch basins, or any new or replaced sections of sidewalk or pavement adjacent to surface drains on the project site, must have a permanent plaque within one foot of the structure that states "Don't Dump - Drains to Boston Harbor."
56. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.
57. The contractor must have designated washout areas for concrete equipment that will be comprised of impermeable material and sized to contain project concrete wastes and wash water. Washout areas may not be located in the vicinity of storm drain inlets, stormwater conveyance, surface waters or wetlands.
58. There may be no parking of contractor or laborer vehicles in any resource area without proper stormwater controls or best management practices installed.
59. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
60. There may be no overnight stockpiling or storage of construction material including unconsolidated material, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the 100-year flood plain. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within the resource area. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.
61. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs. Debris removal from resource areas and evaluations of measures employed to reduce impacts to the wetland resource areas. The

December 6, 2017
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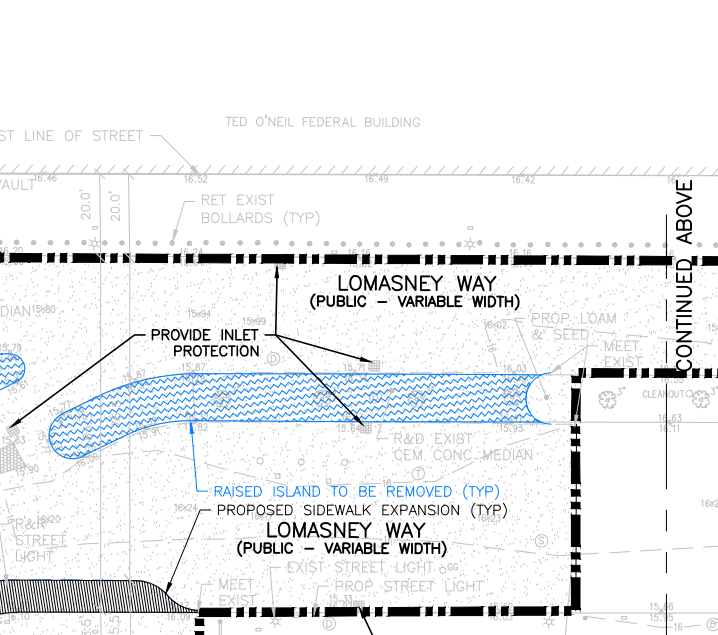
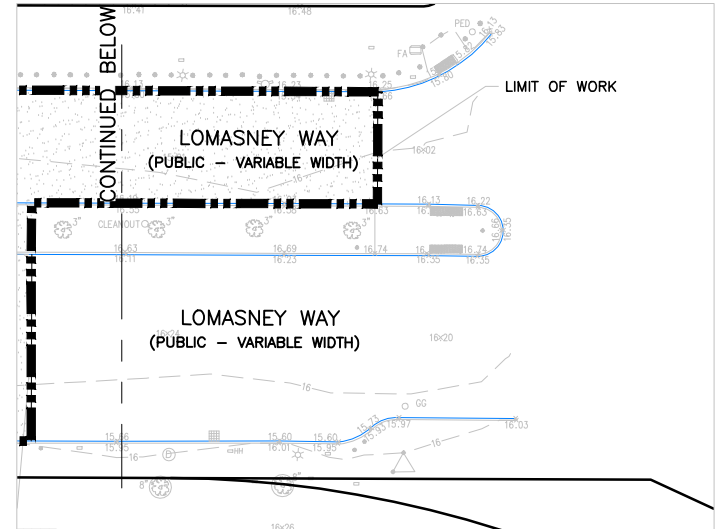
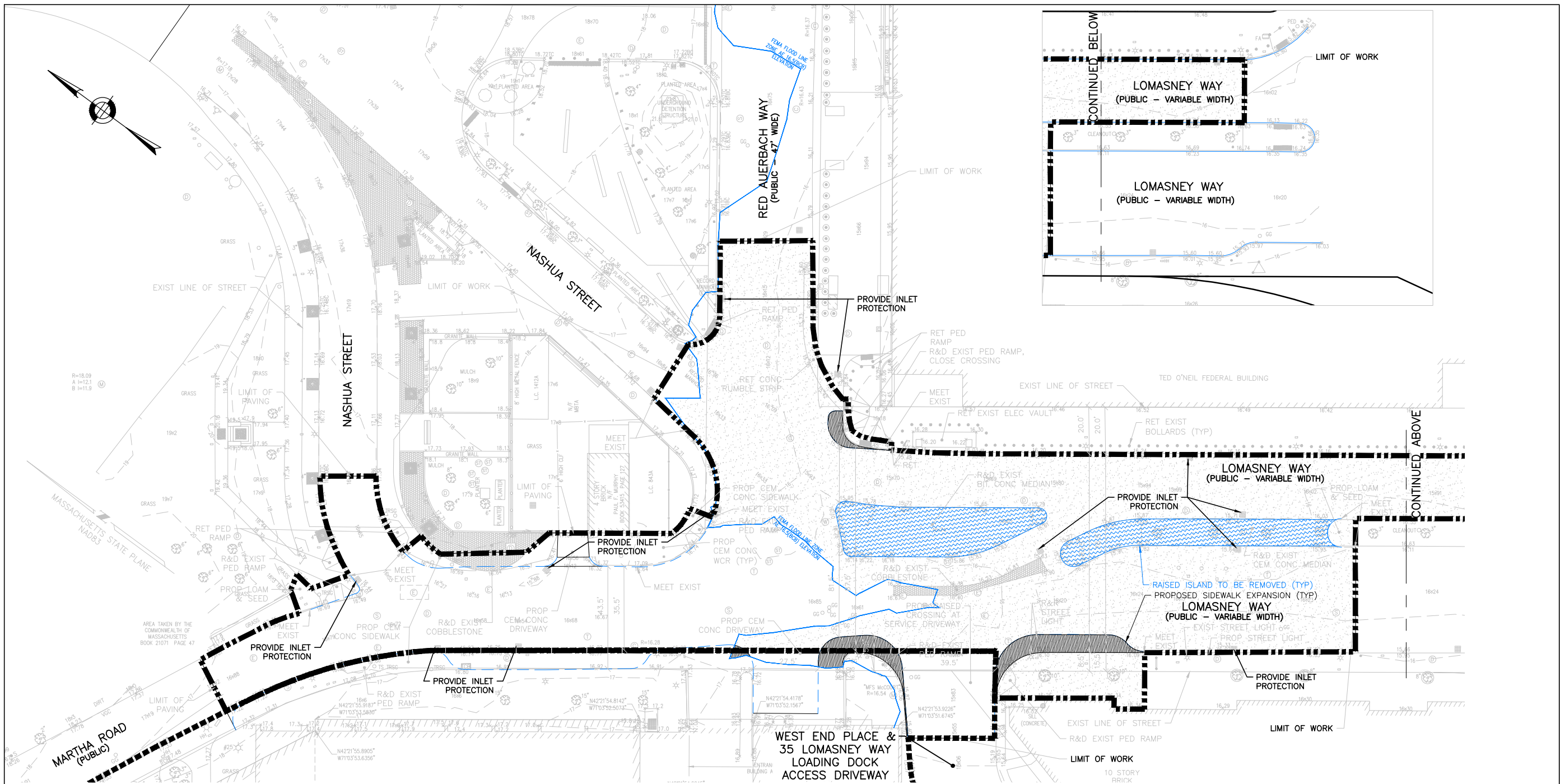
condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.

62. All land-side areas disturbed during construction must be stabilized as soon as possible upon completion of construction. Loaming and seeding should occur within (5 - 30) days of final grading. Barren areas should be stabilized with a temporary cover of rye or other grass if work on the project is interrupted for more than 30 days. If the season is not appropriate for plant growth, then exposed surfaces may be stabilized by straw, snow fence, or other U.S. Natural Resources Conservation Service - recommended methods. The Applicant or their contractor will ensure a mature cover of vegetation is established on previously disturbed or exposed areas.
63. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
64. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
65. All equipment and unconsolidated materials must be removed from the buffer zone and Land Subject to Coastal Storm Flowage (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood) in advance of any forecasted coastal flooding event.

Additional Conditions

66. The Applicant must submit a refuse management plan prior to the opening of the facility to ensure that there is proper containment and disposal of restaurant related trash and debris. Storage areas outside of the existing structure should be indicated on the plan as well as enclosure and containment measures. If applicable, the Applicant must comply with all standards of the City of Boston Public Works Department Regulations regarding dumpsters (City of Boston Code, Ordinances, Title 14, section 264a.). Dumpsters must be constructed and maintained so as to be leak proof and must be equipped with a close fitting permanently attached cover which must remain fully closed except for loading and unloading. The dumpster enclosure must be inspected daily and maintained free of loose debris and trash.
67. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and any modifications or additions to the project, to Commission staff to determine if further Commission review is required. The proposed landscape plan and drainage may be subject to further revisions relative to development on abutting properties. The Applicants agree to attend future public hearings of the Conservation Commission for review of development proposals on abutting properties.
68. Prior to construction, the Applicant must submit for Commission staff review and approval a landscaping plan that details the use of native species within the resource areas.

Appendix D:
Amended Order of Conditions Sketch
Existing Conditions Plan
Construction Plan
and
Grading Plan



- LIMIT OF WORK UNDER PROJECT EXPANSION
- LIMIT OF WORK UNDER APPROVED ORDER OF CONDITIONS
- PROPOSED CURB
- PROPOSED 6" CEM CONC SIDEWALK
- 6" RAISED ISLAND TO BE REMOVED
- LAND SUBJECT TO COASTAL STORM FLOWAGE

LSCSF Impact			
Feature	Area	Volume	Status
Sidewalk expansion	912 SF	456 CF	Flood Storage Lost
Islands Removed	2,917 SF	1,458 CF	Flood Storage Provided
		1,002 CF	Flood Storage Provided

HOWARD STEIN HUDSON
 11 Beacon Street, Suite 1010
 Boston, MA 02108
 www.hshudson.com

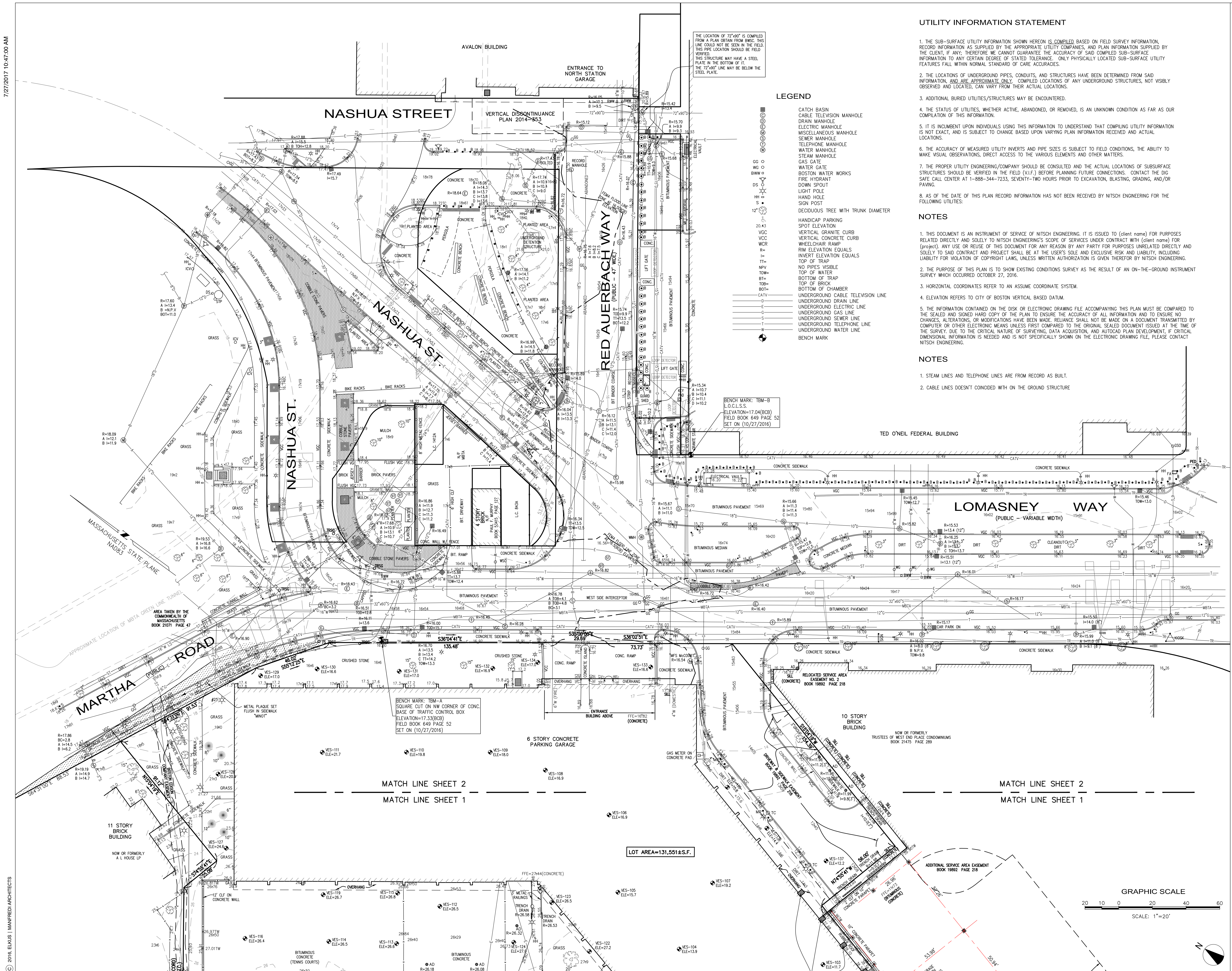
DESIGNED BY: GNM
 DRAFTED BY: GNM
 CHECKED BY: RL

AMENDED ORDER OF CONDITIONS SKETCH

LOMASNEY WAY
 GARDEN GARAGE – LOMASNEY WAY IMPROVEMENTS
 BOSTON PROPER

SCALE: AS NOTED

DATE: JANUARY 15, 2020
 SHEET 1 OF 1



UTILITY INFORMATION STATEMENT

1. THE SUB-SURFACE UTILITY INFORMATION SHOWN HEREON IS COMPILED BASED ON FIELD SURVEY INFORMATION, RECORD INFORMATION AS SUPPLIED BY THE APPROPRIATE UTILITY COMPANIES, AND PLAN INFORMATION SUPPLIED BY THE CLIENT, IF ANY; THEREFORE WE CANNOT GUARANTEE THE ACCURACY OF SAID COMPILED SUB-SURFACE INFORMATION TO ANY CERTAIN DEGREE OF STATED TOLERANCE. ONLY PHYSICALLY LOCATED SUB-SURFACE UTILITY FEATURES FALL WITHIN NORMAL STANDARD OF CARE ACCURACIES.
2. THE LOCATIONS OF UNDERGROUND PIPES, CONDUITS, AND STRUCTURES HAVE BEEN DETERMINED FROM SAID INFORMATION, AND ARE APPROXIMATE ONLY. COMPILED LOCATIONS OF ANY UNDERGROUND STRUCTURES, NOT VISIBLY OBSERVED AND LOCATED, CAN VARY FROM THEIR ACTUAL LOCATIONS.
3. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED.
4. THE STATUS OF UTILITIES, WHETHER ACTIVE, ABANDONED, OR REMOVED, IS AN UNKNOWN CONDITION AS FAR AS OUR COMPILATION OF THIS INFORMATION.
5. IT IS INCUMBENT UPON INDIVIDUALS USING THIS INFORMATION TO UNDERSTAND THAT COMPILING UTILITY INFORMATION IS NOT EXACT, AND IS SUBJECT TO CHANGE BASED UPON VARYING PLAN INFORMATION RECEIVED AND ACTUAL LOCATIONS.
6. THE ACCURACY OF MEASURED UTILITY INVERTS AND PIPE SIZES IS SUBJECT TO FIELD CONDITIONS, THE ABILITY TO MAKE VISUAL OBSERVATIONS, DIRECT ACCESS TO THE VARIOUS ELEMENTS AND OTHER MATTERS.
7. THE PROPER UTILITY ENGINEERING/COMPANY SHOULD BE CONSULTED AND THE ACTUAL LOCATIONS OF SUBSURFACE STRUCTURES SHOULD BE VERIFIED IN THE FIELD (V.I.F.) BEFORE PLANNING FUTURE CONNECTIONS. CONTACT THE DIG SAFE CALL CENTER AT 1-888-344-7233, SEVENTY-TWO HOURS PRIOR TO EXCAVATION, BLASTING, GRADING, AND/OR PAVING.
8. AS OF THE DATE OF THIS PLAN RECORD INFORMATION HAS NOT BEEN RECEIVED BY NITSCHE ENGINEERING FOR THE FOLLOWING UTILITIES:

LEGEND

- CATCH BASIN
- CABLE TELEVISION MANHOLE
- DRAIN MANHOLE
- ELECTRIC MANHOLE
- MISCELLANEOUS MANHOLE
- SEWER MANHOLE
- TELEPHONE MANHOLE
- STEAM MANHOLE
- GAS GATE
- WATER GATE
- BOSTON WATER WORKS
- FIRE HYDRANT
- DOWN SPOUT
- LIGHT POLE
- HAND HOLE
- SIGN POST
- DECIDUOUS TREE WITH TRUNK DIAMETER
- HANDICAP PARKING
- SPOT ELEVATION
- VERTICAL GRANITE CURB
- VERTICAL CONCRETE CURB
- WHEELCHAIR RAMP
- RIM ELEVATION EQUALS
- INVERT ELEVATION EQUALS
- TOP OF TRAP
- NPV PIPES VISIBLE
- TOP OF WATER
- BT= BOTTOM OF TRAP
- CATV= TOP OF BRICK
- BT= BOTTOM OF CHAMBER
- UNDERGROUND CABLE TELEVISION LINE
- UNDERGROUND DRAIN LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND SEWER LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND WATER LINE
- BENCH MARK

NOTES

1. THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF NITSCHE ENGINEERING. IT IS ISSUED TO (client name) FOR PURPOSES RELATED DIRECTLY AND SOLELY TO NITSCHE ENGINEERING'S SCOPE OF SERVICES UNDER CONTRACT WITH (client name) FOR (project). ANY USE OR REUSE OF THIS DOCUMENT FOR ANY REASON BY ANY PARTY FOR PURPOSES UNRELATED DIRECTLY AND SOLELY TO SAID CONTRACT AND PROJECT SHALL BE AT THE USER'S SOLE AND EXCLUSIVE RISK AND LIABILITY, INCLUDING LIABILITY FOR VIOLATION OF COPYRIGHT LAWS, UNLESS WRITTEN AUTHORIZATION IS GIVEN THEREFOR BY NITSCHE ENGINEERING.
2. THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS SURVEY AS THE RESULT OF AN ON-THE-GROUND INSTRUMENT SURVEY WHICH OCCURRED OCTOBER 27, 2016.
3. HORIZONTAL COORDINATES REFER TO AN ASSUME COORDINATE SYSTEM.
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NOTES

1. STEAM LINES AND TELEPHONE LINES ARE FROM RECORD AS BUILT.
2. CABLE LINES DOESN'T COINCIDED WITH ON THE GROUND STRUCTURE

ELKUS | MANFREDI
ARCHITECTS

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(tel) 617.426.1300

THE WEST END
APARTMENTS

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Boston, MA

Client
Equity Residential

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T: 617.648.2160

Construction Manager
Tishman Construction Corporation
1 Federal St, Suite 800
Boston, MA 02110
T: 617.723.1700

Geotechnical Engineer & Associates
Santborn Head & Associates
1 Technology Park Drive
Westford, MA 01886
T: 978.392.0900

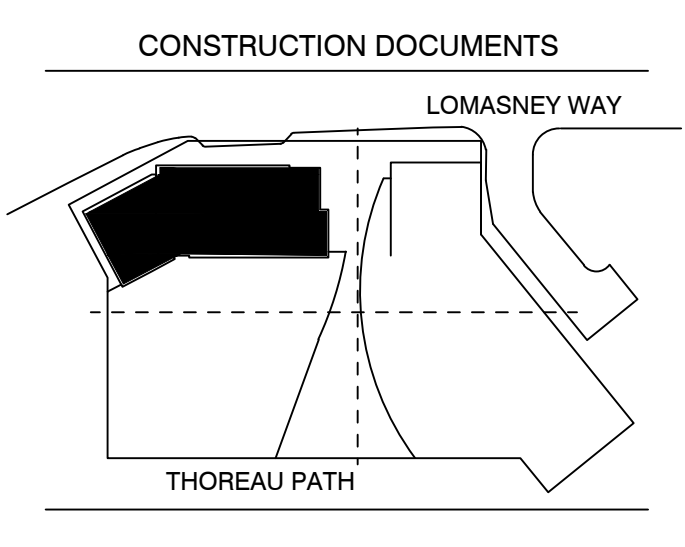
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F: 617.338.0472

Landscape Architect
Carol R. Johnson Associates Inc.
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F: 617.896.2340

Structural Engineer
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T: 617.737.0040
F: 617.737.0042

MEP Engineer
RWS Sullivan
529 Main Street Suite 203
Boston, MA 02129
www.rwsullivan.com

Code Consultant
Sullivan Code Group
529 Main Street Suite 203
Boston, MA 02129
T: 617.523.8227



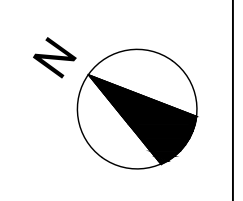
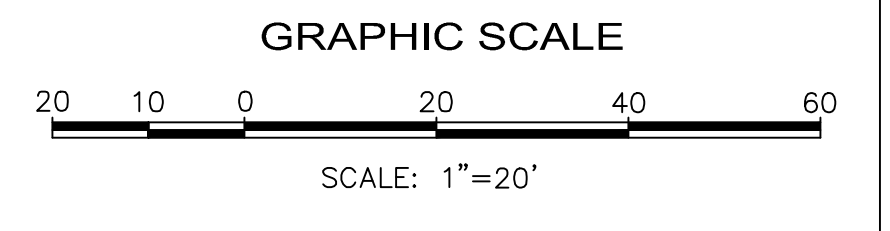
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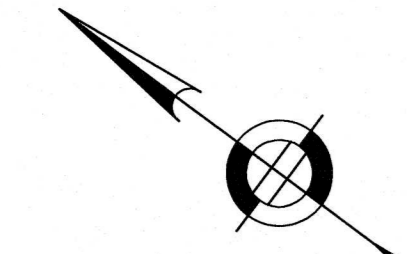
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EXISTING CONDITIONS
(NORTH VIEW)

DRAWING NUMBER:

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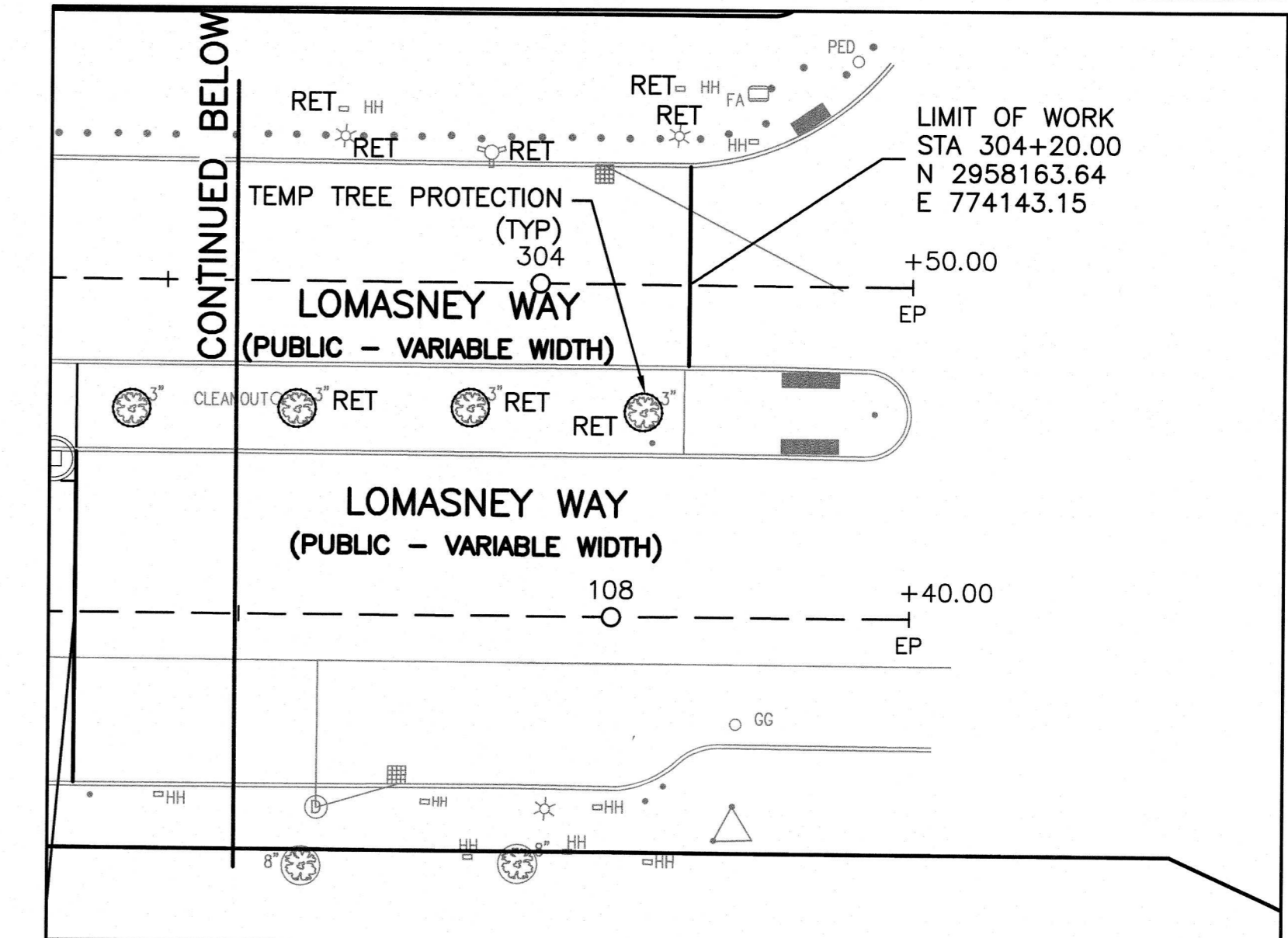
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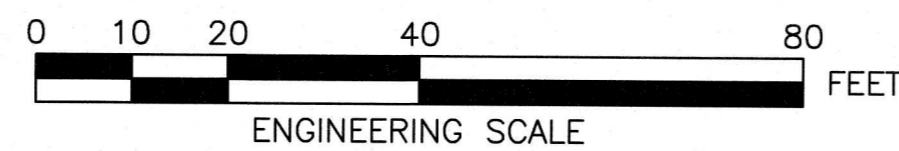
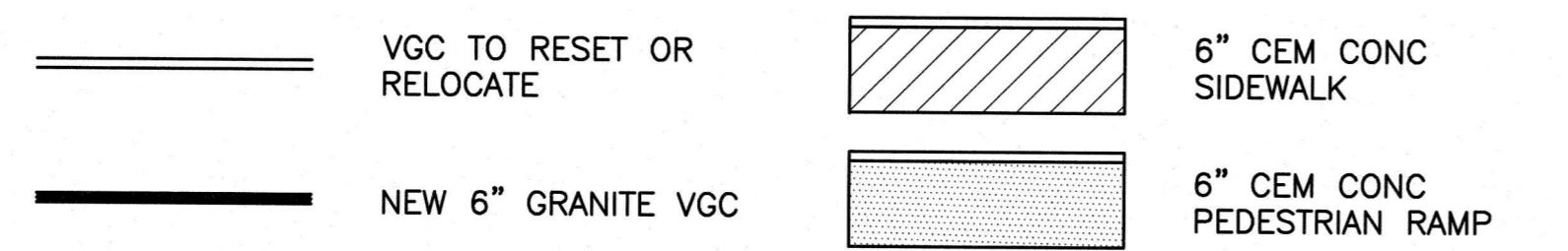
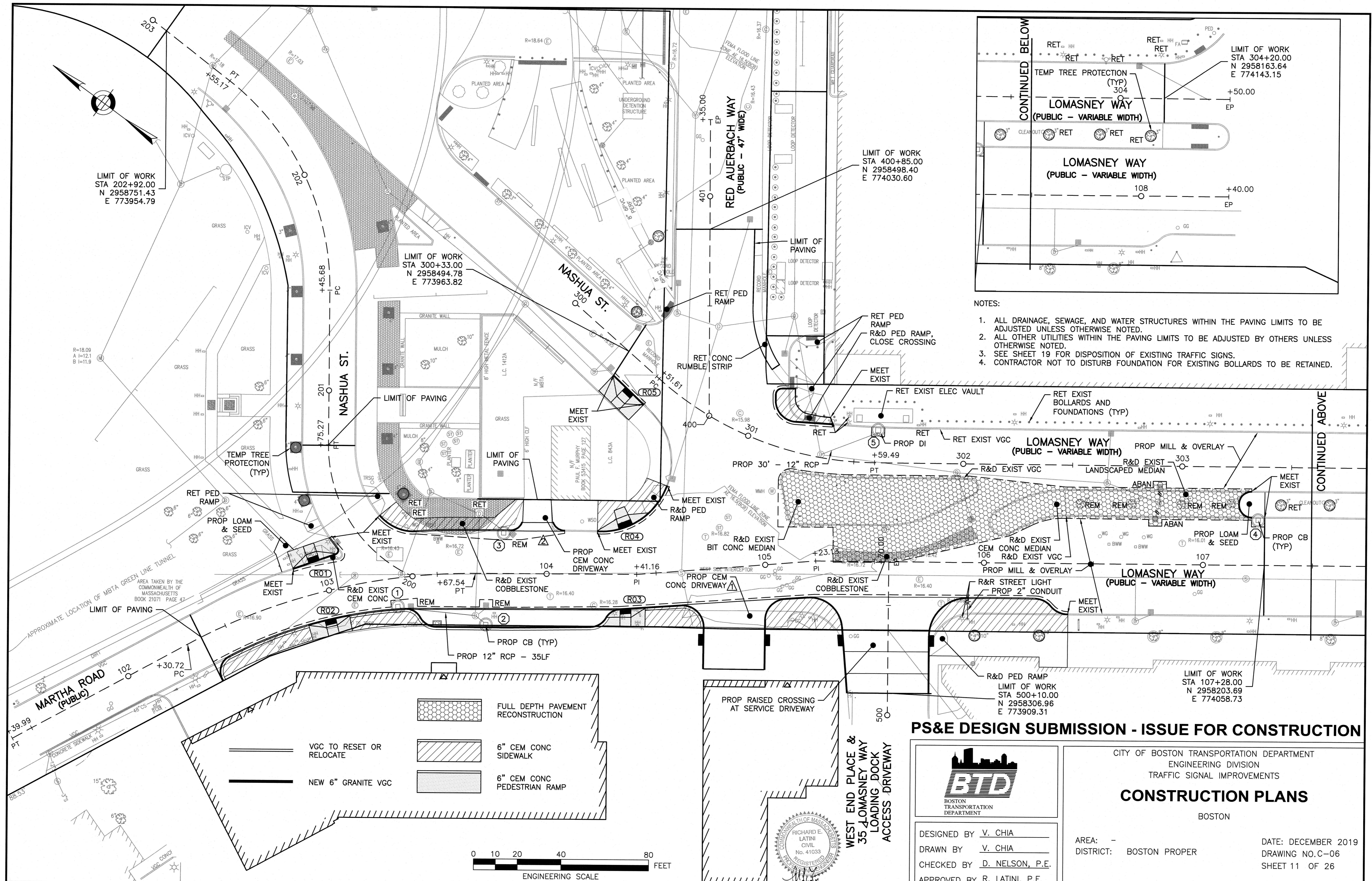
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LIMIT OF WORK
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E 774058.73



NOTES:

1. ALL DRAINAGE, SEWAGE, AND WATER STRUCTURES WITHIN THE PAVING LIMITS TO BE ADJUSTED UNLESS OTHERWISE NOTED.
2. ALL OTHER UTILITIES WITHIN THE PAVING LIMITS TO BE ADJUSTED BY OTHERS UNLESS OTHERWISE NOTED.
3. SEE SHEET 19 FOR DISPOSITION OF EXISTING TRAFFIC SIGNS.
4. CONTRACTOR NOT TO DISTURB FOUNDATION FOR EXISTING BOLLARDS TO BE RETAINED.



DRAWING PREPARED BY HOWARD STEIN HUDSON

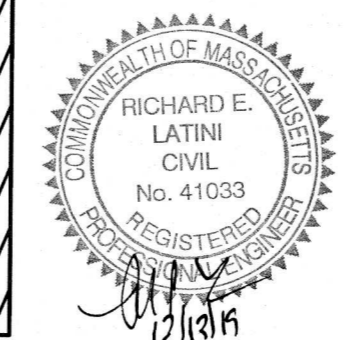
PS&E DESIGN SUBMISSION - ISSUE FOR CONSTRUCTION



DESIGNED BY V. CHIA
 DRAWN BY V. CHIA
 CHECKED BY D. NELSON, P.E.
 APPROVED BY R. LATINI, P.E.

CITY OF BOSTON TRANSPORTATION DEPARTMENT
 ENGINEERING DIVISION
 TRAFFIC SIGNAL IMPROVEMENTS
CONSTRUCTION PLANS
 BOSTON

AREA: -
 DISTRICT: BOSTON PROPER
 DATE: DECEMBER 2019
 DRAWING NO. C-06
 SHEET 11 OF 26



WEST END PLACE &
35 LOMASNEY WAY
LOADING DOCK
ACCESS DRIVEWAY

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RED AUERBACH WAY 400+00.00
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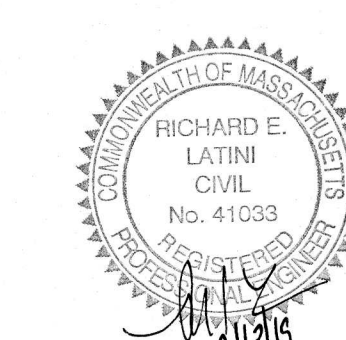
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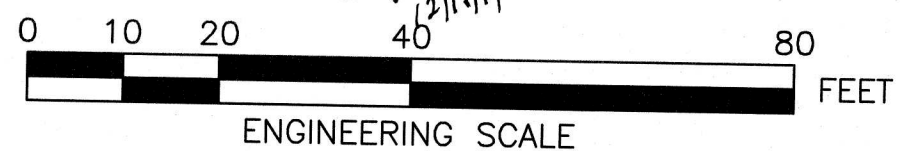
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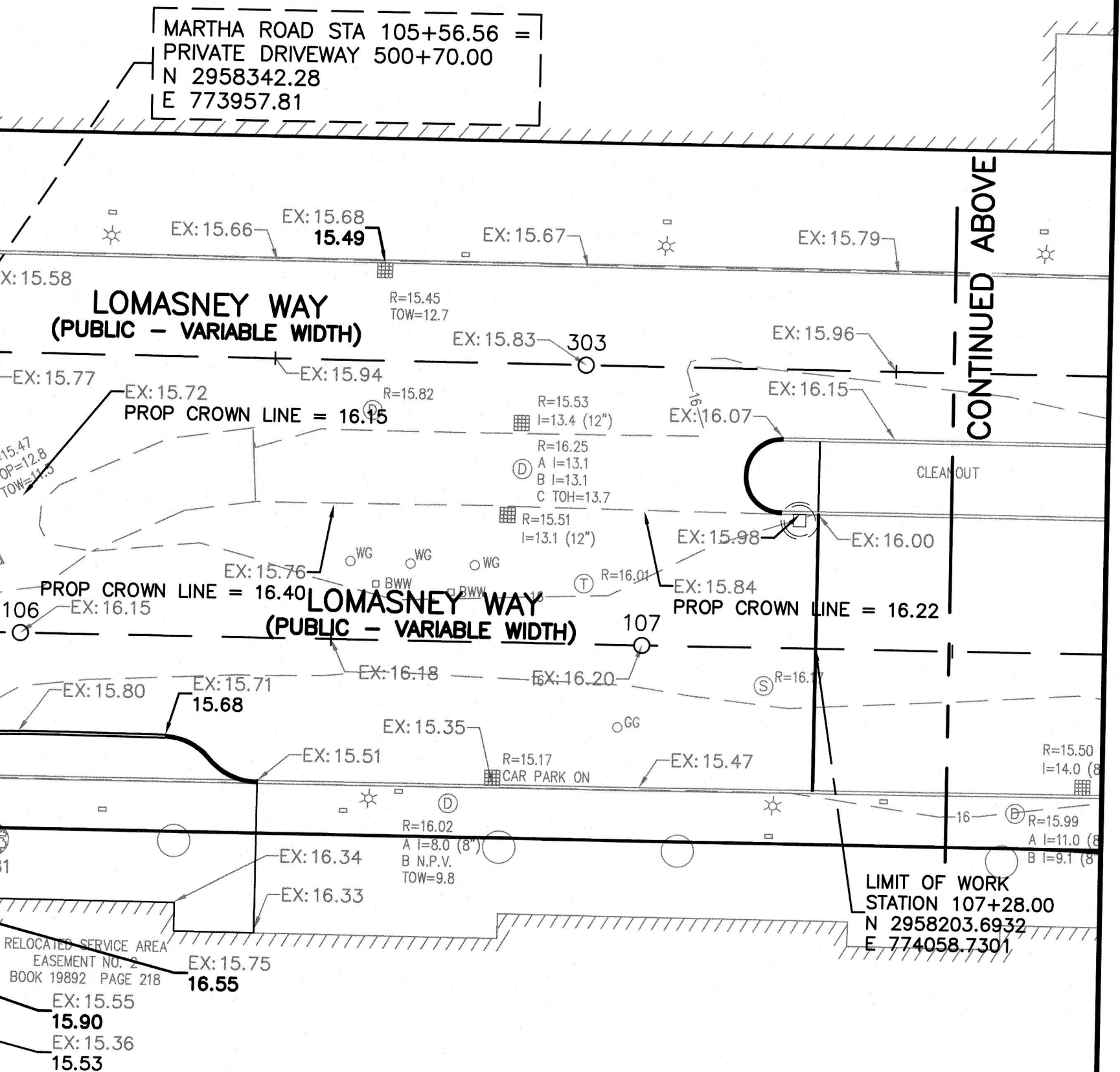
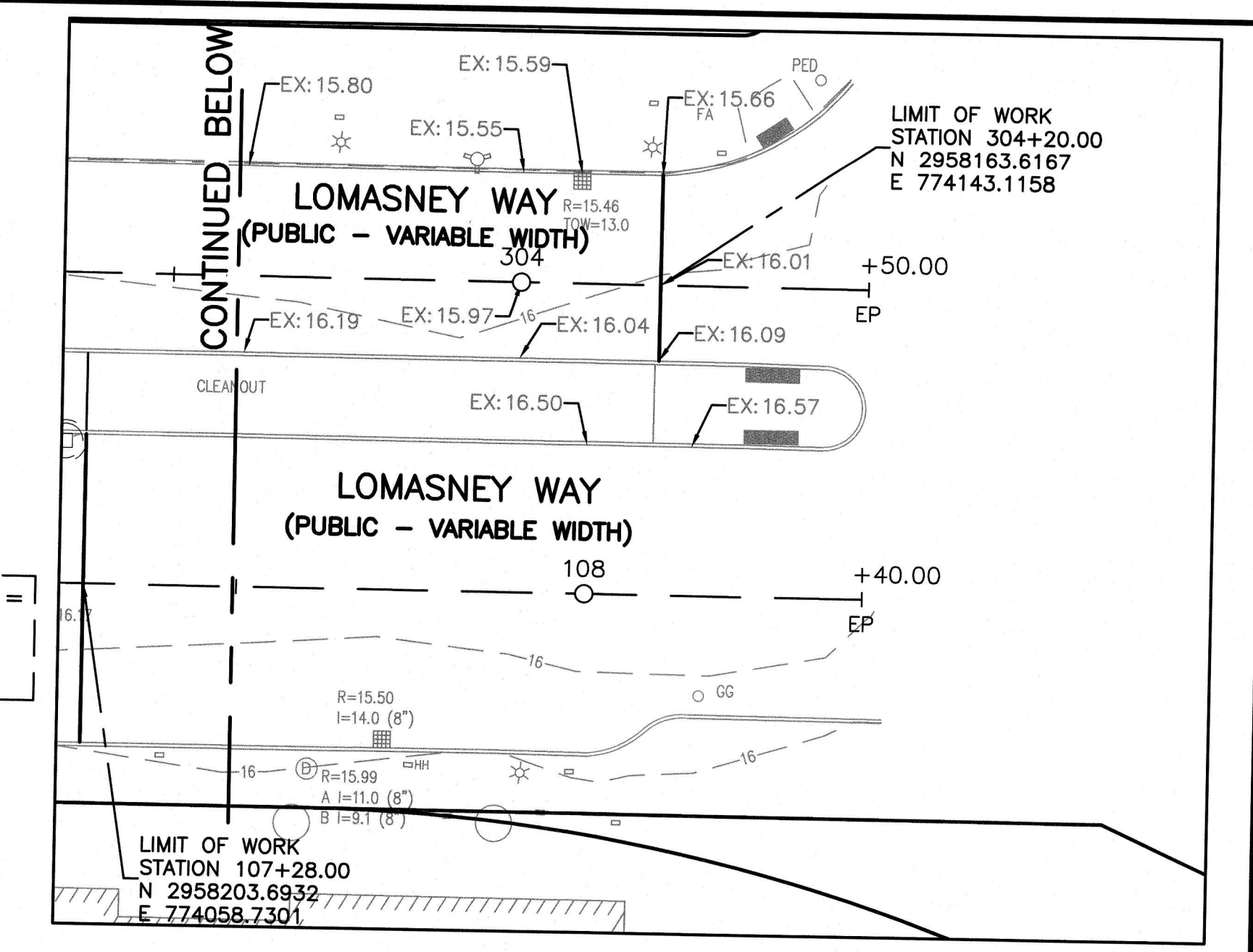
NOTES:
1. SEE SHEET 15 FOR PEDESTRIAN RAMP GRADES AND DETAILS.



LIMIT OF WORK
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E 773909.3059



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PS&E DESIGN SUBMISSION - ISSUE FOR CONSTRUCTION



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DRAWN BY V. CHIA
CHECKED BY D. NELSON, P.E.
APPROVED BY R. LATINI, P.E.

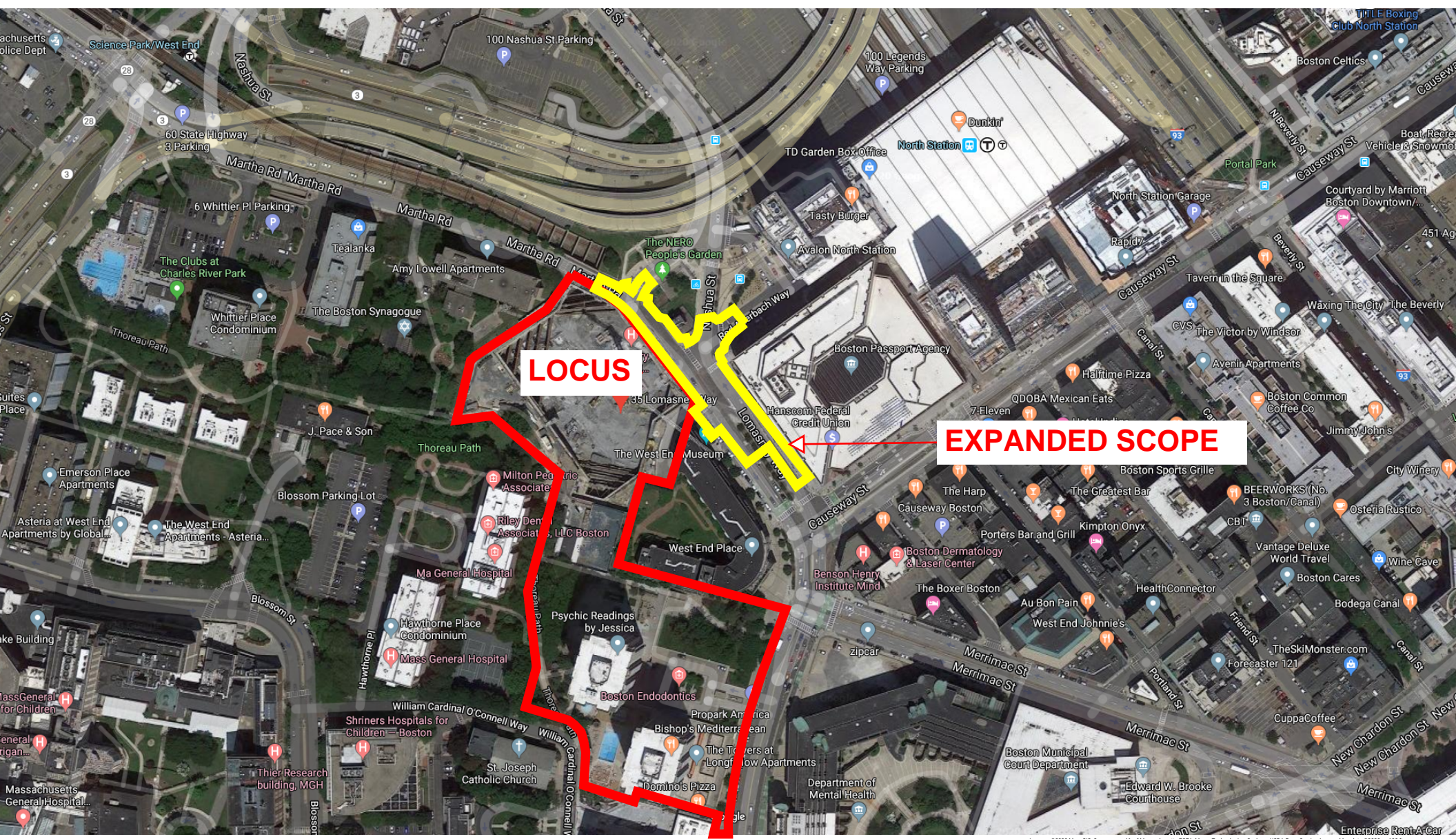
CITY OF BOSTON TRANSPORTATION DEPARTMENT
ENGINEERING DIVISION
TRAFFIC SIGNAL IMPROVEMENTS
GRADING PLANS
BOSTON

AREA: -
DISTRICT: BOSTON PROPER
DATE: DECEMBER 2019
DRAWING NO. C-07
SHEET 12 OF 26

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Viktor Chia

Appendix E:

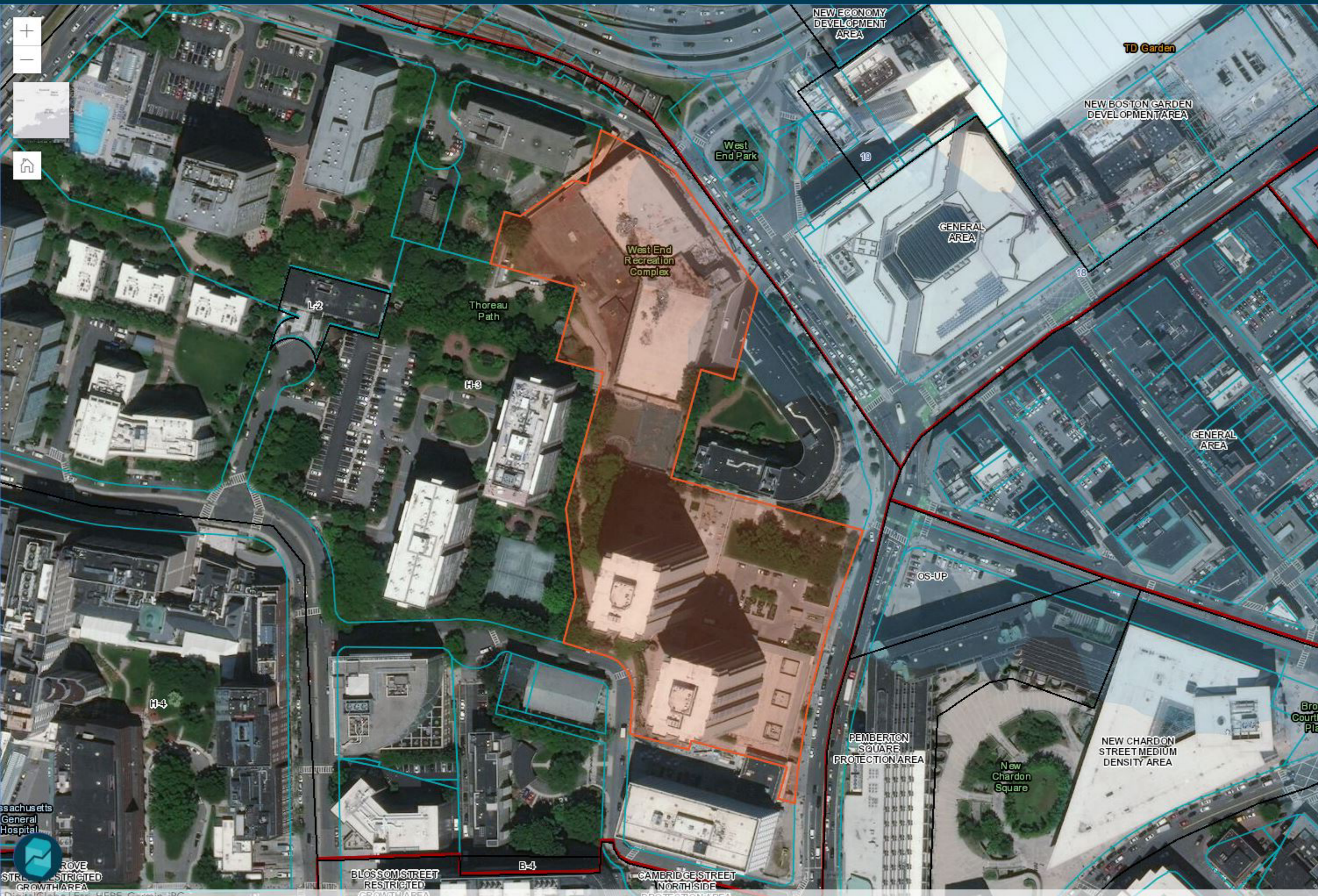
Area Map



APPENDIX E - AREA MAP
SCALE: 1" = 100'

Appendix F:

Flood Hazard Maps and Climate Resiliency Checklist



Assessor's Report		↗
Property Viewer		↗
Zoning ⌵		
Zoning District	Boston Proper	
Zoning SubDistrict	H-3	
Subdistrict Type ⌵		
Apartment Residential		
Overlays ⌵		
PDAs		
Restricted Parking		
Map No.	1	↗
Article	Underlying Zoning	
Others ⌵		
Parking Freeze Zone	Boston Proper Zone	
FEMA Flood Zone	Yes	
Parks Design Review	Ordinance 7.4-11	
Land Disposition Agreements (LDAs) ⌵		
Urban Renewal Area	West End	
Urban Renewal Area E, Including Area EA of 2-IE-IF		
Climate Resiliency ⌵		
Sea Level Rise - Base Flood Elevation	18 ft	

National Flood Hazard Layer FIRMette



42°22'3.61"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/9/2019 at 3:48:28 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Climate Change Preparedness and Resiliency Checklist for New Construction

In November 2013, in conformance with the Mayor's 2011 Climate Action Leadership Committee's recommendations, the Boston Redevelopment Authority adopted policy for all development projects subject to Boston Zoning Article 80 Small and Large Project Review, including all Institutional Master Plan modifications and updates, are to complete the following checklist and provide any necessary responses regarding project resiliency, preparedness, and to mitigate any identified adverse impacts that might arise under future climate conditions.

For more information about the City of Boston's climate policies and practices, and the 2011 update of the climate action plan, *A Climate of Progress*, please see the City's climate action web pages at <http://www.cityofboston.gov/climate>

In advance we thank you for your time and assistance in advancing best practices in Boston.

Climate Change Analysis and Information Sources:

1. Northeast Climate Impacts Assessment (www.climatechoices.org/ne/)
2. USGCRP 2009 (<http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts/>)
3. Army Corps of Engineers guidance on sea level rise (<http://planning.usace.army.mil/toolbox/library/ECs/EC11652212Nov2011.pdf>)
4. Proceeding of the National Academy of Science, "Global sea level rise linked to global temperature", Vermeer and Rahmstorf, 2009 (<http://www.pnas.org/content/early/2009/12/04/0907765106.full.pdf>)
5. "Hotspot of accelerated sea-level rise on the Atlantic coast of North America", Asbury H. Sallenger Jr*, Kara S. Doran and Peter A. Howd, 2012 ([http://www.bostonredevelopmentauthority.org/planning/Hotspot of Accelerated Sea-level Rise 2012.pdf](http://www.bostonredevelopmentauthority.org/planning/Hotspot%20of%20Accelerated%20Sea-level%20Rise%202012.pdf))
6. "Building Resilience in Boston": Best Practices for Climate Change Adaptation and Resilience for Existing Buildings, Linnean Solutions, The Built Environment Coalition, The Resilient Design Institute, 2103 (http://www.greenribboncommission.org/downloads/Building_Resilience_in_Boston_SML.pdf)

Checklist

Please respond to all of the checklist questions to the fullest extent possible. For projects that respond "Yes" to any of the D.1 – Sea-Level Rise and Storms, Location Description and Classification questions, please respond to all of the remaining Section D questions.

Checklist responses are due at the time of initial project filing or Notice of Project Change and final filings just prior seeking Final BRA Approval. A PDF of your response to the Checklist should be submitted to the Boston Redevelopment Authority via your project manager.

Please Note: When initiating a new project, please visit the BRA web site for the most current [Climate Change Preparedness & Resiliency Checklist](#).

Climate Change Resiliency and Preparedness Checklist

A.1 - Project Information

Project Name:	Garden Garage Redevelopment
Project Address Primary:	Martha Road & Lomansey Way
Project Address Additional:	
Project Contact (name / Title / Company / email / phone):	Richard Boales, Equity Residential, rboales@eqrworld.com, (202) 971-7087

A.2 - Team Description

Owner / Developer:	Equity Residential
Architect:	Elkus Manfredi Architects
Engineer (building systems):	RW Sullivan
Sustainability / LEED:	The Green Engineer
Permitting:	Epsilon Associates
Construction Management:	
Climate Change Expert:	Epsilon Associates

A.3 - Project Permitting and Phase

At what phase is the project – most recent completed submission at the time of this response?

<input type="checkbox"/> PNF / Expanded PNF Submission	<input type="checkbox"/> Draft / Final Project Impact Report Submission	<input type="checkbox"/> BRA Board Approved	<input checked="" type="checkbox"/> Notice of Project Change
<input type="checkbox"/> Planned Development Area	<input type="checkbox"/> BRA Final Design Approved	<input type="checkbox"/> Under Construction	<input type="checkbox"/> Construction just completed:

A.4 - Building Classification and Description

List the principal Building Uses:	Residential, Commercial/Restaurant
List the First Floor Uses:	Commercial/Restaurant, Residential Lobby

What is the principal Construction Type – select most appropriate type?

<input type="checkbox"/> Wood Frame	<input type="checkbox"/> Masonry	<input checked="" type="checkbox"/> Steel Frame	<input checked="" type="checkbox"/> Concrete
-------------------------------------	----------------------------------	---	--

Describe the building?

Site Area:	131,600 SF	Building Area:	907,000 SF
Building Height:	441 Ft.	Number of Stories:	44 Flrs.
First Floor Elevation (reference Boston City Base):	17.0 Elev.	Are there below grade spaces/levels, if yes how many:	Yes, 5 levels

A.5 - Green Building

Which LEED Rating System(s) and version has or will your project use (by area for multiple rating systems)?

Select by Primary Use:	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Core & Shell	<input type="checkbox"/> Healthcare	<input type="checkbox"/> Schools
	<input type="checkbox"/> Retail	<input type="checkbox"/> Homes Midrise	<input type="checkbox"/> Homes	<input type="checkbox"/> Other
Select LEED Outcome:	<input type="checkbox"/> Certified	<input checked="" type="checkbox"/> Silver	<input type="checkbox"/> Gold	<input type="checkbox"/> Platinum

Will the project be USGBC Registered and / or USGBC Certified?

Registered:	Yes	Certified:	Yes

A.6 - Building Energy-

What are the base and peak operating energy loads for the building?

Electric:	5153 (kW)	Heating:	14 (MMBtu/hr)
What is the planned building Energy Use Intensity:	21.57 (kWh/SF)	Cooling:	1200 (Tons/hr)

What are the peak energy demands of your critical systems in the event of a service interruption?

Electric:	1250 (kW)	Heating:	7 (MMBtu/hr)
		Cooling:	15 (Tons/hr)

What is nature and source of your back-up / emergency generators?

Electrical Generation:	1500 (kW)	Fuel Source:	Diesel
System Type and Number of Units:	<input checked="" type="checkbox"/> Combustion Engine	<input type="checkbox"/> Gas Turbine	<input type="checkbox"/> Combine Heat and Power
			1 (Units)

B - Extreme Weather and Heat Events

Climate change will result in more extreme weather events including higher year round average temperatures, higher peak temperatures, and more periods of extended peak temperatures. The section explores how a project responds to higher temperatures and heat waves.

B.1 - Analysis

What is the full expected life of the project?

Select most appropriate:	<input type="checkbox"/> 10 Years	<input type="checkbox"/> 25 Years	<input checked="" type="checkbox"/> 50 Years	<input type="checkbox"/> 75 Years
--------------------------	-----------------------------------	-----------------------------------	--	-----------------------------------

What is the full expected operational life of key building systems (e.g. heating, cooling, ventilation)?

Select most appropriate:	<input type="checkbox"/> 10 Years	<input checked="" type="checkbox"/> 25 Years	<input type="checkbox"/> 50 Years	<input type="checkbox"/> 75 Years
--------------------------	-----------------------------------	--	-----------------------------------	-----------------------------------

What time span of future Climate Conditions was considered?

Select most appropriate:	<input type="checkbox"/> 10 Years	<input type="checkbox"/> 25 Years	<input checked="" type="checkbox"/> 50 Years	<input type="checkbox"/> 75 Years
--------------------------	-----------------------------------	-----------------------------------	--	-----------------------------------

Analysis Conditions - What range of temperatures will be used for project planning – Low/High?

7/91 Deg.

What Extreme Heat Event characteristics will be used for project planning – Peak High, Duration, and Frequency?

95 Deg.	5 Days	6 Events / yr.
---------	--------	----------------

What Drought characteristics will be used for project planning – Duration and Frequency?

30-90 Days	0.2 Events / yr.
------------	------------------

What Extreme Rain Event characteristics will be used for project planning – Seasonal Rain Fall, Peak Rain Fall, and Frequency of Events per year?

45 Inches / yr.	4 Inches	0.5 Events / yr.
-----------------	----------	------------------

What Extreme Wind Storm Event characteristics will be used for project planning – Peak Wind Speed, Duration of Storm Event, and Frequency of Events per year?

105 Peak Wind	10 Hours	0.25 Events / yr.
---------------	----------	-------------------

B.2 - Mitigation Strategies

What will be the overall energy performance, based on use, of the project and how will performance be determined?

Building energy use below code:

20%

How is performance determined:

Energy Model

What specific measures will the project employ to reduce building energy consumption?

Select all appropriate:

<input checked="" type="checkbox"/> High performance building envelop	<input checked="" type="checkbox"/> High performance lighting & controls	<input type="checkbox"/> Building day lighting	<input checked="" type="checkbox"/> EnergyStar equip. / appliances
<input checked="" type="checkbox"/> High performance HVAC equipment	<input type="checkbox"/> Energy recovery ventilation	<input type="checkbox"/> No active cooling	<input type="checkbox"/> No active heating

Describe any added measures:

--

What are the insulation (R) values for building envelop elements?

Roof:	R = 25	Walls / Curtain Wall Assembly:	R = 13BATTs + R8 continuous insulation
Foundation:	R = 15	Basement / Slab:	R = 10
Windows:	R = / U = 0.4	Doors:	R = / U = 0.7

What specific measures will the project employ to reduce building energy demands on the utilities and infrastructure?

<input type="checkbox"/> On-site clean energy / CHP system(s)	<input type="checkbox"/> Building-wide power dimming	<input type="checkbox"/> Thermal energy storage systems	<input type="checkbox"/> Ground source heat pump
<input type="checkbox"/> On-site Solar PV	<input type="checkbox"/> On-site Solar Thermal	<input type="checkbox"/> Wind power	<input type="checkbox"/> None

Describe any added measures:

CHP is being studied.

Will the project employ Distributed Energy / Smart Grid Infrastructure and /or Systems?

Select all appropriate:	<input type="checkbox"/> Connected to local distributed electrical	<input type="checkbox"/> Building will be Smart Grid ready	<input type="checkbox"/> Connected to distributed steam, hot, chilled water	<input type="checkbox"/> Distributed thermal energy ready
-------------------------	--	--	---	---

Will the building remain operable without utility power for an extended period?

	<input checked="" type="checkbox"/> Yes / No	If yes, for how long:	8 hours
If Yes, is building "Islandable?"	No		
If Yes, describe strategies:			

Describe any non-mechanical strategies that will support building functionality and use during an extended interruption(s) of utility services and infrastructure:

Select all appropriate:	<input type="checkbox"/> Solar oriented - longer south walls	<input type="checkbox"/> Prevailing winds oriented	<input type="checkbox"/> External shading devices	<input type="checkbox"/> Tuned glazing,
	<input type="checkbox"/> Building cool zones	<input checked="" type="checkbox"/> Operable windows	<input type="checkbox"/> Natural ventilation	<input type="checkbox"/> Building shading
	<input type="checkbox"/> Potable water for drinking / food preparation	<input type="checkbox"/> Potable water for sinks / sanitary systems	<input type="checkbox"/> Waste water storage capacity	<input checked="" type="checkbox"/> High Performance Building Envelop
Describe any added measures:				

What measures will the project employ to reduce urban heat-island effect?

Select all appropriate:	<input checked="" type="checkbox"/> High reflective paving materials	<input checked="" type="checkbox"/> Shade trees & shrubs	<input checked="" type="checkbox"/> High reflective roof materials	<input checked="" type="checkbox"/> Vegetated roofs
Describe other strategies:				

What measures will the project employ to accommodate rain events and more rain fall?

Select all appropriate:	<input type="checkbox"/> On-site retention systems & ponds	<input type="checkbox"/> Infiltration galleries & areas	<input checked="" type="checkbox"/> Vegetated water capture systems	<input checked="" type="checkbox"/> Vegetated roofs
Describe other strategies:				

What measures will the project employ to accommodate extreme storm events and high winds?

Select all appropriate:	<input type="checkbox"/> Hardened building structure & elements	<input checked="" type="checkbox"/> Buried utilities & hardened infrastructure	<input type="checkbox"/> Hazard removal & protective landscapes	<input checked="" type="checkbox"/> Soft & permeable surfaces (water infiltration)
Describe other strategies:				

C - Sea-Level Rise and Storms

Rising Sea-Levels and more frequent Extreme Storms increase the probability of coastal and river flooding and enlarging the extent of the 100 Year Flood Plain. This section explores if a project is or might be subject to Sea-Level Rise and Storm impacts.

C.1 - Location Description and Classification:

Do you believe the building to susceptible to flooding now or during the full expected life of the building?

Yes / No

Describe site conditions?

Site Elevation – Low/High Points: 17-40 ft Boston City Base Elev.

Building Proximity to Water: 980 Ft.

Is the site or building located in any of the following?

Coastal Zone: Yes / No

Velocity Zone: Yes / No

Flood Zone: Yes / No

Area Prone to Flooding: Yes / No

Will the 2013 Preliminary FEMA Flood Insurance Rate Maps or future floodplain delineation updates due to Climate Change result in a change of the classification of the site or building location?

2013 FEMA Prelim. FIRMs: Yes / No

Future floodplain delineation updates: Yes / No

What is the project or building proximity to nearest Coastal, Velocity or Flood Zone or Area Prone to Flooding?

~960 Ft.

If you answered YES to any of the above Location Description and Classification questions, please complete the following questions. Otherwise you have completed the questionnaire; thank you!

C - Sea-Level Rise and Storms

This section explores how a project responds to Sea-Level Rise and / or increase in storm frequency or severity.

C.2 - Analysis

How were impacts from higher sea levels and more frequent and extreme storm events analyzed:

Sea Level Rise: 4 Ft. (15.2 feet BCB)

Frequency of storms: 0.25 per year

C.3 - Building Flood Proofing

Describe any strategies to limit storm and flood damage and to maintain functionality during an extended periods of disruption.

What will be the Building Flood Proof Elevation and First Floor Elevation:

Flood Proof Elevation: 17 feet BCB

First Floor Elevation: 17 feet BCB

Will the project employ temporary measures to prevent building flooding (e.g. barricades, flood gates):

Yes / No

If Yes, to what elevation Boston City Base Elev. (Ft.)

If Yes, describe: Parking garage will be able to be inundated.

What measures will be taken to ensure the integrity of critical building systems during a flood or severe storm event:

<input checked="" type="checkbox"/> Systems located above 1 st Floor.	<input type="checkbox"/> Water tight utility conduits	<input checked="" type="checkbox"/> Waste water back flow prevention	<input checked="" type="checkbox"/> Storm water back flow prevention
--	---	--	--

Were the differing effects of fresh water and salt water flooding considered:

Yes / No

Will the project site / building(s) be accessible during periods of inundation or limited access to transportation:

Yes / No If yes, to what height above 100 Year Floodplain:

Will the project employ hard and / or soft landscape elements as velocity barriers to reduce wind or wave impacts?

Yes / No

If Yes, describe:

Will the building remain occupiable without utility power during an extended period of inundation:

Yes / No If Yes, for how long:

We assume that residents will stay in their units and gas-powered equipment will remain operable. In the event of long-term flooding, we anticipate the building and surrounding areas will be evacuated.

Describe any additional strategies to addressing sea level rise and or sever storm impacts:

C.4 - Building Resilience and Adaptability

Describe any strategies that would support rapid recovery after a weather event and accommodate future building changes that respond to climate change:

Will the building be able to withstand severe storm impacts and endure temporary inundation?

Select appropriate: Yes / No

<input type="checkbox"/> Hardened / Resilient Ground Floor Construction	<input type="checkbox"/> Temporary shutters and or barricades	<input type="checkbox"/> Resilient site design, materials and construction
---	---	--

Parking garage will be able to be inundated.

Can the site and building be reasonably modified to increase Building Flood Proof Elevation?

Select appropriate: Yes / No

<input type="checkbox"/> Surrounding site elevation can be raised	<input type="checkbox"/> Building ground floor can be raised	<input type="checkbox"/> Construction been engineered
---	--	---

Describe additional strategies:

Has the building been planned and designed to accommodate future resiliency enhancements?

Select appropriate: Yes / No

<input type="checkbox"/> Solar PV	<input type="checkbox"/> Solar Thermal	<input type="checkbox"/> Clean Energy / CHP System(s)
<input type="checkbox"/> Potable water storage	<input type="checkbox"/> Wastewater storage	<input type="checkbox"/> Back up energy systems & fuel

Describe any specific or additional strategies:

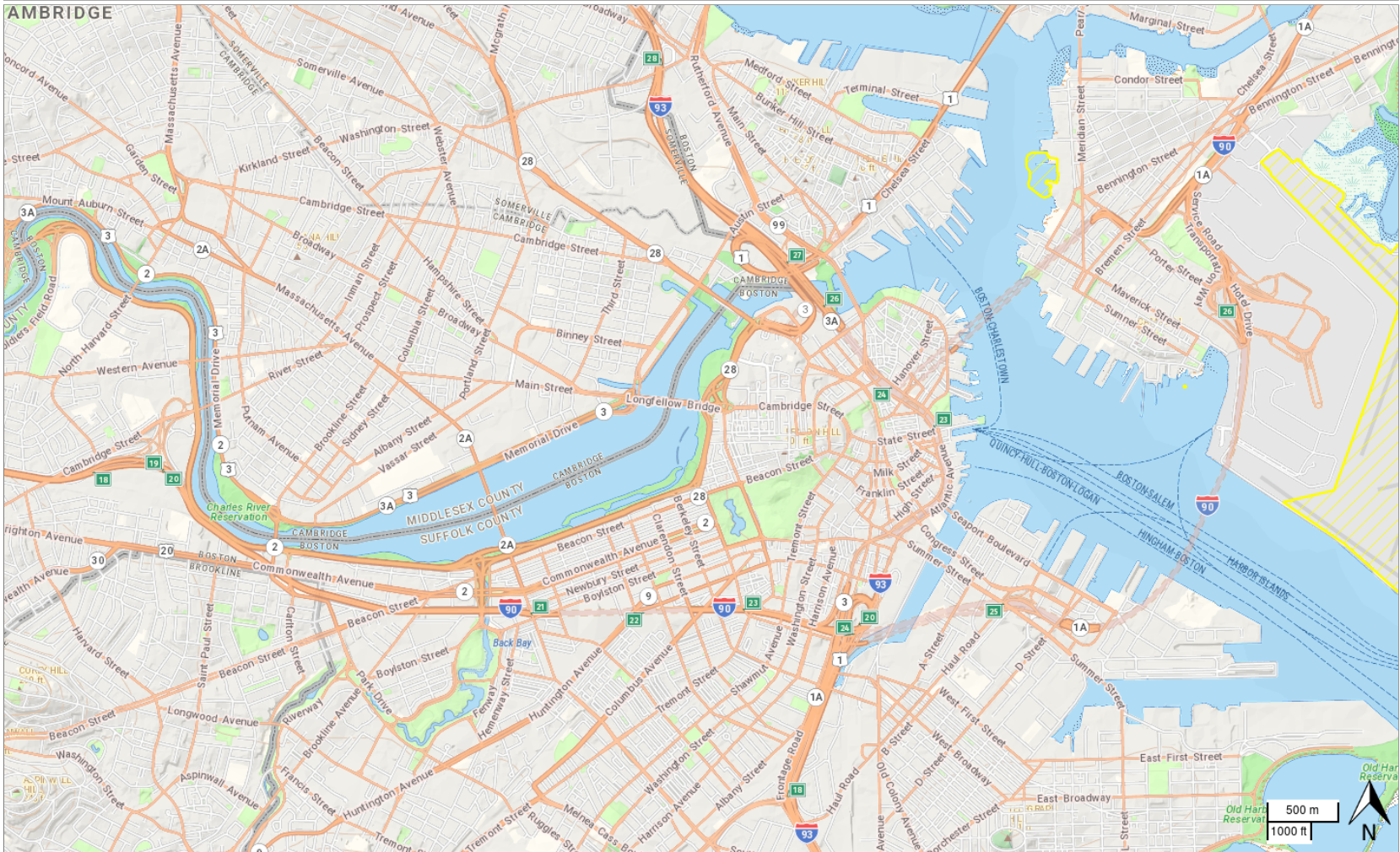
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Thank you for completing the Boston Climate Change Resilience and Preparedness Checklist!

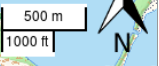
For questions or comments about this checklist or Climate Change Resiliency and Preparedness best practices, please contact: John.Dalzell.BRA@cityofboston.gov

Appendix G: NHESP Map

NHESP Map 35 Lomasney Way, Boston



- NHESP Priority Habitats of Rare Species
 -
 -
- NHESP Natural Communities
 -
- NHESP Estimated Habitats of Rare Wildlife
 -
- Areas of Critical Environmental Concern ACECs Boundaries
 - ROAD/RAIL BASED
 - RIVER BASED
 - WETLAND BASED
 - FLOODPLAIN BASED
 - TIDAL BASED
 - CONTOUR BASED
 - POLITICAL BOUNDARY
 - PROPERTY LINE BASED
 - OTHER
 - NOT DEFINED
- Areas of Critical Environmental Concern ACECs
 -
- Public Water Supplies
 - Community Groundwater Well
 - Non-Community Groundwater Well
 - Surface Water Intake
 - Emergency Surface Water Intake
- Community Labels
 - Non-Community Labels
- Zone IIs Dissolved
 -
- Zone IIs Dissolved
 -
- IWPAs Dissolved
 -
- Detailed Features
- MassGIS Statewide Basemap
- MassGIS Topographic Features Basemap



Appendix H:

Abutter Affidavit of Service, Abutter Notification, Abutters Map 300 feet, Abutter List

**AFFIDAVIT OF SERVICE
FOR ABUTTER NOTIFICATION**

Under the Massachusetts Wetlands Protection Act

(To be submitted to the Massachusetts Department of Environmental Protection)

I, George Mihov, PE, hereby certify under the pains and penalties that at least one week prior to the public hearing, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP guide to Abutter Notification dated November 25, 2013, in connection to the following matter:

Request for an Amendment of the Approved Order of Conditions # 006-1559 issued by the Boston Conservation Commission on January 17, 2018 and expiring on January 17, 2021. Amendment seeks to include sidewalk and intersection improvements to the approved Order of Conditions for the new residence located at 35 Lomasney Way, Boston, MA.

The Abutter Notification Letter and the list of abutters to whom it was given and their addresses are attached to this Affidavit of Service.

Name

Date



**NOTIFICATION TO ABUTTERS
BOSTON CONSERVATION COMMISSION**

In accordance with the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40, and the Boston Wetlands Ordinance, you are hereby notified as an abutter to a project filed with the Boston Conservation Commission.

A. The **EQUITY RESIDENTIAL** has filed a Notice of Intent with the Boston Conservation Commission seeking permission to alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, section 40) and Boston Wetlands Ordinance.

B. The address of the lot where the activity is proposed is **35 LOMASNEY WAY, BOSTON, MA.**

C. The project involves : **THE CONSTRUCTION OF A 44-STORY RESIDENTIAL BUILDING AND A FIVE-LEVEL UNDERGROUND PARKING GARAGE. THE AMENDMENT SEEKS TO EXPAND THE PROJECT SCOPE TO INCLUDE SIDEWALK AND INTERSECTION IMPROVEMENTS IN THE VICINITY OF THE PROPOSED RESIDENTIAL BUILDING.**

D. Copies of the Notice of Intent may be examined at **Boston City Hall** between the hours of **9 AM and 5 PM, Monday through Friday**. For more information, contact the Boston Conservation Commission at CC@boston.gov or **(617) 635-3850**.

E. Copies of the Notice of Intent may be obtained from the applicant representative at **11 BEACON STREET, SUITE 1010, BOSTON, MA** between the hours of **9 AM and 5 PM, Monday through Friday**. For more information, contact **GEORGE MIHOV - HOWARD STEIN HUDSON** at gmihov@hshassoc.com or **(617)-348-3395**.

F. The public hearing will take place at Boston City Hall, Piemonte Room, 5th Floor, Boston, MA 02201.

G. Information regarding the date and time of the public hearing may be obtained from the **Boston Conservation Commission** by emailing CC@boston.gov or calling **(617) 635-4416** between the hours of **9 AM to 5 PM, Monday through Friday**.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the **Boston Herald**.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted on www.boston.gov/public-notices and in Boston City Hall not less than forty-eight (48) hours in advance.

NOTE: If you would like to provide comments, you may attend the public hearing or send written comments to CC@boston.gov or Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201

NOTE: You also may contact the Boston Conservation Commission or the Department of Environmental Protection Northeast Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: the Northeast Region: (978) 694-3200.

Abutter Mailing List Generator --- City of Boston Assessing Department

Enter/Select a Street Name:

CITY HALL

[Find Addresses](#)

Click an Address to find a Parcel:

Enter a Parcel ID:

0302615000

[Find a Parcel](#)

When you can see Parcels:

[Click Here to Select a Parcel](#)

Buffer Parameters:

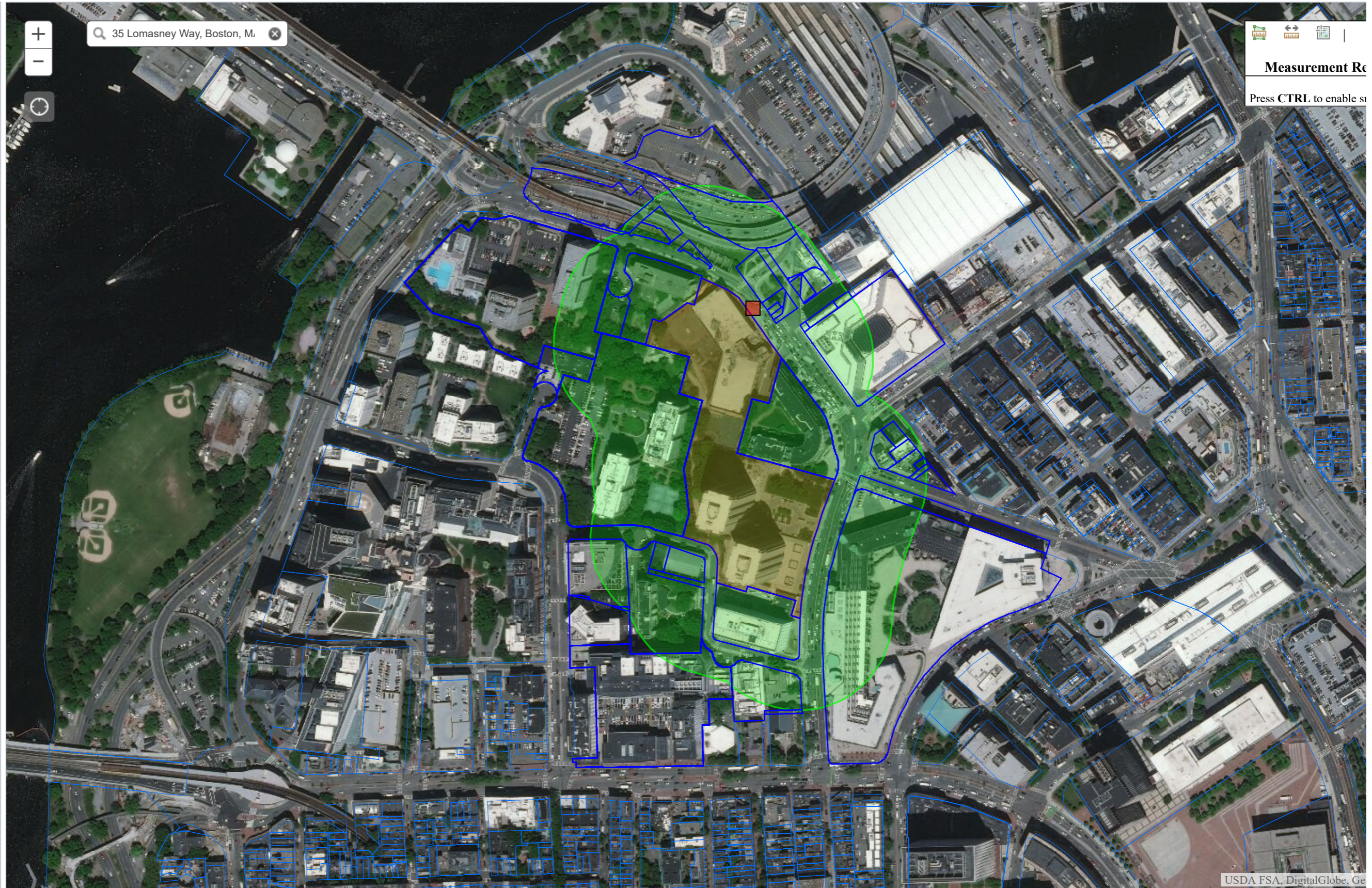
Distance: Feet

[Buffer and Select](#)

Click [here](#) to download a CSV file (Open in Notepad, not in Excel) for Mailing list.

Click [here](#) for an instruction to convert a CSV file to Mailing Labels using MS Word.

Note: Use newer versions of browser to view this site such as IE 11+ or Chrome 47+ etc.



LOCATION ADDRESS

REAR BLOSSOM ST	1	units
1 - 4 LONGFELLOW PL	1	units
10 CAUSEWAY ST	1	units
10 WHITTIER PL	6	units
10 18 LANCASTER ST	1	units
100 NASHUA ST	1	units
115 CAMBRIDGE ST	1	units
123 125 MERRIMAC ST	1	units
150 STANIFORD ST	6	units
151 MERRIMAC ST	1	units
161 - 209 CAMBRIDGE ST	9	units

2 HAWTHORNE PL	288	units
2 9 HAWTHORNE PL	310	units
20 STANIFORD ST	1	units
22 LANCASTER ST	1	units
32 30 LANCASTER ST	1	units
33 BLOSSOM ST	1	units
42 LOMASNEY WY	1	units
50 - 60 STANIFORD ST	1	units
51 BLOSSOM ST	1	units
55 MARTHA RD	1	units
55 - 59 CAUSEWAY ST	1	units
6 WHITTIER PL #101N-6	256	units
6 - 8 WHITTIER PL	379	units
60 WM CARD OCONNELL WY	1	units
65 MARTHA RD	1	units
68 WM CARD OCONNELL WY	1	units
70 WM CARD OCONNELL WY	1	units
75 BLOSSOM ST	1	units
75 95 WM CARD OCONNELL WY	1	units
8 WHITTIER PL	228	units
9 HAWTHORNE PL #101-N	250	units

505 confirmed units

483 confirmed units

OWNER	MAILING ADDRESS
-------	-----------------

BLACKSTONE COMPANY	3100 BROADWAY #1234
CHARLES RIVER PARK D COMPANY	PO BOX 87407 (19137)
UNITED STATES OF AMERICA	10 CAUSEWAY
MASS GENERAL HOSPITAL CORP	PO BOX 6240
HHPB BULFINCH ASSOCIATES LLC	44 HERSHA DR
MASSACHUSETTS GENERAL HOSP	55 FRUIT ST
COMMONWEALTH OF MASS	115 CAMBRIDGE
MERRIMAC PARKING LLC	76 SEATTLE ST
KUEHN ROBERT H JR MANAGER	150 STANIFORD ST
TRANSATLANTIC LIMITED	222 THIRD STREET
CHARLES RIVER PLAZA	PO BOX 6240
MASS GENERAL HOSPITAL	PO BOX 6240
Hawthorne Place Condominium Trust Management Office	2 Hawthorne Place, Boston, MA 02114
RETINA FOUNDATION THE	20 STANIFORD
MERRIMAC PARKING LLC	76 SEATTLE ST
BULFINCH TRIANGLE LLC	30 LANCASTER ST STE 400
BLACKSTONE CO MASS LPS	33 BLOSSOM
BURKE EDWARD TS	74 CLARENDON ST SUITE A
RAR2 50 STANIFORD LLC	PO BOX 4900 DEPT #207
SHRINERS HOSPITAL	51 BLOSSOM ST
THE BOSTON SYNAGOGUE	55 MARTHA RD
CAUSEWAY REALTY TRUST	30 ADAMS ST
Att: Management Office Whittier Place Condominium	Six Whittier Place, Boston, MA 02114
REV MSGR GEORGE CARLSON	60 WM CARDINAL OCONNELL WY
A L HOUSE LP	1400 PROVIDENCE HIGHWAY
ROMAN CATH ARCH OF BOS	69 WM CARD OCONNELL WY
ROMAN CATH ARCH OF BOS	70 WM CARD OCONNELL WY
DMP BLOSSOM COURT LLC	1 APPLETON ST
HAWTHORNE PLACE CONDOMINIUM	2 HAWTHORNE PLACE - OFFICE

Appendix I:

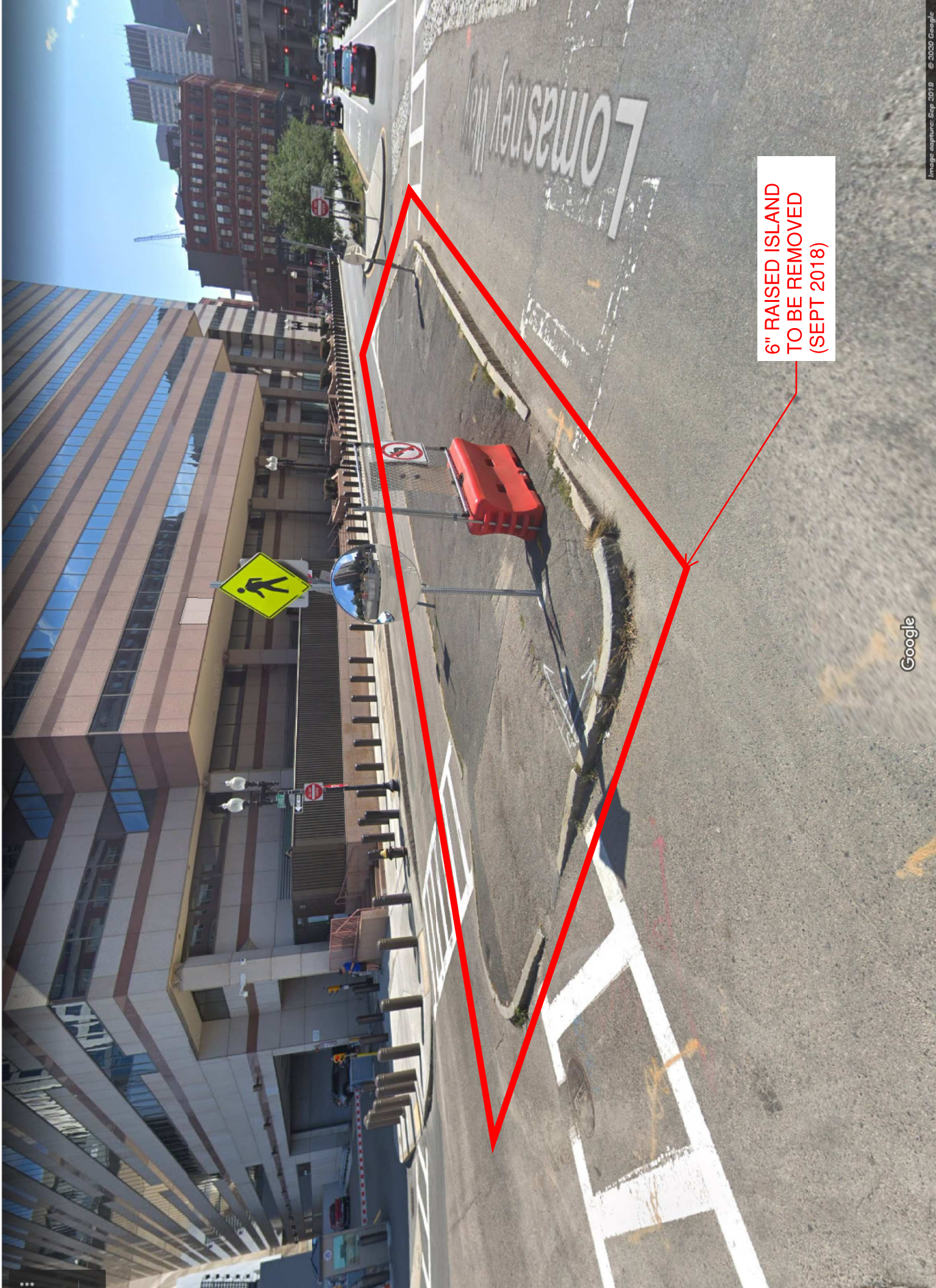
Photographs representing LSCSF Impacts



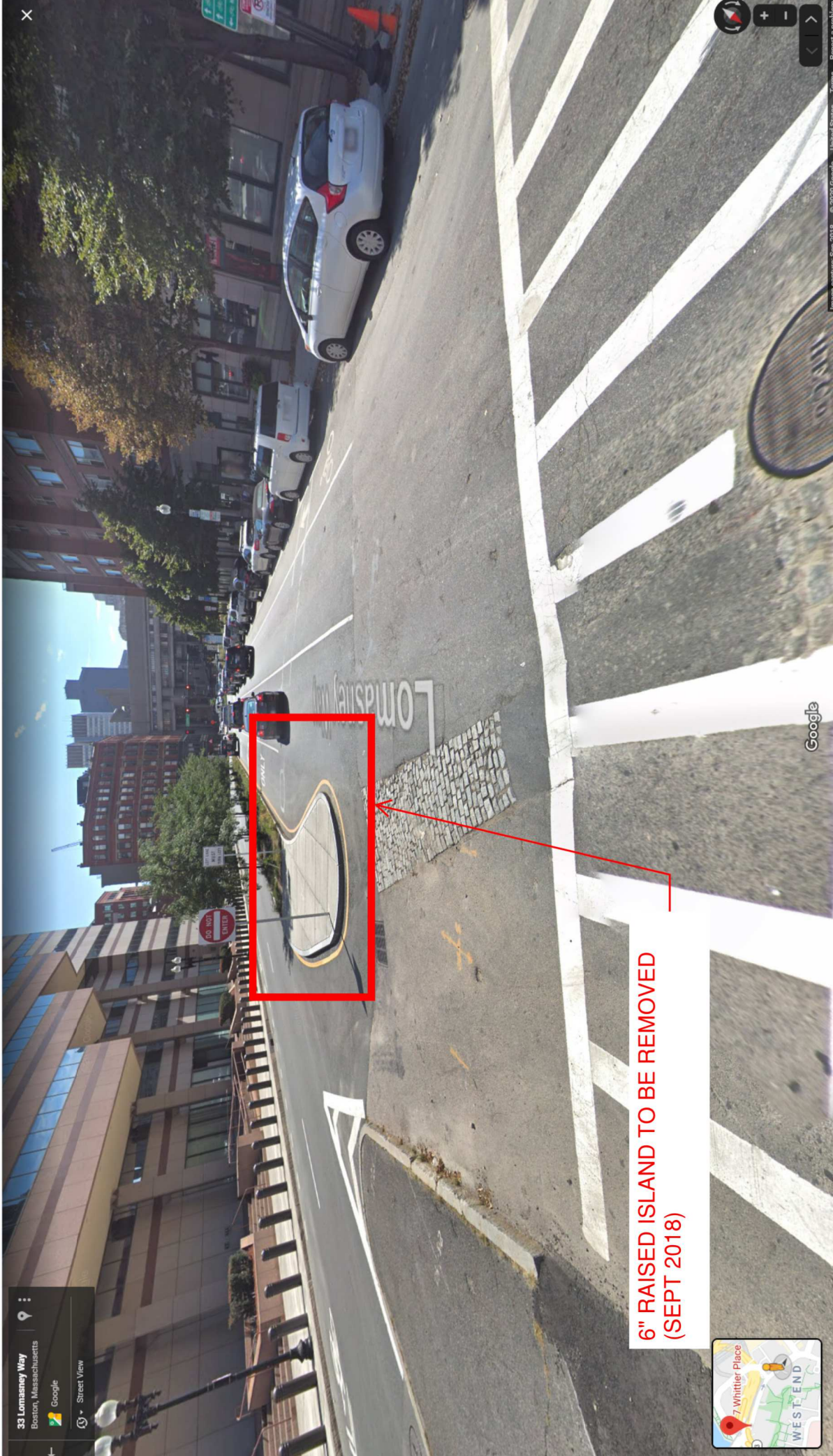
**CEM. CONC. SIDEWALK
IMPROVEMENTS ALONG
LOMASNEY WAY
(SEPT 2018 PHOTO)**



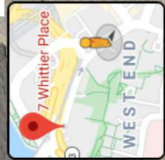
**CEM. CONC. SIDEWALK
IMPROVEMENTS ALONG RED
AUERBACH WAY
(SEPT 2018 PHOTO)**



6" RAISED ISLAND
TO BE REMOVED
(SEPT 2018)



6" RAISED ISLAND TO BE REMOVED
(SEPT 2018)



Google