



February 17, 2021

Ref: 11615.05

Nicholas Moreno, Executive Director
Boston Conservation Commission
One City Hall Square, Room 709
Boston, MA 02201

Re: Supplemental Information for Request for Determination of Applicability
for 201 Brookline Avenue/401 Park Drive

Dear Mr. Moreno:

On behalf of ARE-MA Region No. 88 Holding Limited Partnership and ARE-MA Region No. 87 Owner Limited Partnership, as successors to Landmark Center Owner Limited Partnership (together, the "Applicant"), VHB respectfully submits the attached Supplemental Information to be appended to the Request for Determination of Applicability (RDA) materials submitted to the Commission on February 3, 2021. That submission included a Negative DOA previously issued for the Site (dated April 17, 2014) and the associated RDA. This submission of supplemental information includes an updated floodplain assessment and additional abutter notification information.

FEMA is currently in the process of updating Boston's Flood Insurance Study and Rate Maps (FIS and FIRMs). The Preliminary FIS and FIRMs were released June 19, 2020, and if adopted as final, would result in a new map for the Site that shows a floodplain configured differently than the currently effective FIRM. It is worth noting that according to the Preliminary FIS, no new hydrologic or hydraulic analyses were performed for this reach of the Muddy River. As indicated in Table 2 of the Preliminary FIS, the date of analysis was 1972. As indicated in Table 12, channel portions of cross sections of this reach of the Muddy River were field-surveyed and overbank portions and interpolation cross sections were taken from topographic maps in 1967. Also, the Preliminary FIRMs continue to show the Muddy River as being contained in a structure through the former Sears Rotary. The Preliminary FIS indicates that the base flood elevation at this reach of the Muddy River is 10.2 feet NAVD88 (Preliminary FIS Flood Profile for the Muddy River, Sheet 14P), which is identical to the elevation reported in the currently effective FIS. The only discernable difference between the information used to create the effective and Preliminary FIRMs appears to be the topographic elevation data, which was updated to USGS 2014 lidar data for the Preliminary FIRMs and may account for the change in the horizontal extent of the floodplain.

The boundary of Bordering Land Subject to Flooding (BLSF) is defined at 310 CMR 10.57(2)(a)3 as *"the estimated maximum lateral extent of flood waters which will theoretically result from the statistical 100-year*



frequency storm...by reference to the most recently available flood profile data...under the National Flood Insurance Program." As such, the FIS rather than the FIRM provides the information used to determine the boundary of BLSF. To determine the boundary of BLSF at this location, VHB conducted a new floodplain assessment for the Site based on the most accurate topographic information available wherein the Muddy River has been daylighted and the Park Drive/Riverway intersection has been reconfigured. The assessment employed the same methodology described in the December 23, 2013 Engineering Memorandum (included as Attachment B to the February 2014 RDA) wherein elevations above 10.2 feet NAVD 88 that lay between the Site and the Muddy River, including the flood control dike along the MBTA right-of-way, were identified as disrupting a potential hydraulic connection between the two areas.

Our new floodplain assessment confirms that the 201 Brookline Avenue/401 Park Drive Site is not hydraulically connected to the 1-percent annual chance floodplain at elevation 10.2 NAVD88 because there are higher elevations between the Site and the floodplain. This information is depicted in Figure 5, attached. Figure 5 also depicts other resources areas and buffer zones under the Act and Ordinance and confirms, based on our new assessment, that they are not located on the Site. *We are seeking confirmation that under the Act, Ordinance and Regulations no BLSF is present on the Site, and no other state or local resource areas or buffer zones are present on the Site.*

We respectfully request that this RDA be included on the Commission's March 3, 2021 hearing agenda. If you have any questions or would like any additional information, please feel free to contact me at 617-607-2983.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Nichols", with a long horizontal flourish extending to the right.

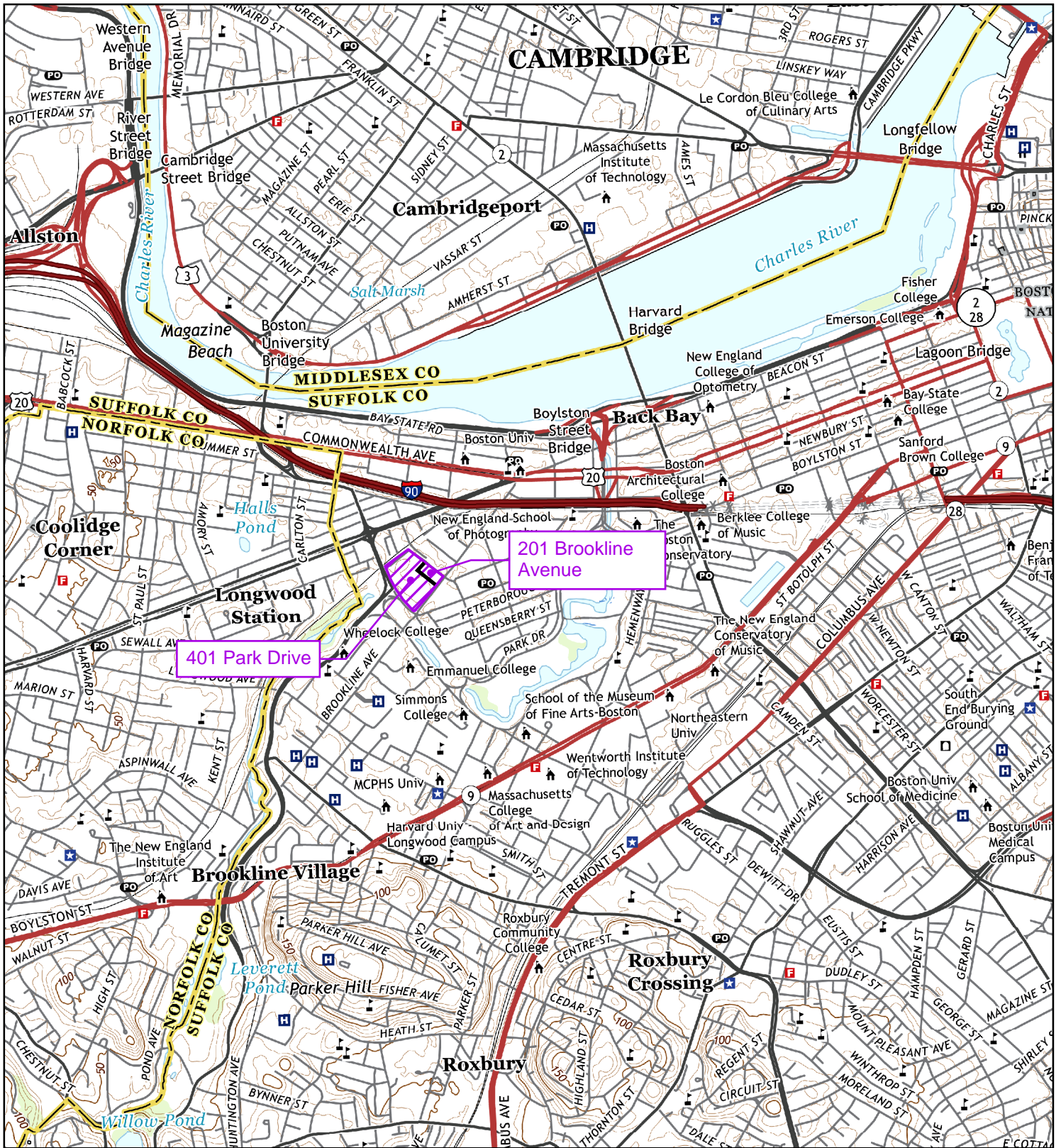
William Nichols, PE
Associate | Project Manager | Civil Engineer
wnichols@vhb.com

Attachment A: Updated Figures
Attachment B: Stamped Engineering Plans
Attachment C: Updated Abutter Notification Materials



Attachment A: Updated Figures

- Figure 1 – Site Location Map
- Figure 2 – Aerial Map
- Figure 3 – NHESP Map
- Figure 4.1 – FEMA Preliminary FIRM
- Figure 4.2 – FEMA Preliminary FIRM
- Figure 5 – Composite Map



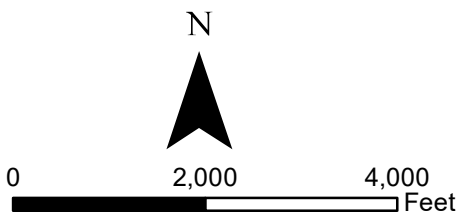
Vanasse Hangen Brustlin, Inc.

Source: USGS 2018

Site Location Map
Request for Determination of Applicability
201 Brookline Avenue/401 Park Drive
Boston, Massachusetts

Figure 1
February 2021

 Project Area




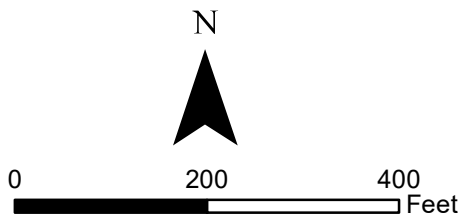


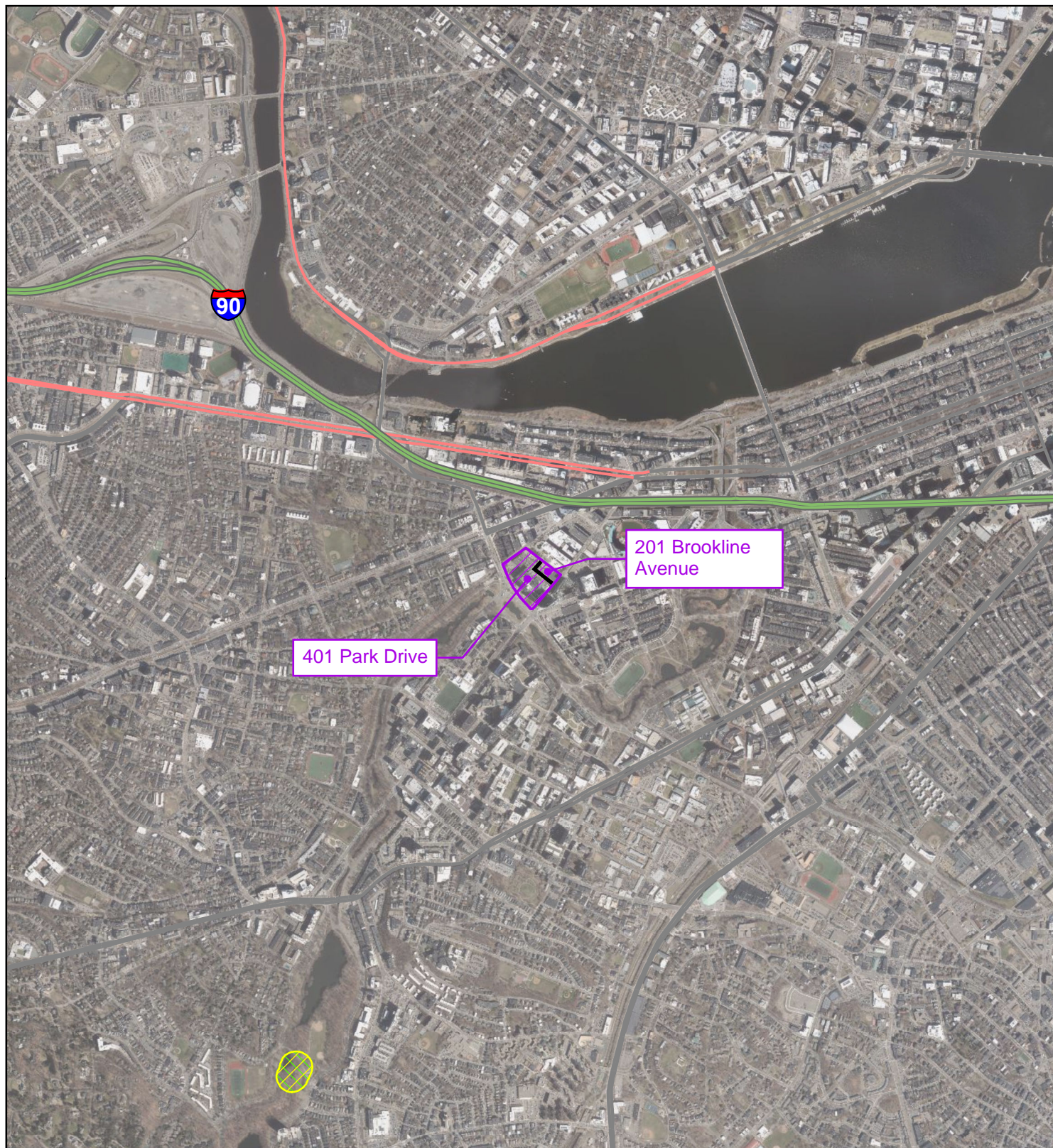
Source: MassGIS 2019

Vanasse Hangen Brustlin, Inc.

Aerial Map
Request for Determination of Applicability
201 Brookline Avenue/401 Park Drive
Boston, Massachusetts

Figure 2
February 2021
 Project Area






Source: MassGIS 2019, NHESP 2019


Vanasse Hangen Brustlin, Inc.

NHESP Map
Request for Determination of Applicability
201 Brookline Avenue/401 Park Drive
Boston, Massachusetts

 Project Area

Figure 3
February 2021

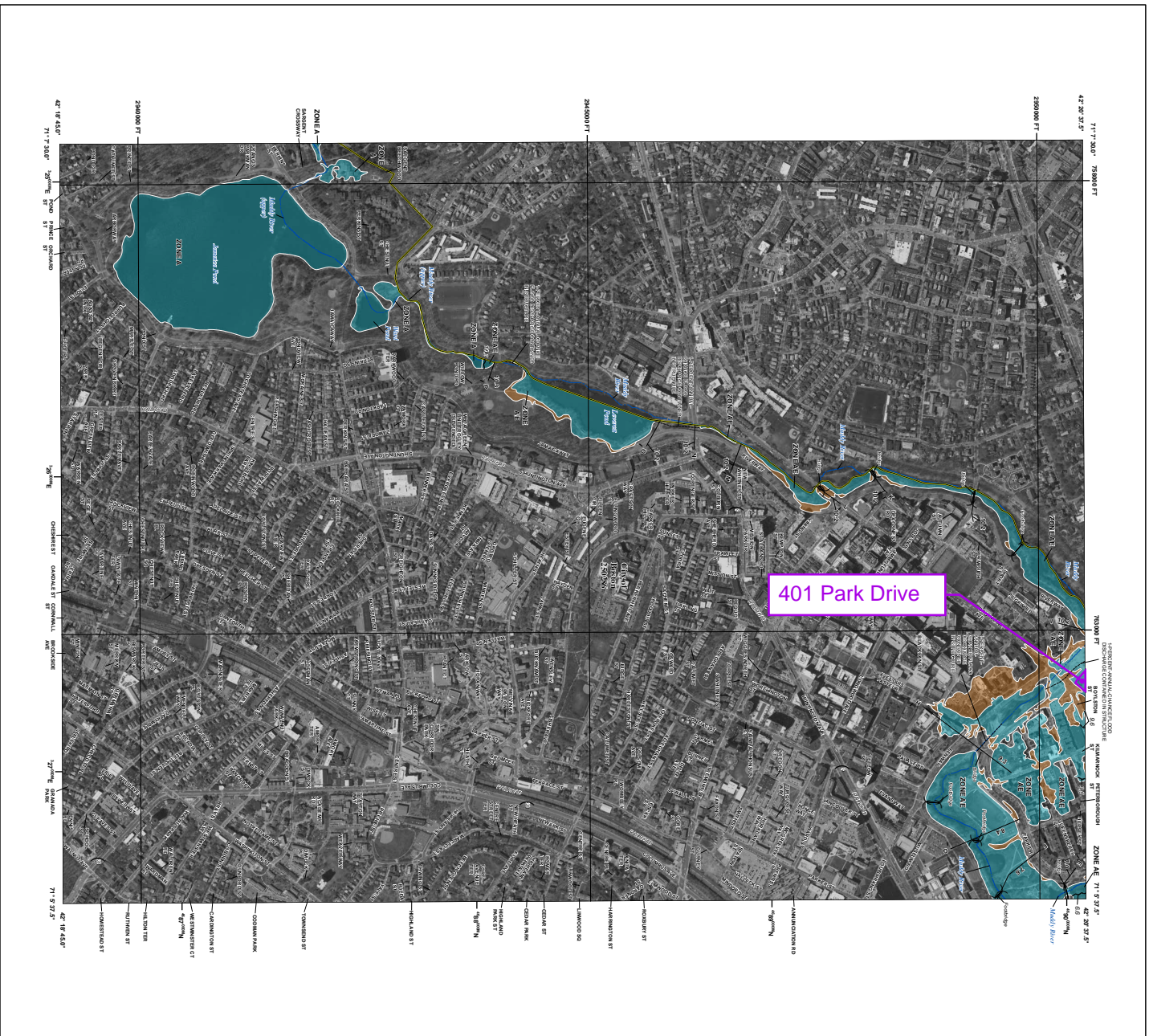
 Estimated Habitats of Rare Wildlife

 Priority Habitats of Rare Species

 Certified Vernal Pools



0 2,000 4,000 Feet



401 Park Drive

FLOOD HAZARD INFORMATION

SEVERITY OF FLOODING: DEEPER FLOODING IS MORE DANGEROUS THAN SHALLOW FLOODING. DEEPER FLOODING IS MORE DANGEROUS THAN SHALLOW FLOODING. DEEPER FLOODING IS MORE DANGEROUS THAN SHALLOW FLOODING.

[HTTPS://MSC.FEMA.GOV/](https://msc.fema.gov/)

SPECIAL FLOOD HAZARDS

- White: Special Flood Hazard (SFH)
- Blue: Water of Depth
- Regulatory/Industry

OTHER AREAS OF FLOOD HAZARD

- Area of Potential Flood Hazard (APFH)
- Area of Undetermined Flood Hazard (AUFH)
- Area with Reduced Flood Risk due to Levees
- Sea Walls
- Special Flood Hazard (SFH)
- Area of Potential Flood Hazard (APFH)
- Area of Undetermined Flood Hazard (AUFH)

GENERAL SYMBOLS

- Open Circle: Center of Mass/Sector
- Open Square: Level, Dike, or Flood Wall
- Open Triangle: Water Surface Elevation
- Open Circle: Canal/Traverse/Barrier
- Open Square: Pipeline/Barrier
- Open Triangle: Ben Flood Elevation (BFE)
- Open Circle: Limit of Study
- Open Square: Jurisdiction Boundary

NOTES TO USERS

This map was prepared for the purpose of providing information on flood hazards. It is not intended to be used for any other purpose. The user assumes all responsibility for the use of this information. The user should consult with a professional engineer or architect for any specific project. The user should also consult with the local government for any specific project. The user should also consult with the local government for any specific project.



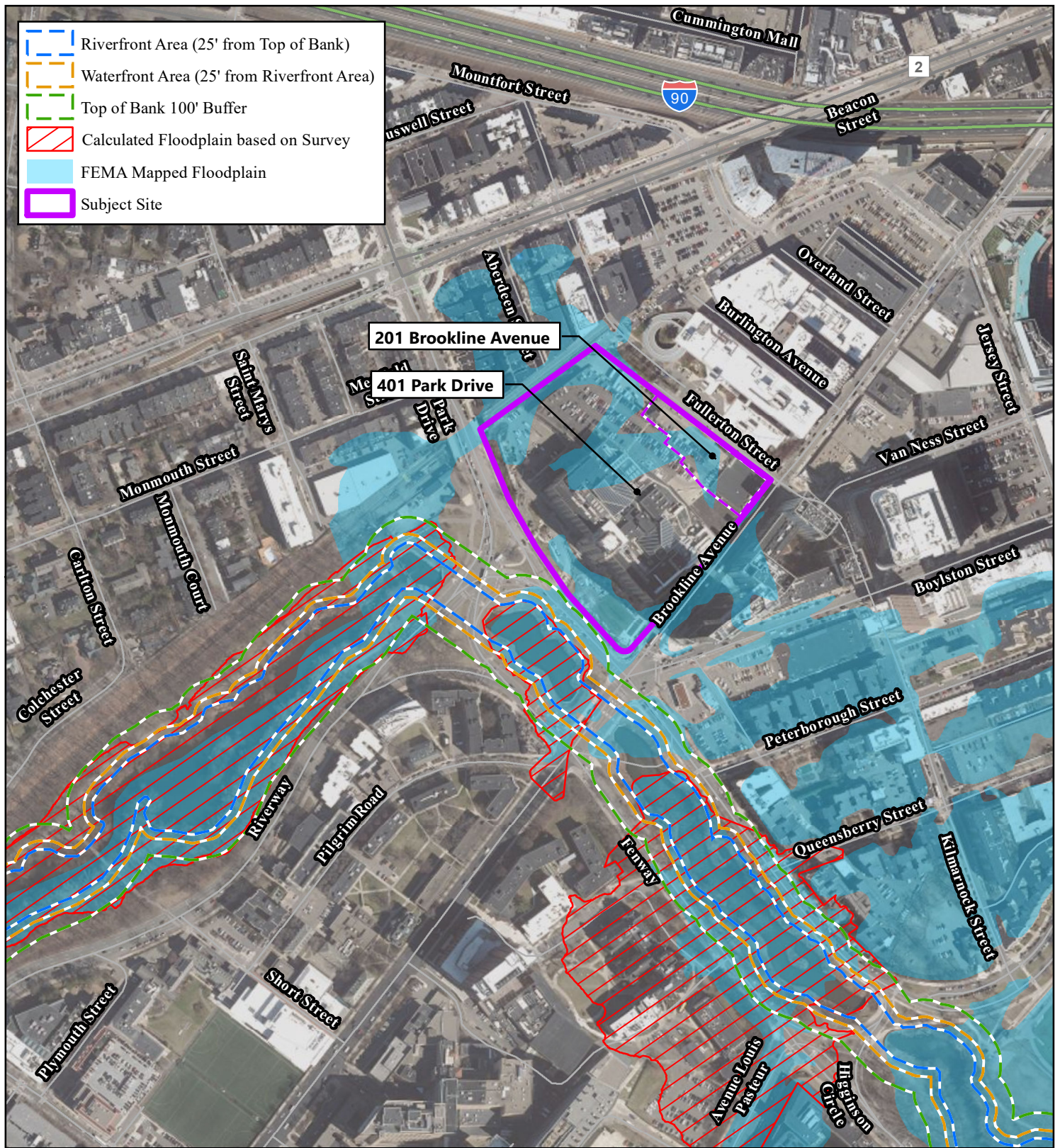
FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
SUFFOLK COUNTY, MASSACHUSETTS
Panel: 789 176

FEMA

PRELIMINARY
06/19/2020

VERSION NUMBER: 2.6.3.6
MAP NUMBER: 2502500078H
MAP REVISED

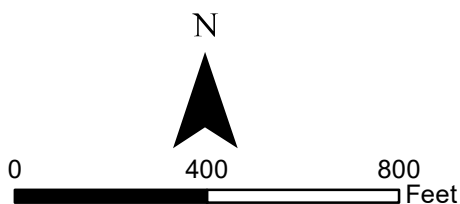


Source: MassGIS 2019

Note: FEMA Mapped Floodplain Information is from Preliminary FIRM dated 06/19/20

Composite Map
Request for Determination of Applicability
201 Brookline Avenue/401 Park Drive
Boston, Massachusetts

Figure 5
February 2021



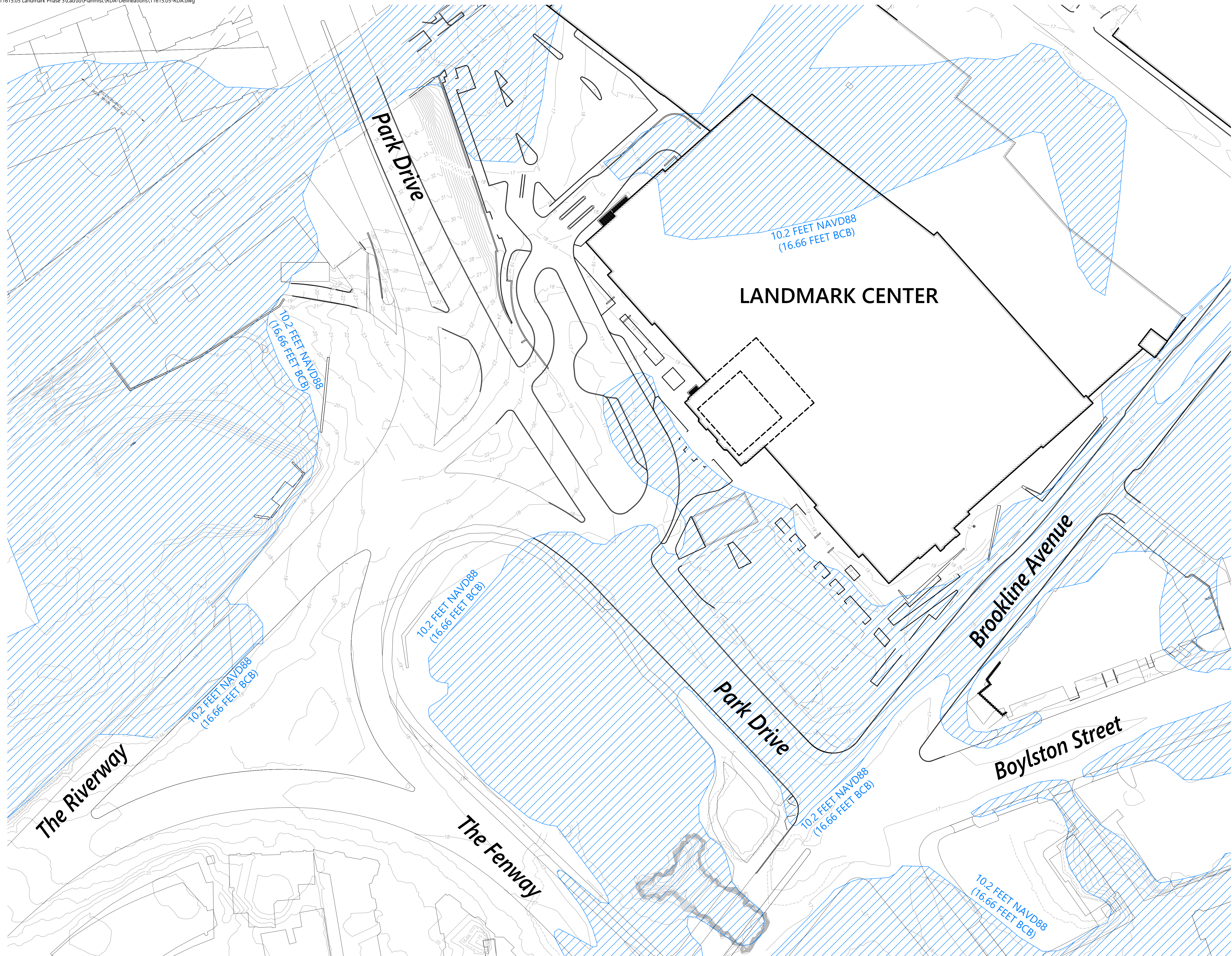
Vanasse Hangen Brustlin, Inc.



Attachment B: Stamped Engineering Plans

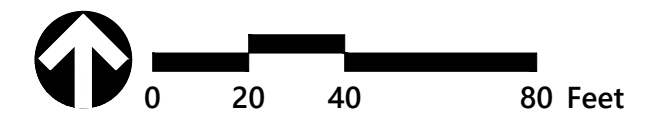


99 High Street
Boston, MA 02110
617.728.7777



LEGEND

FEMA MAPPED FLOODPLAIN
(INFORMATION FROM PRELIMINARY
FIRM DATED 06/19/2020)



Landmark Center
201 Brookline Ave/401 Park Dr
Boston, Massachusetts

No.	Revision	Date	Appr.


Designed by TMD Checked by WJN
Issued for ConComm Review Date Feb 2021

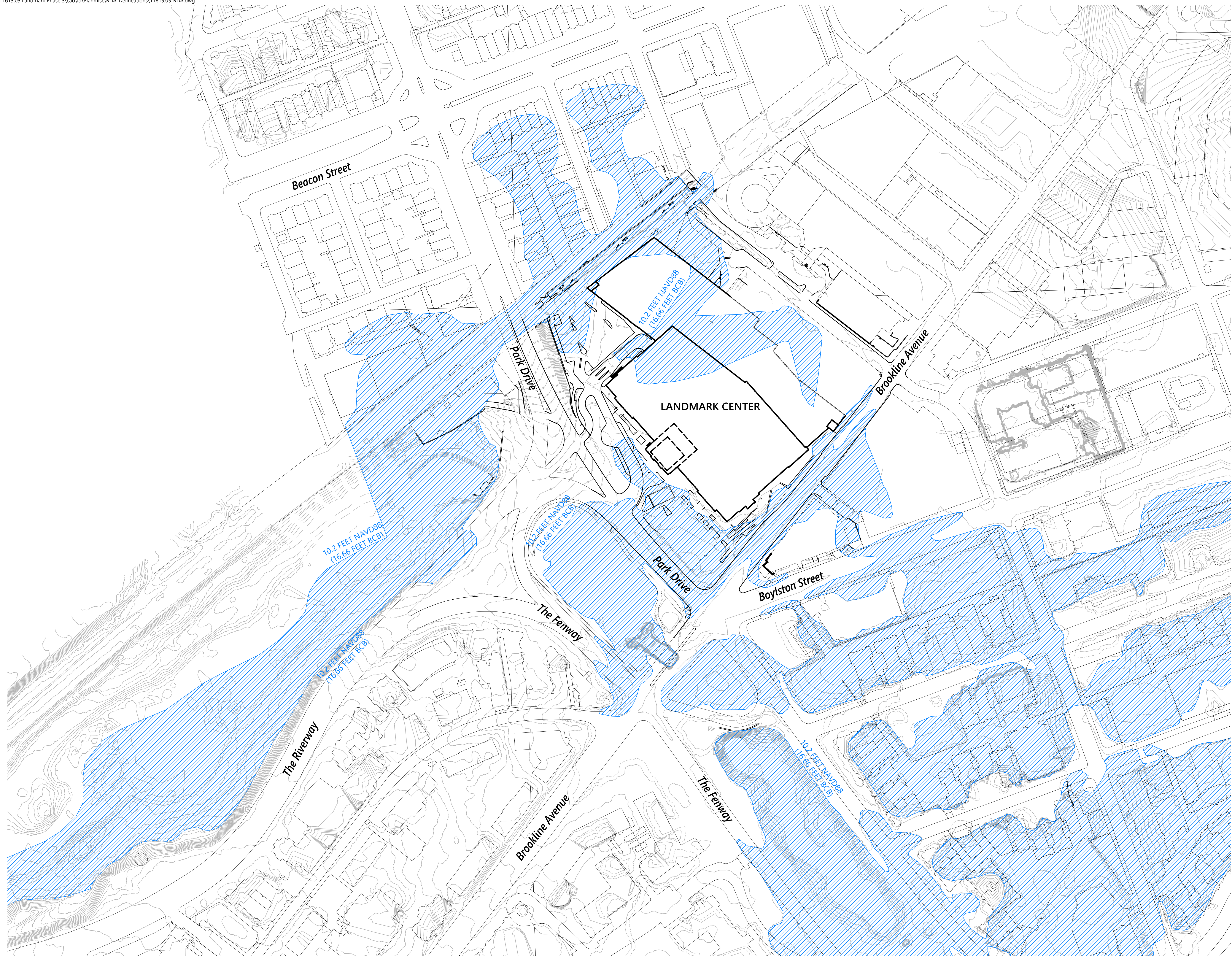
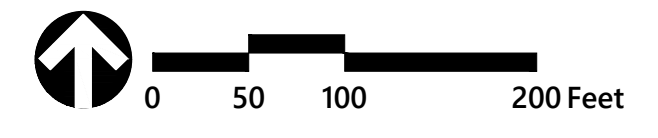
Not Approved for Construction
Drawing Title: **Muddy River Flood Areas
FEMA Mapped Floodplain**



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Boston, MA 02110
617.728.7777

LEGEND

 FEMA MAPPED FLOODPLAIN
(INFORMATION FROM PRELIMINARY
FIRM DATED 06/19/2020)



Landmark Center
201 Brookline Ave/401 Park Dr
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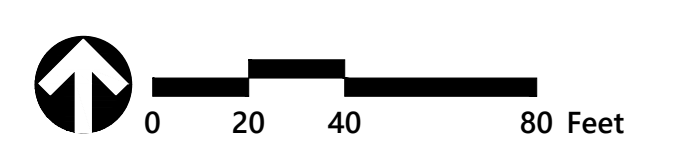
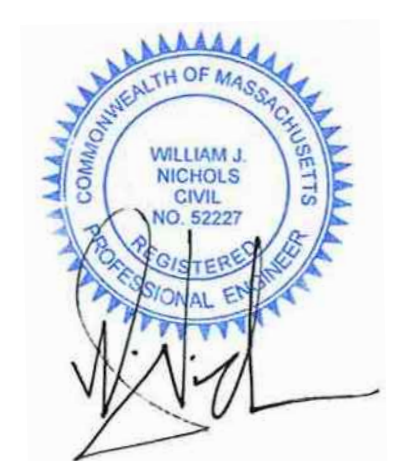
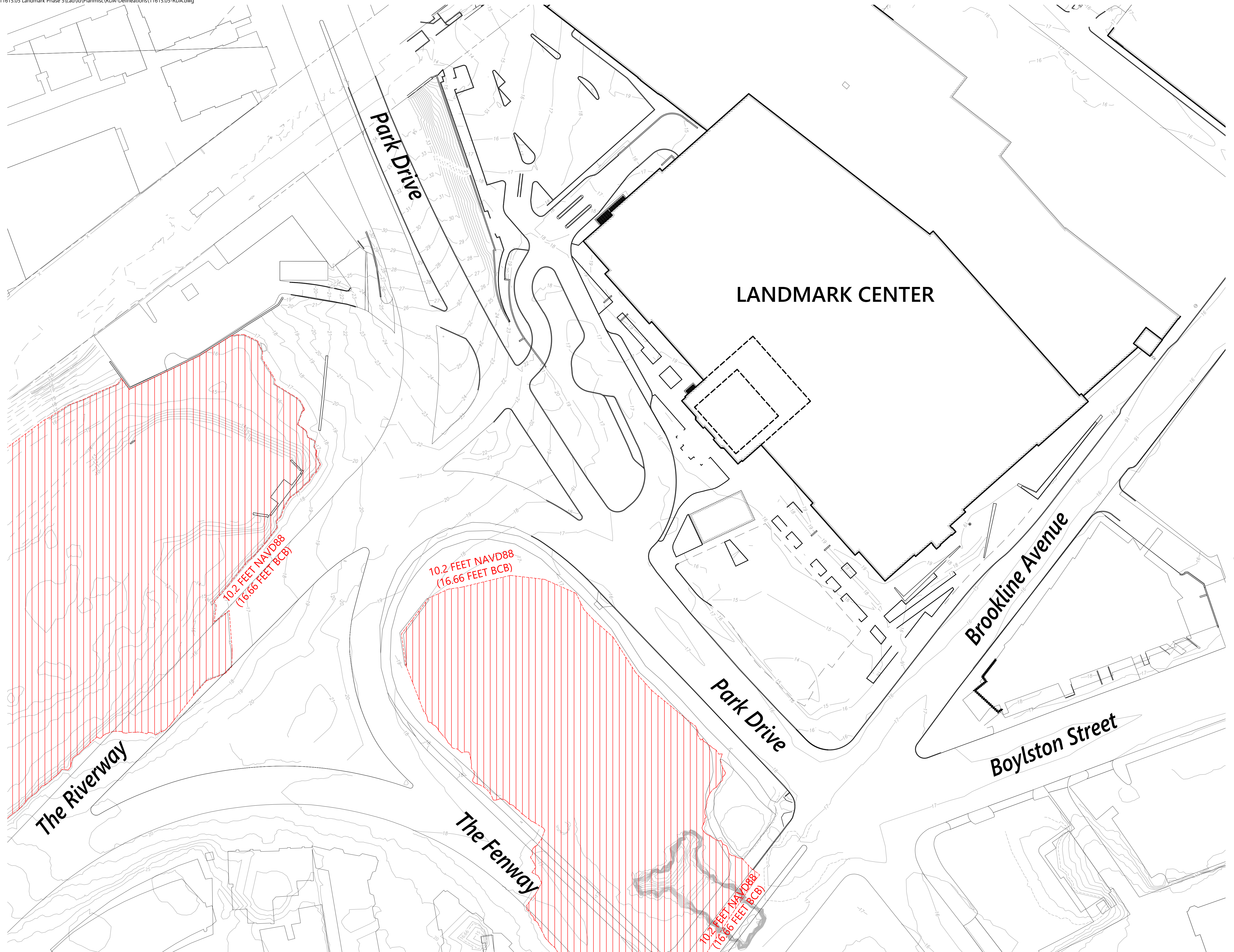
Not Approved for Construction
Muddy River Flood Areas
FEMA Mapped Floodplain



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CALCULATED FLOODPLAIN PER SURVEY



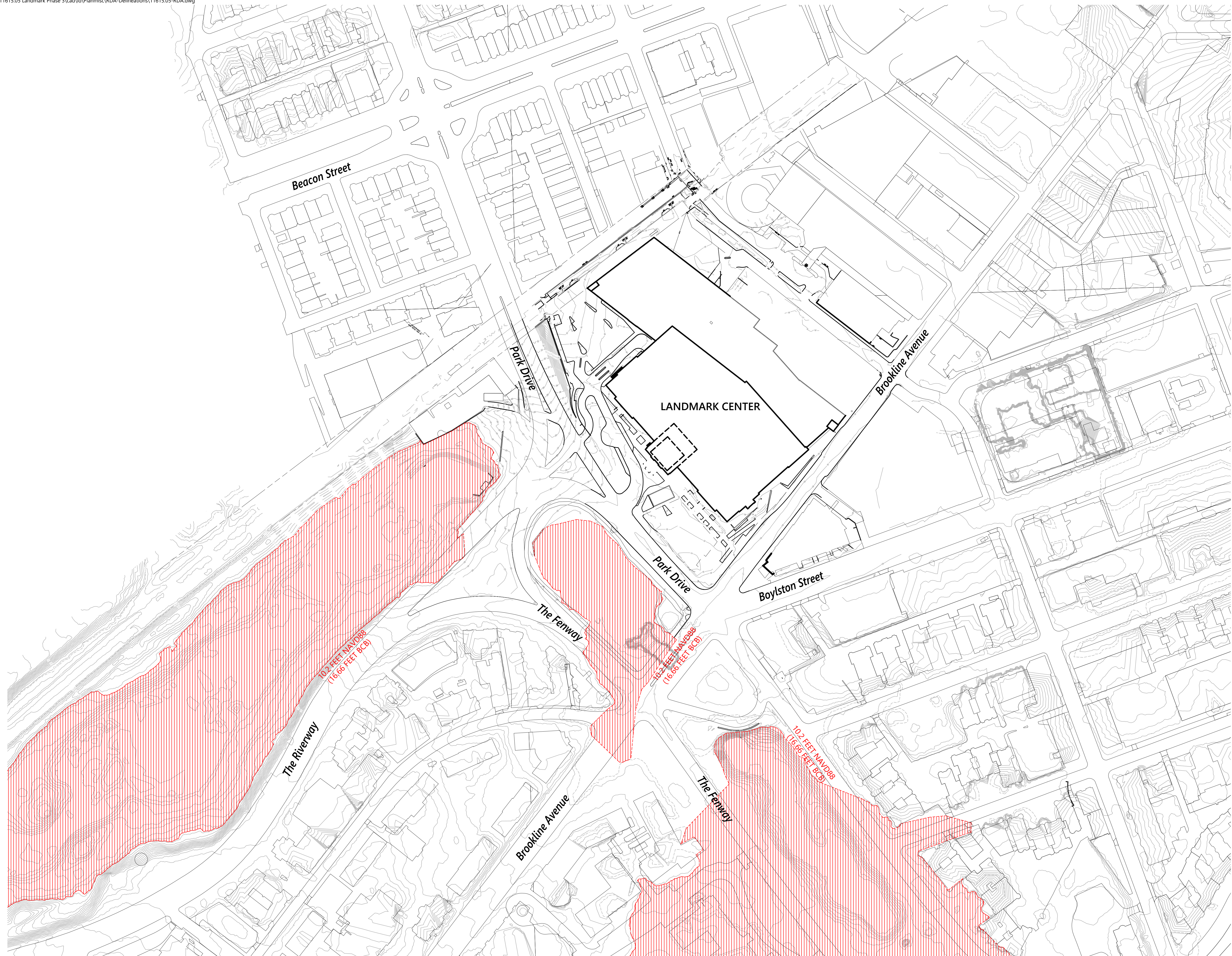
Landmark Center
201 Brookline Ave/401 Park Dr
Boston, Massachusetts

No.	Revision	Date	Appr.


Designed by **TMD** Checked by **WJN**
Issued for **ConComm Review** Date **Feb 2021**

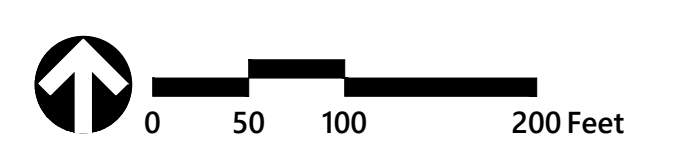
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Drawing Title: **Muddy River Flood Areas
Calculated Floodplain**

Sheet **F-3** of 6
Project Number **11615.05**



LEGEND

 — CALCULATED FLOODPLAIN PER SURVEY



Landmark Center
201 Brookline Ave/401 Park Dr
Boston, Massachusetts

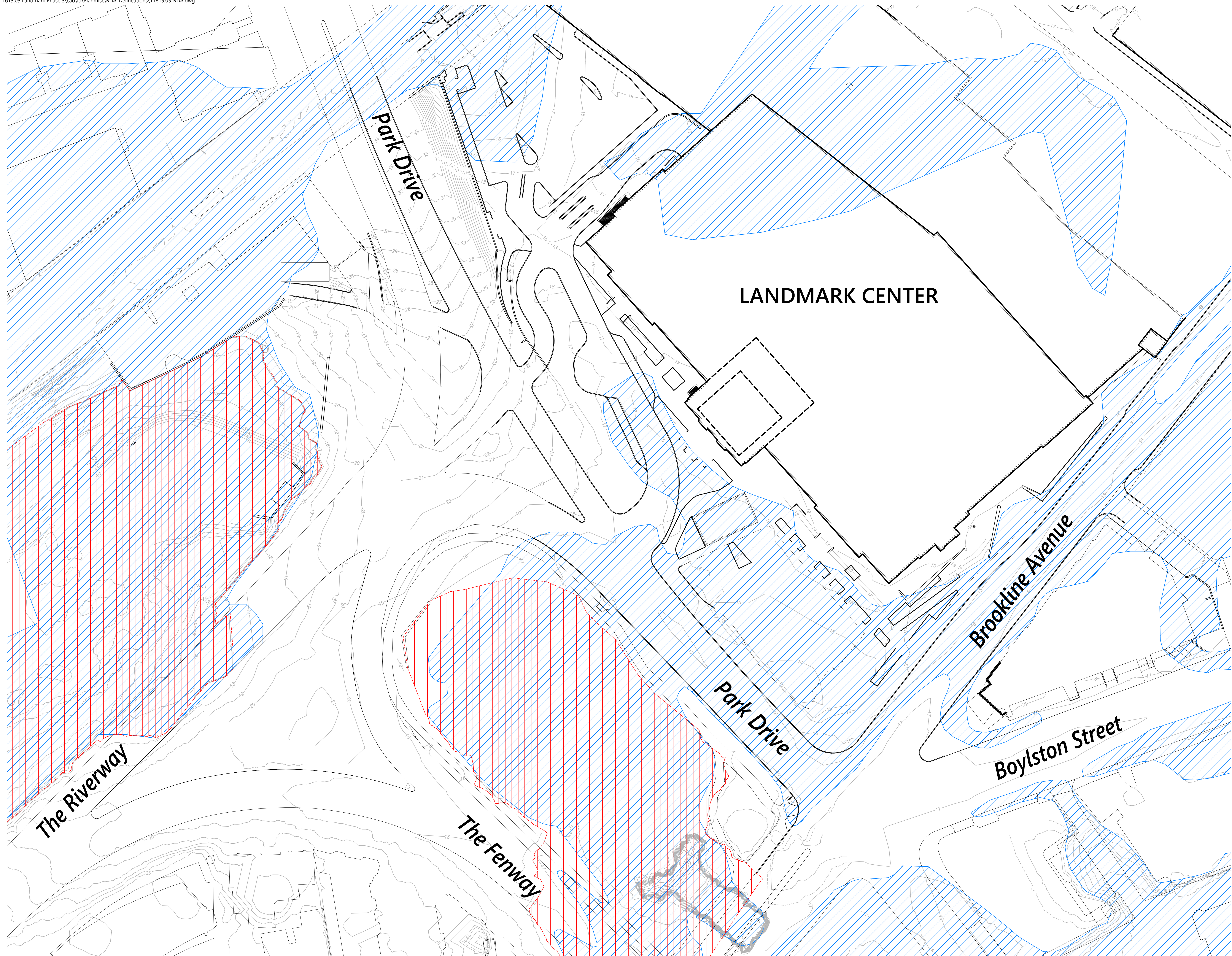
No.	Revision	Date	Appr.

Designed by: TMD Checked by: WJN
Issued for: ConComm Review Date: Feb 2021



Not Approved for Construction
Drawing Title: **Muddy River Flood Areas Calculated Floodplain**

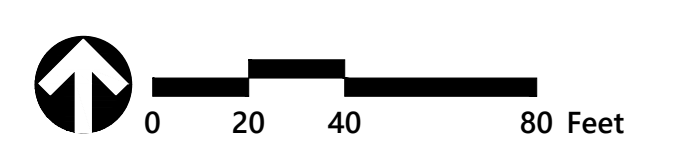


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-  - CALCULATED FLOODPLAIN PER SURVEY
-  - FEMA MAPPED FLOODPLAIN (INFORMATION FROM PRELIMINARY FIRM DATED 06/19/2020)



Landmark Center
201 Brookline Ave/401 Park Dr
Boston, Massachusetts

No.	Revision	Date	Apprv.



Designed by: TMD Checked by: WJN
 Issued for: ConComm Review Date: Feb 2021

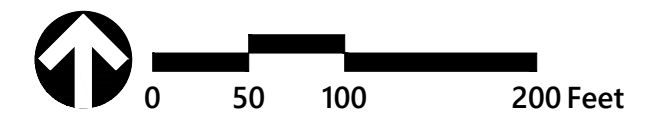
Not Approved for Construction
 Drawing Title: **Muddy River Flood Areas Composite Drawing**



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Boston, MA 02110
617.728.7777

LEGEND

-  CALCULATED FLOODPLAIN PER SURVEY
-  FEMA MAPPED FLOODPLAIN (INFORMATION FROM PRELIMINARY FIRM DATED 06/19/2020)



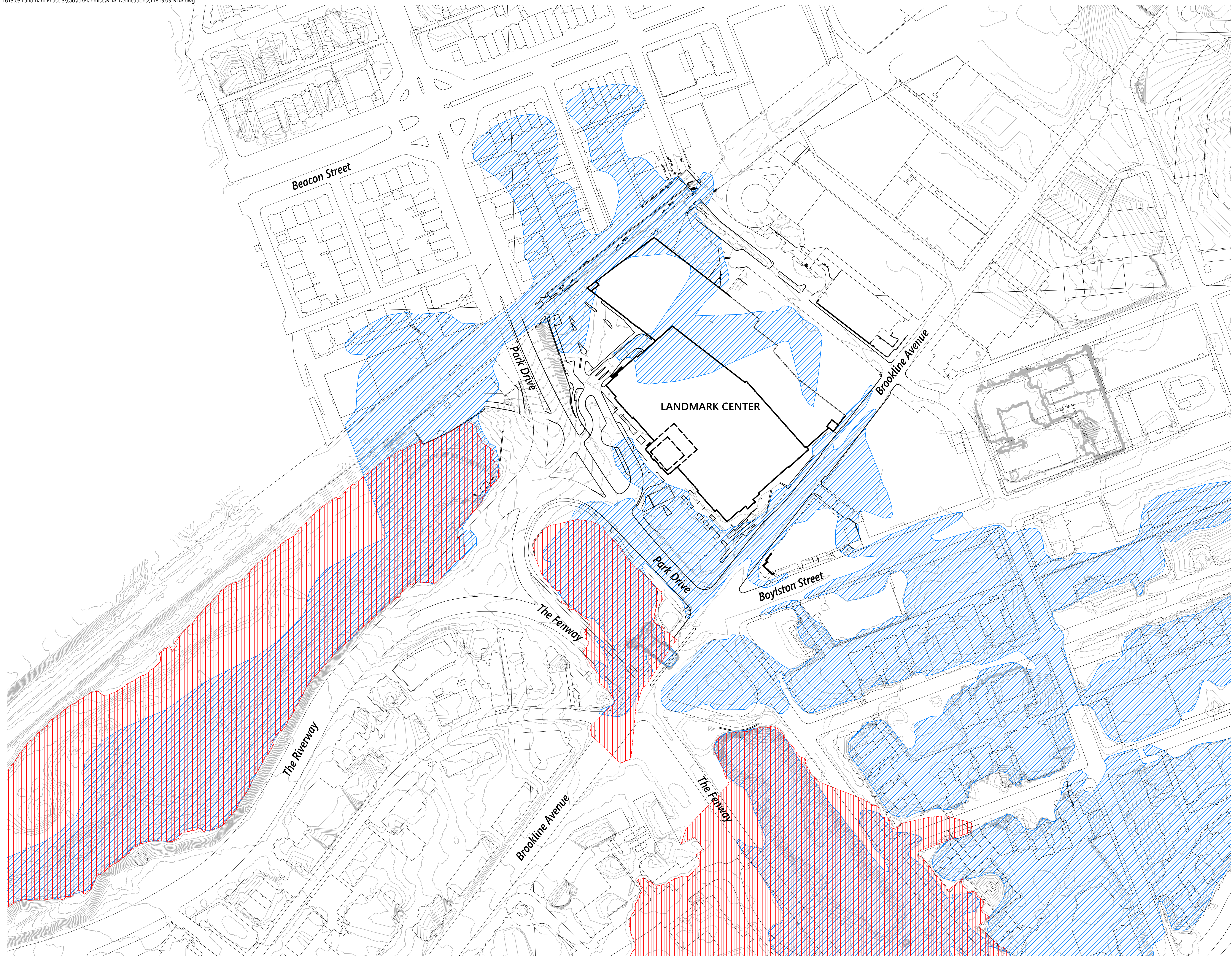
Landmark Center
201 Brookline Ave/401 Park Dr
Boston, Massachusetts

No.	Revision	Date	Appr.

Designed by: TMD Checked by: WJN
 Issued for: ConComm Review Date: Feb 2021

Not Approved for Construction
 Muddy River Flood Areas
 Composite Drawing

Drawing Number
F-6
 Sheet 6 of 6
 Project Number
 11615.05





Attachment C: Updated Abutter Notification Materials

- Abutter List – Condominium Owners
- Abutter Notification Forms (English, Chinese)
- Babel Notice
- Affidavit of Service

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100139120	GOSHCO TARA J	1 LAMPLIGHTER WAY #4722	MT HERMON MA	01354
2100139012	ALBERT ROBERT	10 HARVARD SQ #2 &	BROOKLINE MA	02445
2100139004	SEVEN ABERDEEN SIGNATURE	10 MAYFLOWER RD	NEEDHAM MA	02492
2100151002	CRM REALTY LLC	10 REDSTONE LANE	MARBLEHEAD MA	01945
2100125026	NAHACZEWSKI STEPHEN	10 ROWES WHARF #PH03	BOSTON MA	02118
2100123038	YARDEN DANIEL	10576 EAST KEY DRIVE	BOCA RATON FL	33498
2100158004, 2100158006, 2100158008, 2100158010	849 BEACON REALTY LLC	108 MOSSMAN RD	SUDBURY MA	01776
2100158012, 2100158014	BROWNSTONE REALTY LLC	108 MOSSMAN RD	SUDBURY MA	01776
2100123034	WALDEN POND REALTY LLC	108 MOSSMAN RD	SUDBURY MA	01776
2100139002, 2100139058	108 WALNUT STREET LLC	108 WALNUT ST	NEWTON MA	02460
2100139026	ARCOLANO NICHOLAS	11 ABERDEEN ST	BOSTON MA	02215
2100139054	CHING SIMONA MAK	11 ABERDEEN ST # 6	BOSTON MA	02215
2100139034	CRETEL ELIZABETH A	11 ABERDEEN ST #11-1	BOSTON MA	02215
2100139048	ZHAO YIAN	11 ABERDEEN ST #4A	BOSTON MA	02215
2100139024	CAPITAL TRUST HOLDINGS LLC	11 WALNUT ST	BROOKLINE MA	02146
2100139008	INGVEN LLC	11 WOODLAND CI	WAREHAM MA	02571
2100125018	HSU PING TS	110 BONAD RD	CHESTNUT HILL MA	02467
2100125006	COLLAS JUAN J	110 UCONN AV	GLASTONBURY CT	06033
2100151004	SIRONI LORENZO	12 ABERDEEN ST #2	BOSTON MA	02215
2100139122, 2100139032	PHAM GIA	12 DUXBURY RD	WELLESLEY MA	02481
2100139036	JRS INVESTMENTS LLC	1247 COMMONWEALTH AV	ALLSTON MA	02134
2100123028	ENG DANNY	1254 LINDENWOOD LA 4	ATLANTA GA	30319
2100122010, 2100122014	LUCCIO RONALD S TRST	131 KILSYTH RD	BRIGHTON MA	02135
2100122006, 2100122030, 2100122040, 2100122044, 2100122018, 2100122034	BERFIELD ALAN	131 KILSYTH RD	BRIGHTON MA	02135
2100139112	GRAY BRUCE W	1390 V STREET NW #206	WASHINGTON DC	20009
2100120014	GOLD MATTHEW	14 MEDFIELD ST #14-1	BOSTON MA	02215
2100120020	NEW ENGLAND WINE BROKERAGE	14 MEDFIELD ST #14-4	BOSTON MA	02215
2100120022	MORSS ALEXANDER M	14 MEDFIELD ST #5	BOSTON MA	02215
2100120024	SBROLLA AMY	14 MEDFIELD ST #6	BOSTON MA	02215
2100139060	DAMANTE RICHARD	15 ABERDEEN ST #15C	BOSTON MA	02215
2100125020	NEWTON LISA A	15 LEDGELAWN AV	LEXINGTON MA	02420
2100123020	LEVIN ERIC	15 TAYLOR ST	NEEDHAM MA	02494
2100146002	CHEN JIAN RONG	1518 COMMONWEALTH AV #3	BRIGHTON MA	02135
2100120016	HERMAN SUSAN L TS	155 VALENTINE ST	NEWTON MA	02465
2100167010	LIN YUE MEI	16 MINER ST # 202	BOSTON MA	02215
2100167020	JHAVERI PAYAL	16 MINER ST # 207	BOSTON MA	02215
2100167052	RIBEIRO EDUARDO H	16 MINER ST # 403	BOSTON MA	02215
2100167082	VACIRCA STEPHEN	16 MINER ST # 508	BOSTON MA	02215
2100167002	GAGLIA JASON	16 MINER ST #112	BOSTON MA	02215
2100167004	PETRINA ANITA	16 MINER ST #113	BOSTON MA	02215
2100167006, 2100167026	NEWMAN REBECCA HANNAH	16 MINER ST #114	BOSTON MA	02215
2100167008	ZHANG WENJI	16 MINER ST #201	BOSTON MA	02215
2100167012	LOIZOU ELIAS	16 MINER ST #203	BOSTON MA	02215
2100167014	HARRINGTON RICHARD J TC	16 MINER ST #204	BOSTON MA	02215
2100167018	SHIELS THOMAS L	16 MINER ST #206	BOSTON MA	02215
2100167024	BENSHABBAT LIAT	16 MINER ST #209	BOSTON MA	02215
2100167028	SJ & JJ FAMILY LP	16 MINER ST #301	BOSTON MA	02215
2100167030	TSAO KAILENN	16 MINER ST #302	BOSTON MA	02215
2100167036	LA QUANG	16 MINER ST #305	BOSTON MA	02215
2100167038	BANNER JARED	16 MINER ST #306	BOSTON MA	02215
2100167040	DAWN MURANO 2016 TRUST	16 MINER ST #307	BOSTON MA	02215
2100167042	MALTZ ELLIOT	16 MINER ST #308	BOSTON MA	02215
2100167044	PATEL HIREN	16 MINER ST #309	BOSTON MA	02215
2100167048	MORTADA RASHA	16 MINER ST #401	BOSTON MA	02215
2100167050	SHUTTARI MIR F	16 MINER ST #402	BOSTON MA	02215
2100167056	OHRI GOVERDHAN L	16 MINER ST #405	BOSTON MA	02215
2100167060	NOSEK ANDRZEJ	16 MINER ST #407	BOSTON MA	02215

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100167062	CHAN TAMMY	16 MINER ST #408	BOSTON MA	02215
2100167064	PURTELL ANNA G	16 MINER ST #409	BOSTON MA	02215
2100167066	SHANG CHUN	16 MINER ST #410	BOSTON MA	02215
2100167068	TANG HWANG	16 MINER ST #501	BOSTON MA	02115
2100167070	BOLIVAR TERESITA	16 MINER ST #502	BOSTON MA	02215
2100167072	MICHAEL B SIMONS REVOCABLE	16 MINER ST #503	BOSTON MA	02215
2100167074	MURAD ELEN E	16 MINER ST #504	BOSTON MA	02215
2100167076	NESBIT PETER T	16 MINER ST #505	BOSTON MA	02215
2100167078	NOYES ADAM S	16 MINER ST #506	BOSTON MA	02215
2100167084	KARNIK SANDEEP	16 MINER ST #509	BOSTON MA	02215
2100167086	RONDON MARIA CAROLINA	16 MINER ST #510	BOSTON MA	02215
2100167088	HUQ NAJMUL	16 MINER ST #601	BOSTON MA	02215
2100167090	MROCKA EVELINA	16 MINER ST #602	BOSTON MA	02215
2100167092	LIM CHRISTOPHER T	16 MINER ST #603	BOSTON MA	02215
2100167094	BURROWS MATTHEW P	16 MINER ST #604	BOSTON MA	02215
2100167098	DHUPAR RISHI	16 MINER ST #606	BOSTON MA	02215
2100167100	NG FONG CHEUK	16 MINER ST #607	BOSTON MA	02215
2100167102	BELUR DRUTHIL	16 MINER ST #608	BOSTON MA	02215
2100120012, 2100120002	CHOW JOSEPH W TS	169 BUCKMINSTER RD	BROOKLINE MA	02445
2100139080	SLOMAN DAVID L	17 ABERDEEN ST #17-D	BOSTON MA	02215
2100167016	CHIN SHING	17 ROYAL CREST RD	HORSEHEADS NY	14845
2100120006	GRAPPO MICHAEL	18 HILLCROFT RD	JAMAICA PLAIN MA	02130
2100120004	CHAN SHIRLEY J	18 MEDFIELD ST #18-2	BOSTON MA	02215
2100120008	FARABAUGH JENNIFER N	18 MEDFIELD ST #4	BOSTON MA	02215
2100125034	BLOOMER MATTHEW A	181 GROVE ST	RUTLAND VT	05701
2100139056	YIN MARY H M	188 CHURCH ST	WALTHAM MA	02452
2100139096	19 ABERDEEN STREET LLC	20 WANDERS DR	HINGHAM MA	02043
2100139010	VS REALTY TRUST	20R CONCORD ST	BOSTON MA	02129
2100139126	LAMB MICHAEL A	21 ABERDEEN ST # 21-6	BOSTON MA	02215
2100139106	FORTUNATO ANTHONY J	21 ABERDEEN ST #21-A	BOSTON MA	02215
2100139114	CHAN MARK M ETAL	21 ABERDEEN ST APT E	BOSTON MA	02215
2100120018	WANG XUJING	21 SHADE ST	LEXINGTON MA	02421
2100139084, 2100139072, 2100139100, 2100139104	PRATHER REALTY LLC	2125 14TH STREET NW APT #710	WASHINGTON DC	20009
2100123040	FIGERS HOLDING TRUST	221 CRESCENT ST STE 206	WALTHAM MA	02453
2100139038, 2100139068	LEE ALBERT ANG	2312 ORANGEBURG PL	HENDERSON NJ	89044
2100139076	J&A REALTY LLC	240 WASHINGTON ST	BROOKLINE MA	02445
2100123004	SMITH MURRAY	2522 ROUND POINTE DR	HAVERSTRAW NY	10927
2100139046	CLINTON GROUP LLC	255 FULLER ST	NEWTON MA	02465
2100167032	NAIDU LEXINGTON-BOSTON	26 BLUEBERRY LANE	LEXINGTON MA	02420
2100139124	MCNEALUS RICHARD	26 BURNET ST	MAPLEWOOD NJ	07040
2100139110	MAZOTTA JOSEPH F	263 SO WALPOLE ST	SHARON MA	02067
2100139082	SUN YONG	27 OVERLOOK PARK	NEWTON MA	02459
2100122020	DOWNEY DIANNE CHRIS	2727 34TH PLACE NW	WASHINGTON DC	20007
2100125022	BARILA JEFFREY	276 HARVARD RD	STOW MA	01775
2100167022	BEAR REALTY TRUST	28 CROSS ST	NEWTON MA	02465
2100151006	METSOLA LLC	3 KENLEY LANE	SOUTHBOROUGH MA	01772
2100146004	CHEN TIANRONG	30 WALNUT PLACE	NEWTON MA	02461
2100159002, 2100159004, 2100159006, 2100159008, 2100159010, 2100159012, 2100159014, 2100159018, 2100159016	EIGHT 47 BEACON ST LLC	300 BELLEVUE RD	QUINCY MA	02171
2100120010	HUNTER L COTE IRREVOCABLE	302 HIGHLAND AVE	FALL RIVER MA	02720

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100129002, 2100129004, 2100129006, 2100129008, 2100129010, 2100129012, 2100129014,2100129016, 2100129018, 2100129020, 2100129022, 2100129024, 2100129026, 2100129028, 2100129030, 2100129032, 2100129034, 2100129036, 2100129038, 2100129040	LDJ DEVELOPMENT LLC	311 SUMMER ST	BOSTON MA	02210
2100139006, 2100139014, 2100139022	KERBLE REVOCABLE TRUST	324 PLACE LANE	WOBURN MA	01801
2100139118	TIBOR VAIS 2015 REVOCABLE	35 GROVE HILL AVE	NEWTON MA	02460
2100123042, 2100123024, 2100139064	DEFEUDIS TODD E	3534 E WASATCH GROVE LANE	COTTONWOOD HGTS UT	84121
2100158002	LUFRANO PATRICIA A ETAL	37 BERKELEY ST	NASHUA NH	03064
2100139094	DANGELMAIER RALPH A JR	38 SEARS RD	WESTON MA	02493
2100139108	EVERGREEN MOUNTAIN LLC	384 COMMONWEALTH RD	WAYLAND MA	01778
2100139088	BAKER MAURA J	4 PICKWICK WAY	WAYLAND MA	01778
2100139074	KOOP REALTY LLC	4 SQUIRREL HILL RD	WAYLAND MA	01778
2100139016	MONTRONE INVESTMENT LLC	40 OLD HASWELL PARK DR	MIDDLETON MA	01949
2100123036	CORNELIO DONATO BE	407 BRDWAY	CAMBRIDGE MA	02139
2100167080, 2100167106	BAROUNIS MARY	432 FAR REACH RD	WESTWOOD MA	02090
2100123012	ZAMIR MARK	448 PARK DR # 4	BOSTON MA	02215
2100123044	WALCZYK STANLEY	448 PARK DR #20	BOSTON MA	02215
2100123002	WALEZYK JOHN	448 PARK DR #K	BOSTON MA	02215
2100123008	BARAN ALESSANDRA	448 PARK DRIVE #18	BOSTON MA	02215
2100125012	DUAN HONG	451 PARK DR #2D	BOSTON MA	02215
2100125024	BALIANI DANIELE	451 PARK DR #4B	BOSTON MA	02215
2100125028	CHHABRA RAKESH	451 PARK DR #4D	BOSTON MA	02215
2100125030	GREEN CORI P	451 PARK DR UNIT 5-A	BOSTON MA	02215
2100125002	TILAK VINOD	451 PARK DRIVE UNIT 1A	BOSTON MA	02215
2100125004	LIANG SHIZHI	451 PARK UNIT #1B	BOSTON MA	02215
2100122026	PAN YAROSLAV	452 PARK DR #10	BOSTON MA	02215
2100122028	SULLIVAN CORNELIA A TS	452 PARK DR #11	BOSTON MA	02215
2100122032	PATEL DIPU	452 PARK DR #12A	BOSTON MA	02215
2100122036	ZHU LINGLAN	452 PARK DR #15	BOSTON MA	02215
2100122038	BLANCHON JOHN ETAL	452 PARK DR #16	BOSTON MA	02215
2100122042	SOLBERG NORMA E	452 PARK DR #18	BOSTON MA	02215
2100122046, 2100123026	WALCZYK JOHN	452 PARK DR #20	BOSTON MA	02215
2100122004	POLEO SCOTT	452 PARK DR #21	BOSTON MA	02215
2100122012	LAEMMLE PAUL C	452 PARK DR #3	BOSTON MA	02215
2100122016	YEN JASON PUI WE	452 PARK DR #5	BOSTON MA	02215
2100122022	MCKINLEY BARBARA K	452 PARK DR #8	BOSTON MA	02215
2100122024	JUNANKAR DIPU PATEL	452 PARK DR #9	BOSTON MA	02215
2100139098	CHEN LI	46 ASPINWALL AV #1	BROOKLINE MA	02446
2100167034	J&A (BOSTON) ASSOCIATES LLC	4838 JENKINS AVE	NORTH CHARLESTON SC	29405
2100125032	PISICK ALISSA	49 FAIRHAVEN RD	NEWTON MA	02459
2100167104	TAM CHI ON JOHN	5 PRESIDENTIAL DR	SOUTHBOROUGH MA	01772
2100139116	SHING YUEN W	535 PIERCE ST #2309	ALBANY CA	94706
2100139028	BRODIE ERIC L	59 FULLER TE	WEST NEWTON MA	02465
2100167058	PARWANI RAHUL R	6 CAROL AVE	BURLINGTON MA	01803
2100167046	PARWANI VISHAL	6 DUBLIN CIRCLE	BURLINGTON MA	01803
2100122002, 2100122008	ZAMIR LEAH	60 D BRACKETT PL	MARBLEHEAD MA	01945
2100139078	MCGINN STEVEN R	62 POND ST	WATERTOWN MA	02472

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100167096	HAMID INTISAR	65 EAST INDIA ROW #21-F	BOSTON MA	02110
2100123022	448 PARK DRIVE CONDOMINIUM	658 MASSACHUSETTS AV	BOSTON MA	02118
2100123006	MAGLOCZKI THOMAS G	659 MASSACHUSETTS AV #C	BOSTON MA	02119
2100146006, 2100139042	CHEN HUANRONG	66 MUNROE RD	LEXINGTON MA	02421
2100123016	GIVERTZMAN PETER	68 MOULTON ST 3RD FL	CAMBRIDGE MA	02138
2100139018	BARRON MARC	7 ABERDEEN ST #7-9	BOSTON MA	02215
2100167054	CASSUM RIAZ A TS	7 LOCUST RD	WESTON MA	02493
2100139044	SCHWARTZ SOPHIA	70 PARK ST #31	BROOKLINE MA	02446
2100125016	BRUSCHI GIORGIO TS	72 WASHINGTON DR	ACTON MA	01720
2100125036	POPA ANDREEA	78 ARBORWAY	BOSTON MA	02130
2100139020	KRONLUND ERIC K	8 STRAW HOLLOW LANE	SHREWSBURY MA	01545
2100123030, 2100123032	HODJAT HOSSEIN K	81 MOSS HILL RD	JAMAICA PLAIN MA	02130
2100123018, 2100123010	NIAMIR PARIVASHE TRST	81 MOSS HILL RD	JAMAICA PLAIN MA	02130
2100158020	CIPOLLONE AUGUSTO	849 BEACON ST #10	BOSTON MA	02215
2100158016	PETTWAY MARIA B	849 BEACON ST #8	BOSTON MA	02215
2100158018	TWILIGHT HAIR SALON LLC	849 BEACON ST #9	BOSTON MA	02215
2100139030	ET BUSINESS VENTURES LLC	867 BOYLSTON ST 3RD FL	BOSTON MA	02116
2100125010	YU CHANG O	900 BEACON ST #508	BOSTON MA	02215
2100139062	HAN LUNING	94 FRANKLIN ST	ALLSTON MA	02134
2100139090	WONG KA LAI	94 KIMBALL BEACH RD	HINGHAM MA	02043
2100139066	YUEN ANGELA S C	94 KIMBALL BEACH RD	HINGHAM MA	02043
2100139102	NABIPOUR LALEH L	99 CHESTNUT HILL AVE #319	BOSTON MA	02135
2100139070	BODRIE GREGORY ETAL	PO BOX 532	SAGAMORE MA	02561
2100139086	CHIN KUEI WEN	PO BOX 540405	WALTHAM MA	02454
2100139040	ZELMAN STEVEN	PO BOX 67434	CHESTNUT HILL MA	02467
2100125014	BELL STEPHEN M	PO BOX 384	ROCKPORT MA	01966
2100125008	BULKLEY KASIA	PO BOX 1543	EAST ORLEANS MA	02643
2100123014	WONG CINDY	PO BOX 170637	BOSTON MA	02117
2100139092	NEMAN CORP	PO BOX 22-2065	GREAT NECK NY	11021
2100129042	TYE MARK M TS	PO BOX 8992	ASPEN CO	81612
2100139050, 2100139052	BARR STEPHEN ETAL	PO BOX A	ROSLINDALE MA	02131



**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. **ARE-MA Region No. 88 Holding Limited Partnership/ARE-MA Region No. 87 Owner Limited Partnership** 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 **401 Park Drive.**

C. The project involves **Request to confirm no on-site wetland resource areas.**

D. Copies of the Notice of Intent may be obtained by contacting the Boston Conservation Commission at CC@boston.gov.

E. Copies of the Notice of Intent may be obtained from **Stephanie Krueel, skruel@vhb.com, 617-607-2972** between the hours of **9:00-4:00, Monday-Friday.**

F. In accordance with the Commonwealth of Massachusetts Executive Order Suspending Certain Provisions of the Open Meeting Law, the public hearing will take place **virtually** at <https://zoom.us/j/6864582044>. If you are unable to access the internet, you can call 1-929-205-6099, enter Meeting ID 686 458 2044 # and use # as your participant ID.

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) 635-3850** 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.



波士頓濕地保護委員會 專案鄰近住戶通知

根據《麻塞諸塞州濕地保護法》、《麻塞諸塞州普通法》第131章第40節及《波士頓濕地條例》之規定，我們特此向您，即向波士頓濕地保護委員會提出申請的專案的鄰近住戶，發出以下通知：

- A. **ARE-MA Region No. 88 Holding Limited Partnership/ARE-MA Region No. 87 Owner Limited Partnership** 已向波士頓濕地保護委員會提出申請，請求批准改建一塊受《濕地保護法》（《普通法》第131章第40節）和《波士頓濕地條例》保護的地塊。
- B. 擬開展改建活動的地塊地址為：**401 Park Drive**。
- C. 該專案涉及以下建設內容：請求確認場地無濕地資源區域。
- D. 可透過聯繫波士頓保護委員會取得意向通知書的副本，電子郵件：CC@boston.gov。
- E. 您可於週一至週五上午9點到下午4點從Stephanie Krueel (skrueel@vhb.com、617-607-2972) 處獲取意向通知的副本。
- F. 根據《馬薩諸塞州行政命令》（暫緩執行《公開會議法》聽證會將在線上<https://zoom.us/j/6864582044> 進行。若無法接入互聯網（Internet），則可致電1-929-205-6099，輸入會議編號(ID) 686 458 2044 #，然後使用#作為您參與的編號(ID)。
- G. 您可於週一至週五上午9點到下午5點聯繫波士頓濕地保護委員會，諮詢公開聽證會舉行的日期和時間，郵箱地址：CC@boston.gov，電話：**(617) 635-4416**。

注：公開聽證會的通知（包括其舉行日期、時間和地點）將提前至少五天在《波士頓先驅報》上予以公佈。

注：公開聽證會的通知（包括其舉行日期、時間和地點）將提前至少四十八（48）小時發佈在以下網頁之上以及波士頓市政廳內：www.boston.gov/public-notices。若您想提出意見或建議，您可以參加該公開聽證會或將書面形式的意見或建議發送至CC@boston.gov或郵寄至以下地址：

Boston City Hall,
Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201。

注：您也可以聯繫波士頓濕地保護委員會或環境保護部東北地區辦公室，諮詢有關此項申請或《濕地保護法》的更多資訊。如要聯繫環境保護部，請致電：東北地區：（978）694-3200。

注：如果您準備參加該公開聽證會並需要口譯服務，則請在聽證會舉行前一天中午12點前透過以下電郵地址告知工作人員：CC@boston.gov。



BABEL NOTICE

English:

IMPORTANT! This document or application contains **important information** about your rights, responsibilities and/or benefits. It is crucial that you understand the information in this document and/or application, and we will provide the information in your preferred language at no cost to you. If you need them, please contact us at cc@boston.gov or 617-635-3850.

Spanish:

¡IMPORTANTE! Este documento o solicitud contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es fundamental que usted entienda la información contenida en este documento y/o solicitud, y le proporcionaremos la información en su idioma preferido sin costo alguno para usted. Si los necesita, póngase en contacto con nosotros en el correo electrónico cc@boston.gov o llamando al 617-635-3850.

Haitian Creole:

AVI ENPÒTAN! Dokiman oubyen aplikasyon sa genyen **enfòmasyon ki enpòtan** konsènan dwa, responsablite, ak/oswa benefis ou yo. Li enpòtan ke ou konprann enfòmasyon ki nan dokiman ak/oubyen aplikasyon sa, e n ap bay enfòmasyon an nan lang ou prefere a, san ou pa peye anyen. Si w bezwen yo, tanpri kontakte nou nan cc@boston.gov oswa 617-635-3850.

Traditional Chinese:

非常重要！這份文件或是申請表格包含關於您的權利，責任，和／或福利的重要信息。請您務必完全理解這份文件或申請表格的全部信息，這對我們來說十分重要。我們會免費給您提供翻譯服務。如果您有需要請聯系我們的郵箱 cc@boston.gov 電話# 617-635-3850..

Vietnamese:

QUAN TRỌNG! Tài liệu hoặc đơn yêu cầu này chứa **thông tin quan trọng** về các quyền, trách nhiệm và/hoặc lợi ích của bạn. Việc bạn hiểu rõ thông tin trong tài liệu và/hoặc đơn yêu cầu này rất quan trọng, và chúng tôi sẽ cung cấp thông tin bằng ngôn ngữ bạn muốn mà không tính phí. Nếu quý vị cần những dịch vụ này, vui lòng liên lạc với chúng tôi theo địa chỉ cc@boston.gov hoặc số điện thoại 617-635-3850.

Simplified Chinese:

非常重要！这份文件或是申请表格包含关于您的权利，责任，和／或福利的重要信息。请您务必完全理解这份文件或申请表格的全部信息，这对我们来说十分重要。我们会免费给您提供翻译服务。如果您有需要请联联系我们的邮箱 cc@boston.gov 电话# 617-635-3850.

Cape Verdean Creole:

INPURTANTI! Es dukumentu ó aplikason ten **informason inpur tanti** sobri bu direitus, rasponsabilidadi i/ó benefisius. Ê krusial ki bu intendi informason na es dukumentu i/ó aplikason ó nu ta da informason na língua di bu preferênsia sen ninhun kustu pa bó. Si bu prisiza del, kontata-nu na cc@boston.gov ó 617-635-3850.

Arabic:

مهم! يحتوي هذا المستند أو التطبيق على معلومات مهمة حول حقوقك ومسؤولياتك أو فوائده. من الأهمية أن تفهم المعلومات الواردة في هذا المستند أو التطبيق. سوف نقدم المعلومات بلغتك المفضلة دون أي تكلفة عليك. إذا كنت في حاجة إليها، يرجى الاتصال بنا على cc@boston.gov أو 617-635-3850.

Russian:

ВАЖНО! В этом документе или заявлении содержится **важная информация** о ваших правах, обязанностях и/или льготах. Для нас очень важно, чтобы вы понимали приведенную в этом документе и/или заявлении информацию, и мы готовы бесплатно предоставить вам информацию на предпочитаемом вами языке. Если Вам они нужны, просьба связаться с нами по адресу электронной почты cc@boston.gov, либо по телефону 617-635-3850.

Portuguese:

IMPORTANTE! Este documento ou aplicativo contém **Informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É importante que você compreenda as informações contidas neste documento e/ou aplicativo, e nós iremos fornecer as informações em seu idioma de preferência sem nenhum custo para você. Se precisar deles, fale conosco: cc@boston.gov ou 617-635-3850.

French:

IMPORTANT ! Ce document ou cette demande contient des **informations importantes** concernant vos droits, responsabilités et/ou avantages. Il est essentiel que vous compreniez les informations contenues dans ce document et/ou cette demande, que nous pouvons vous communiquer gratuitement dans la langue de votre choix. Si vous en avez besoin, veuillez nous contacter à cc@boston.gov ou au 617-635-3850.






**AFFIDAVIT OF SERVICE
FOR ABUTTER NOTIFICATION**

**Under the Massachusetts Wetlands Protection Act
and Boston Wetlands Ordinance**

I, _____, hereby certify under pains and penalties of perjury that that at least one week prior to the public hearing, I gave notice to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A _____ was filed under the Massachusetts Wetlands Protection Act and/or the Boston Wetlands Ordinance by _____ for _____ located at _____.

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



Name

Date

201 Brookline Avenue/ 401 Park Drive

Boston, Massachusetts

SUBMITTED TO **Boston Conservation Commission**
City Hall Plaza, Room 709
Boston, MA 02201

PROPONENT **Landmark Center Owner Limited Partnership
c/o Samuels & Associates**
136 Brookline Avenue
Boston, Massachusetts 02215

PREPARED BY **VHB**
99 High Street, 10th Floor
Boston, MA 02110

February 3, 2021



February 3, 2021

Ref: 11615.05

Nicholas Moreno, Executive Director
Boston Conservation Commission
One City Hall Square, Room 709
Boston, MA 02201

Re: Request for Determination of Applicability for 201 Brookline Avenue/401 Park Drive

Dear Mr. Moreno:

On behalf of ARE-MA Region No. 88 Holding Limited Partnership and ARE-MA Region No. 87 Owner Limited Partnership, as successors to Landmark Center Owner Limited Partnership (together, the "Applicant"), VHB respectfully submits this Request for Determination of Applicability (RDA) to reconfirm the Negative Determination of Applicability issued for the Site (defined below) on April 17, 2014 (DOA). As described in more detail in the attachments, we are seeking confirmation that 201 Brookline Avenue/401 Park Drive (the "Subject Site" or "Site") does not contain any resource areas jurisdictional under the Wetlands Protection Act (WPA) or the Boston Wetlands Ordinance.

Subsequent to issuance of the DOA, the Site was subdivided into two parcels, one with an address of 201 Brookline Avenue (now owned by ARE-MA Region No. 87 Owner Limited Partnership) and one at 401 Park Drive (now owned by ARE-MA Region No. 88 Holding Limited Partnership). The overall Site boundary has not changed. The enclosed application is submitted on behalf of both owners.

As previously affirmed by the Conservation Commission in the DOA, the area depicted as a Special Flood Hazard Area at the Site is not in fact Bordering Land Subject to Flooding (BLSF) (see Attachment A). The DOA expired on April 17, 2017, and the Applicant is seeking a new Negative DOA based on the same information presented in the previous RDA (see Attachment B), as: (i) the FEMA maps that were revised in 2016 for other parts of the City were not revised in this area; (ii) the analysis presented and confirmed in the 2014 DOA that there is no hydraulic connection between the Site and the Muddy River remains unchanged; (iii) the U.S. Army Corps of Engineers' work to the Muddy River (discussed further below and herein) did not result in new floodplain on the Site; and (iv) the Boston Wetlands Ordinance did not create new or different resource areas on the Site.

As mentioned above, since the issuance of the DOA in 2014, the U.S. Army Corps of Engineers' Muddy River Flood Damage Reduction and Environmental Restoration Project has been completed. As noted in Attachment B, VHB had previously accounted for the extent of the expanded floodplain associated with



the daylighted segment of the Muddy River and has determined that, under present conditions, the Subject Site remains outside of the floodplain.

Although Boston recently has adopted a local ordinance, the analysis that was performed in 2014 is compliant with the new ordinance and regulations and shows that the Site does not contain any locally regulated resource areas.

In addition to reconfirming that the Site does not contain any Bordering Land Subject to Flooding, we are also requesting confirmation that the Subject Site does not contain Riverfront Area, 100-foot buffer to Inland Bank, or the locally jurisdictional Waterfront Area. As shown in Figure 1 (attached), these resource areas lie outside of the Site.

Included in this submission please find a completed WPA Form 1 (Attachment C), the required abutter notification materials (Attachment D), and the required filing fee (Attachment E).

If you have any questions or would like any additional information, please do not hesitate to contact me at 617-607-2983.

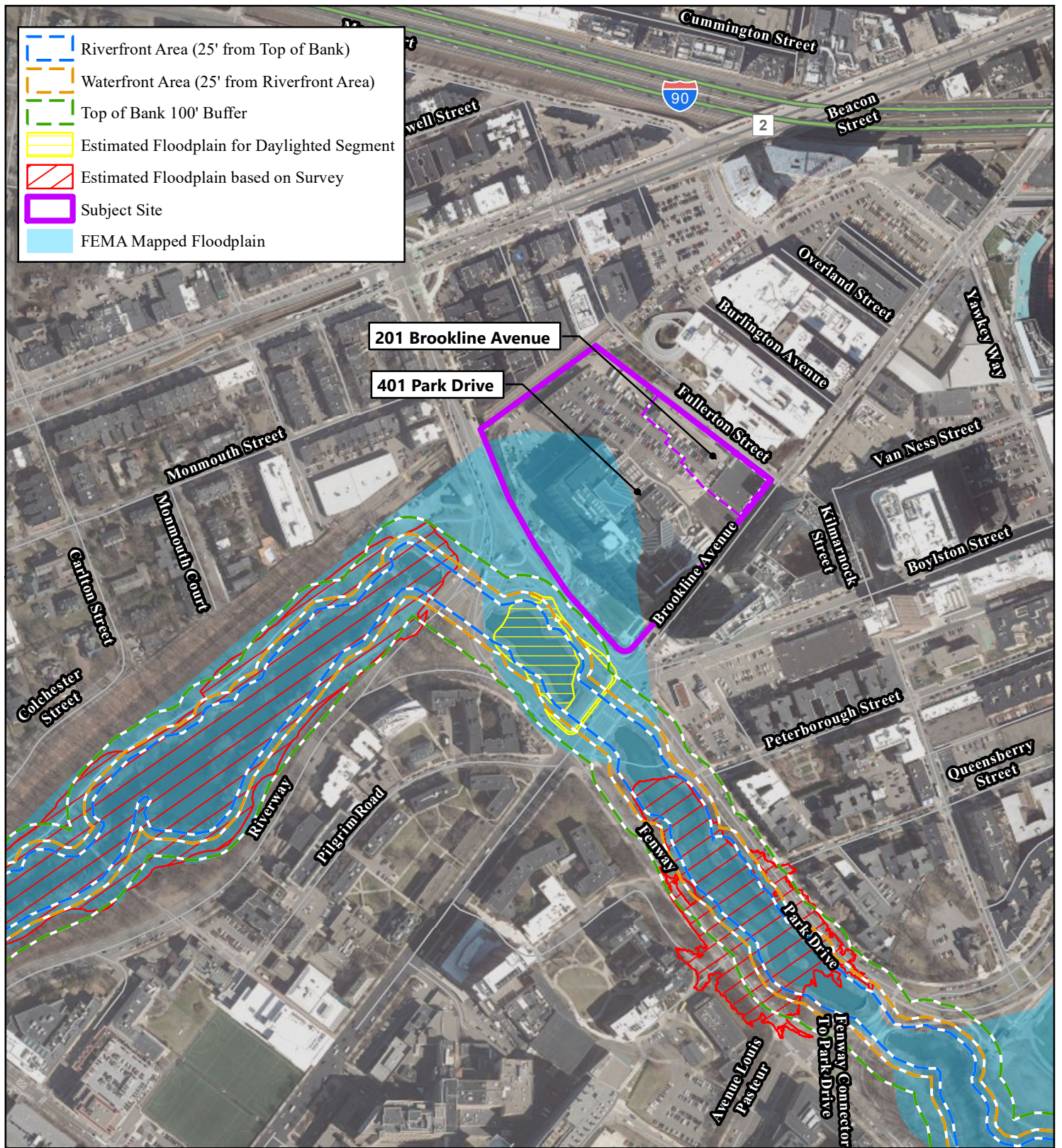
Sincerely,

A handwritten signature in blue ink, appearing to read "W. Nichols", with a long horizontal flourish extending to the right.

William Nichols, PE, LEED AP
Associate | Project Manager | Civil Engineer
wnichols@vhb.com

Figure 1

- Attachment A: Negative Determination of Applicability, April 17, 2014
- Attachment B: Request for Determination of Applicability, February 2014
- Attachment C: WPA Form 1
- Attachment D: Abutter Notification Materials
- Attachment E: Filing Fee



Source: MassGIS 2019

Vanasse Hangen Brustlin, Inc.

Composite Map
Request for Determination of Applicability
401 Park Drive
Boston, Massachusetts

Figure 1
February 2020



0 400 800 Feet

Attachment A

- Negative Determination of Applicability, April 17, 2014



CITY OF BOSTON

THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 709 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

April 17, 2014

Daniel Padien
Vanasse Hangen Brustlin, Inc.
101 Walnut St
PO Box 9151
Watertown, MA 02471

CERTIFIED MAIL No: 7011 1150 0000 5777 8255

RE: Negative Determination of Applicability, Landmark Center Owner Limited Partnership, Wetland Boundary Confirmation, 401 Park Drive, Fenway, Muddy River (BLSF)

Dear Mr. Padien:

Pursuant to the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 (the "Act"), I have enclosed the Determination of Applicability (the "Determination") for the above referenced project, as voted by the Conservation Commission at the April 16, 2014 public hearing. The Determination is negative, as the Commission affirmed that there is no Bordering Land Subject to Flooding on the site. The Determination shall be valid for three years from the date of issuance in accordance with 310 CMR 10.05 (3)(b)(1).

If you should have any questions regarding the Determination or the project conditions I may be contacted at 617-635-4417.

For the Commission,

Stephanie Krueel, Executive Secretary
Boston Conservation Commission

Enclosure

cc: Landmark Center Owner Limited Partnership
DEP NERO



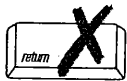
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

A. General Information

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



From:

Boston Conservation Commission
Conservation Commission

To: Applicant

Landmark Center Owner Limited Partnership

Name

333 Newbury Street, 2nd Floor

Mailing Address

Boston

MA

02115

City/Town

State

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Muddy River Flood Areas FEMA Mapped Floodplain Sheets F-1 & F-2

Title

12/2/2013

Date

Muddy River Flood Areas Floodplain As Surveyed Sheets F-3 & F-4

Title

12/2/2013

Date

Muddy River Flood Areas Composite Drawing Sheets F-5 & F-6 -

See attached for additional plans

12/2/2013

Date

2. Date Request Filed:

February 11, 2014

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

This RDA is being submitted to request the Commission's confirmation that the project site does not contain any local or state-regulated wetland resource areas, despite the site's depiction on the current FIRM as being located within zone AE elevation 10'. An actual field study conducted by Feldman Land Surveyors indicates that there is no hydraulic connection below the base flood elevation between the Muddy River corridor and the project site. Thus, during a 100-year storm there is currently no path for the floodwaters from the Muddy River to reach the project site. Also, based on VHB's review of the Army Corps of Engineers Muddy River Flood Damage Reduction and Environmental Restoration Project plans dated January 2012, when the Muddy River daylighting project is complete in late 2015, the subject site will continue to be outside of the 100-year floodplain. The subject site is outside of the Riverfront Area under both the current and future configurations of the Muddy River.

Project Location:

401 Park Drive

Street Address

N/A

Assessors Map/Plat Number

Boston

City/Town

2100077000

Parcel/Lot Number



WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

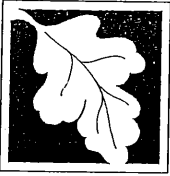
5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on
- by certified mail, return receipt requested on

Date

Date

4/17/14

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>) and the property owner (if different from the applicant).

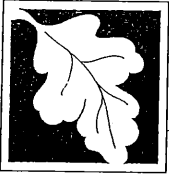
Signatures:

[Handwritten signatures]

[Handwritten signatures]

Date

4/16/14



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

D. Appeals

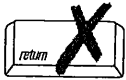
The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see 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 Determination. 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. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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

A. Request Information

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



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

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

Project Location _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

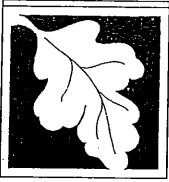
3. DEP File Number:
- _____

B. Instructions

1. When the Departmental action request is for (check one):
- Superseding Order of Conditions (\$120 for individual single family homes with associated structures; \$245 for all other projects)
 - Superseding Determination of Applicability (\$120)
 - Superseding Order of Resource Area Delineation (\$120)

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

Department of Environmental Protection
 Box 4062
 Boston, MA 02211



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

B. Instructions (cont.)

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/find-the-massdep-regional-office-for-your-city-or-town.html>).
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.

April 16, 2014 BCC PUBLIC HEARING
Landmark Center Owner Limited Partnership, Wetland Boundary Confirmation, 401 Park Drive
Fenway, Muddy River (Bordering Land Subject to Flooding)
Negative Determination of Applicability

Additional Plans:

Muddy River Flood Areas Per FIS Base Topography from March 2014 Field Survey – F-8, 4/2/14

Muddy River Flood Profile FEMA FIS F-9, 4/2/14

Muddy River Conduit Hydraulic Profile from Muddy River to Charles River- F-10, 4/2/14

Muddy River Conduit Hydraulic Profile from Muddy River to Site Connection- F-11, 4/2/14

Project Description from RDA:

This RDA is being submitted to request the Commission's confirmation that the project site does not contain any local or state-regulated wetland resource areas, despite the site's depiction on the current FIRM as being located within zone AE elevation 10'. An actual field study conducted by Feldman Land Surveyors indicates that there is no hydraulic connection below the base flood elevation between the Muddy River corridor and the project site. Thus, during a 100-year storm there is currently no path for the floodwaters from the Muddy River to reach the project site. Also, based on VHB's review of the Army Corps of Engineers Muddy River Flood Damage Reduction and Environmental Restoration Project plans dated January 2012, when the Muddy River daylighting project is complete in late 2015, the subject site will continue to be outside of the 100-year floodplain. The subject site is outside of the Riverfront Area under both the current and future configurations of the Muddy River.


Attachment B

- Request for Determination of Applicability, February 2014

Landmark Center Redevelopment Project

Boston,
Massachusetts

Prepared for **Landmark Center Owner Limited Partnership**
Samuels & Associates
Boston, Massachusetts

Prepared by  ***Vanasse Hangen Brustlin, Inc.***
Watertown, Massachusetts

Landmark Center Redevelopment Project

Boston,
Massachusetts

Prepared for Landmark Center Owner Limited Partnership
Samuels & Associates
333 Newbury Street, 2nd Floor
Boston, Massachusetts 02115
617 247 3434


Prepared by  *Vanasse Hangen Brustlin, Inc.*
Transportation, Land Development, Environmental Services
101 Walnut Street
P.O. Box 9151
Watertown, Massachusetts 02471
617 924 1770

Table of Contents

Request for Determination of Applicability

WPA Form 1

Request for Determination of Applicability Figures

- Figure 1 Site Location Map
- Figure 2 Aerial Map
- Figure 3 NHESP Map
- Figure 4.1 FEMA Flood Insurance Rate Map
- Figure 4.2 FEMA Flood Insurance Rate Map
- Figure 5 FEMA Aerial Map

Attachment A - Request for Determination of Applicability Narrative

Introduction	A-1
Site Description	A-3
Summary	A-5

Attachment B - Engineering Memorandum

Request for Determination of Applicability Forms



➤ WPA Form 1



WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

<u>Landmark Center Owner Limited Partnership</u>		_____	
Name		E-Mail Address	
<u>333 Newbury Street, 2nd Floor</u>		_____	
Mailing Address			
<u>Boston</u>	<u>MA</u>	<u>02115</u>	_____
City/Town	State	Zip Code	
_____		_____	
Phone Number		Fax Number (if applicable)	

2. Representative (if any):

<u>Vanasse Hangen Brustlin, Inc.</u>		_____	
Firm			
<u>Daniel Padien</u>	<u>DPadien@vhb.com</u>	_____	
Contact Name	E-Mail Address		
<u>101 Walnut Street</u>		_____	
Mailing Address			
<u>Watertown</u>	<u>MA</u>	<u>02472</u>	_____
City/Town	State	Zip Code	
<u>617.607.2985</u>	_____		_____
Phone Number			Fax Number (if applicable)

B. Determinations

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

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

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The most recently issued FEMA Flood Insurance Rate Map depicting the Project Site indicates the presence of a Zone AE, land subject to inundation during the statistical 100-year storm, on the Project Site. The Project Site contains land below the determined base flood elevation but lacks a hydraulic connection to the nearby floodplain of the Muddy River. Therefore, the applicant requests the Commission determine that the site does not contain Bordering Land Subject to Flooding or any other wetland resource areas subject to the Massachusetts Wetlands Protection Act.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

N/A



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

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

Name and address of the property owner:

Landmark Center Owner Limited Partnership	_____
Name	_____
c/o Samuels & Associates, 333 Newbury Street	_____
Mailing Address	_____
Boston	_____
City/Town	_____
MA	_____
State	_____
	02115
	Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

(See attached)	_____	_____
Signature of Applicant		Date

_____	_____
Signature of Representative (if any)	Date



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

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

Name and address of the property owner:

Landmark Center Owner Limited Partnership

Name

c/o Samuels & Associates, 333 Newbury Street

Mailing Address

Boston

City/Town

MA

State

02115

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

(See attached)

Signature of Applicant

Date

David Paul

Signature of Representative (if any)

2/10/2014

Date

EXECUTED as of the date set forth above

**LANDMARK CENTER OWNER LIMITED
PARTNERSHIP**, a Massachusetts limited partnership

By: Landmark Center GP LLC, its general partner

By: Landmark Center Venture LLC, its sole member

By: FE Landmark Center LLC, its managing member

By: S&A Fenway Enterprises LLC, its manager

By: _____

Name:

Title:

Joel Sklar
Manager

Date: 2/7/14

Request for Determination of Applicability Figures




-
- Figure 1 Site Location Map
 - Figure 2 Aerial Map
 - Figure 3 NHESP Map
 - Figure 4.1 FEMA FIRM
 - Figure 4.2 FEMA FIRM
 - Figure 5 FEMA Aerial Map

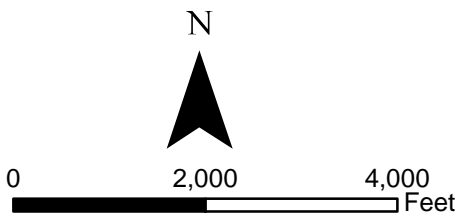


Source: USGS 2001

Vanasse Hangen Brustlin, Inc.

Site Location Map
Request for Determination of Applicability
Landmark Center Redevelopment Project
Boston, Massachusetts

Figure 1
January 2014
 Project Area





Source: MassGIS 2008

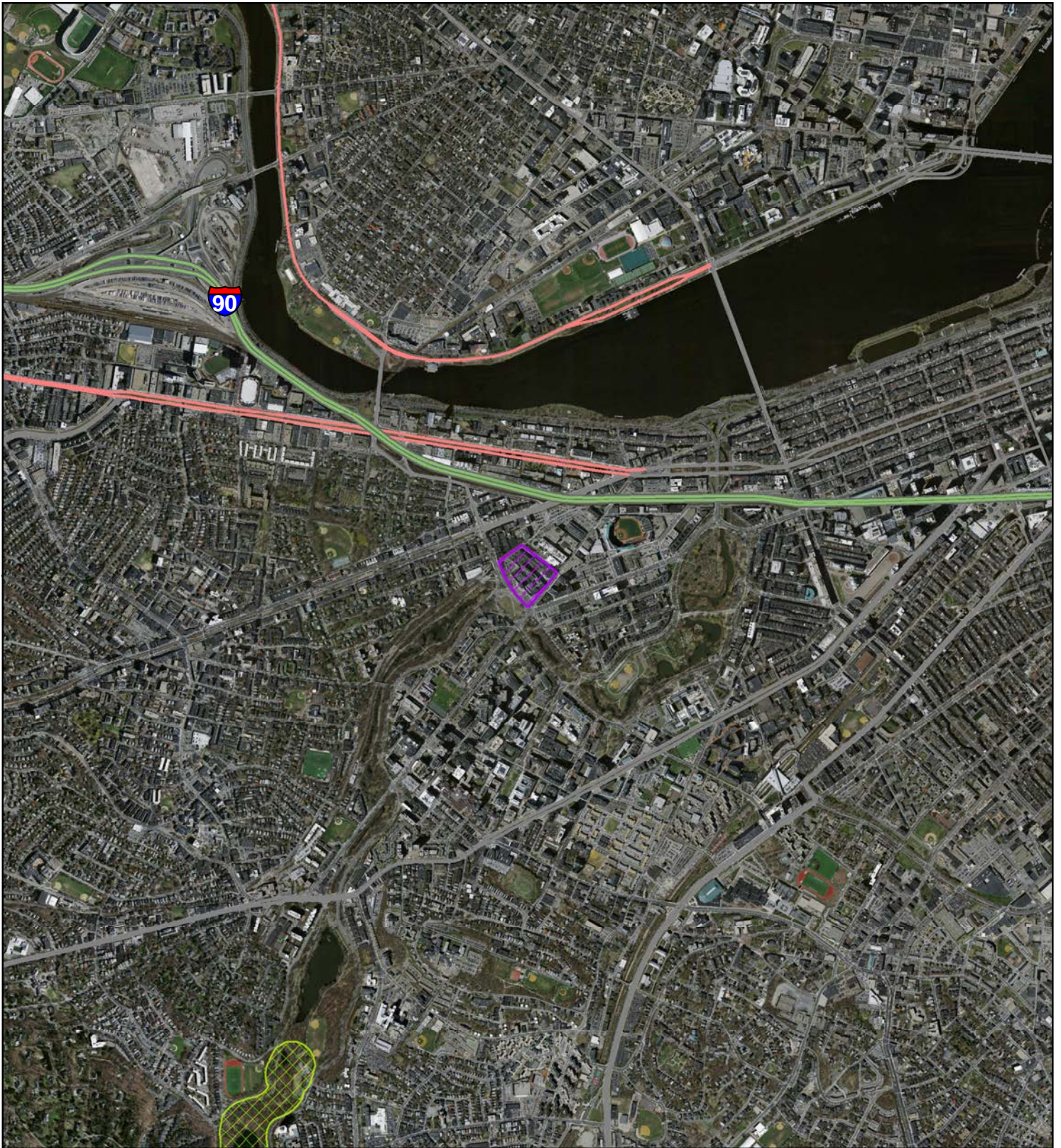
Vanasse Hangen Brustlin, Inc.

Aerial Map
Request for Determination of Applicability
Landmark Center Redevelopment Project
Boston, Massachusetts

Figure 2
January 2014
Project Area



0 200 400 Feet




Source: MassGIS 2008, NHESP 2008


Vanasse Hangen Brustlin, Inc.


NHESP Map
Request for Determination of Applicability
Landmark Center Redevelopment Project
Boston, Massachusetts

 Project Area

Figure 3
January 2014

 Priority Habitats of Rare Species

 Estimated Habitats of Rare Wildlife

 Certified Vernal Pools



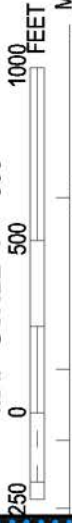
0 2,000 4,000 Feet



1078



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0076G

FIRM
FLOOD INSURANCE RATE MAP
SUFFOLK COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 76 OF 151

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY NUMBER 250206

BOSTON, CITY OF

PANEL SUFFIX 0076 G

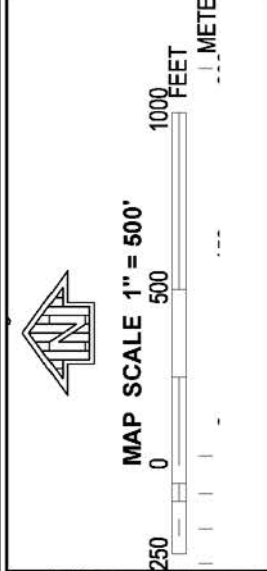
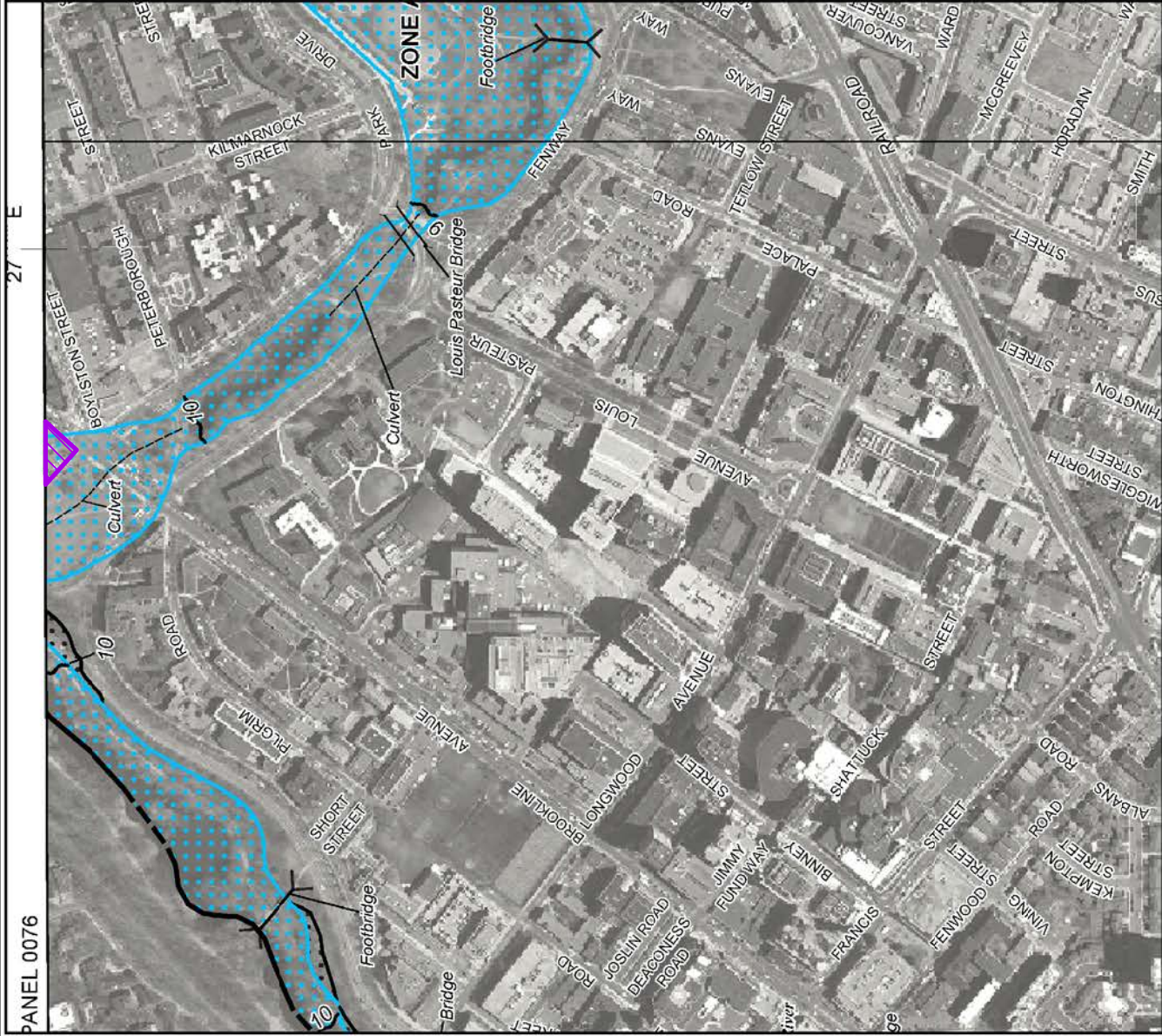
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
 25025C0076G
 EFFECTIVE DATE
 SEPTEMBER 25, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



NFIP PANEL 0078G

FIRM
FLOOD INSURANCE RATE MAP
SUFFOLK COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 78 OF 151
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
 COMMUNITY NUMBER 252285
 BOUQUIN CITY OF 0078
 PANEL SUFFIX G

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEIMA Flood Map Store at www.nsc.fema.gov

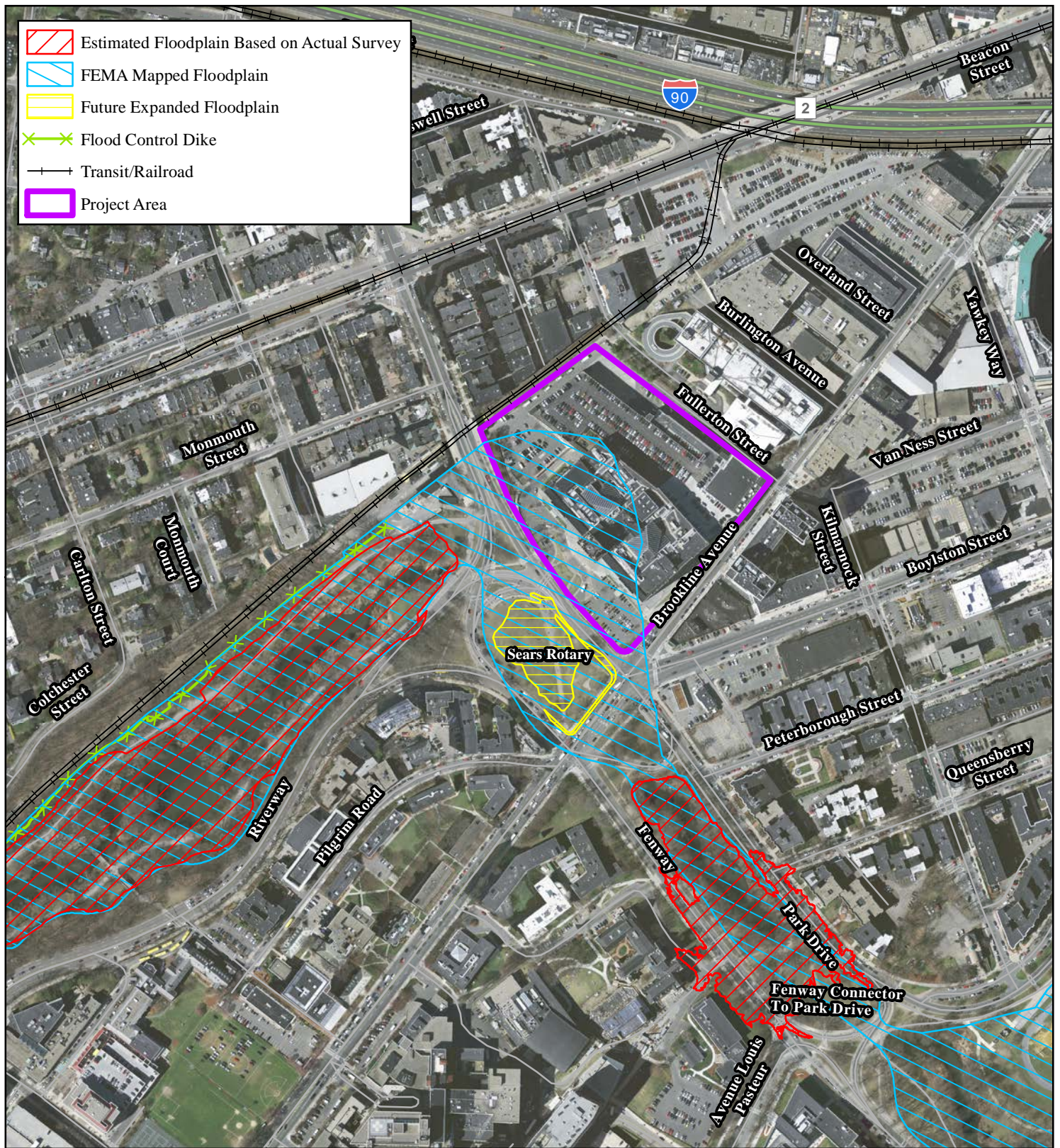
MAP NUMBER
25025C0078G

EFFECTIVE DATE
SEPTEMBER 25, 2009

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEIMA Flood Map Store at www.nsc.fema.gov



Source: MassGIS 2008

Vanasse Hangen Brustlin, Inc.

Composite Map
 Request for Determination of Applicability
 Landmark Center Redevelopment Project
 Boston, Massachusetts

Figure 5
 January 2014



0 400 800 Feet

Attachment A

Request for Determination of Applicability Narrative



-
- Introduction
 - Site Description
 - Summary

Attachment A

Request for Determination of Applicability Narrative

This Request for Determination of Applicability (RDA) is filed pursuant to the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00).

Introduction

Landmark Center Owner Limited Partnership (The “Applicant”) a Samuels & Associates entity, is the owner in fee of the Landmark Center, located at the corner of Park Drive and Brookline Avenue (the “Project Site”). An affiliate of the Applicant is planning to renovate and expand the site in the near future. The Project Site is adjacent to the Sears Rotary in Boston’s Fenway neighborhood (Figure 1). The Project involves a suite of redevelopment and renovation improvements to the existing Landmark Center site in order to create a mixed use facility in the Fenway neighborhood. While the specific building program is still under development, the project team requests the Commission’s review of the Project Site to clarify its jurisdiction under the Massachusetts Wetlands Protection Act.

This Request for Determination of Applicability is submitted to request the Commission’s confirmation that the Project Site does not contain any local or state-regulated wetland resource areas subject to the Massachusetts Wetlands protection Act.

This request is being submitted to confirm that the site does not contain land subject to inundation during the modeled 100-year storm event despite the site’s depiction on the most recently issued Flood Insurance Rate Map as located within a Zone AE with a determined base flood elevation of 10 FT (NAVD 88)

Site Description

The Project Site has a street address of 401 Park Drive in Boston, Massachusetts. The Project Site is bound to the northeast by Fullerton Street, to the northwest by an MBTA right-of-way (ROW), to the southeast by Park Drive, and to the southwest by

Brookline Avenue. The Sears Rotary is located adjacent to the Project site, on the west side of Park Drive (Figure 2).

The site is currently developed and consists of the historic Landmark Center building, a five-level 380,000 square foot parking structure, and a cinema. Existing vegetation is limited to lawn, several trees and other landscaped areas. Land use adjacent to the Project site is predominantly urban commercial and transportation. . A two acre parcel south of the Project site, known as the Sears Rotary, is utilized as open space. Vegetation within the Sears Rotary is limited to maintained lawn. The Muddy River, a perennial watercourse, currently runs beneath the Sears Rotary in a culvert. The ongoing U.S. Army Corps of Engineers (ACOE) Muddy River Restoration Project will daylight the river within the Sears Rotary, restoring the converted stream to an open watercourse.

According to the regional Natural Resources Conservation Service (NRCS) soil survey¹, soil mapped at the Project Site is Urban Land and Udorthents. Elevations range from approximately 9 to 19 FT (NAVD).

According to the most recently published Natural Heritage Atlas by the Natural Heritage and Endangered Species Program² (2008), no priority habitats of rare species, estimated habitats of rare wildlife, or certified vernal pools occur on or in the vicinity of the Project Site (Figure 3). According to readily available data published by Massachusetts DEP³, the Project site is not in the vicinity of an Area of Critical Environmental Concern (ACEC), and is not near any Outstanding Resource Waters.

The most recently published the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency⁴ (FEMA), (2009) places portions of the Project Site within a Zone AE with a base flood elevation of 10 FT (NAVD88) rising from the Muddy River (Figure 4.1 and 4.2). A Zone AE is defined as land subject to inundation during a statistical 100-year storm event with a defined base flood elevation.

While the FIRM identifies the floodplain elevation as 10 feet North American Vertical Datum (NAVD 88), an actual field survey conducted by Feldman Land Surveyors indicates that there is no hydraulic connection below the base flood elevation connection between the Muddy River corridor and the Project Site. The lower elevations of the Project Site may dip down to approximately 9 FT (NAVD) but these areas are hydraulically separated from the Muddy River corridor and floodplain by intervening land above the base flood elevation. In short, during a 100-year storm, there is no path for the floodwaters from the Muddy River to reach the Project Site.



¹ USDA Natural Resources Conservation Service - Web Soil Survey February 26, 2010. *Soil Survey of Suffolk County, Massachusetts*.

² NHESP, 2008. *Massachusetts Natural Heritage Atlas, 13th Edition*.

³ DEP, 1993. *Designated Outstanding Resource Waters of Massachusetts*.

⁴ Federal Emergency Management Agency, September 25, 2009. *Flood Insurance Rate Map, City of Boston, Massachusetts, Suffolk County*. Community Panel Number 25025C0076G.

Therefore, we believe the Project Site is outside the geographic boundaries of Bordering Land Subject to Flooding and not subject to the Massachusetts Wetlands Protection Act.

Furthermore, there are no wetland resource areas on or within 100 feet of the project site. The following section provides a regulatory framework for this conclusion.



Wetland Resource Areas

The Project Site and adjacent properties were inspected in May 2013 by environmental scientists with Vanasse Hangen Brustlin, Inc. for the presence of local, state or federally regulated wetland resource areas. A desktop analysis of environmental resources was utilized to supplement on-site observations. The following sections of this narrative describe adjacent wetlands and identify resource areas that are regulated under the WPA Regulations (310 CMR 10.00).

Muddy River

The Muddy River flows in a northeasterly direction from Jamaica Pond in Brookline to the Back Bay Fens before ultimately draining to the Charles River. As a result of the historic Emerald Necklace park project, the River flows through a varied mixture of natural and man-made banks, including cobble stone channels and culverts.

In the vicinity of the Project Site, the Muddy River is confined to twin 72-inch wide culverts located underneath the Sears Rotary. The Muddy River is perennial, as shown on the USGS topographic mapping for the work area, and therefore supports the resource areas of Bank, Riverfront Area, and Land Under Water bodies and Waterways intermittently along portions of its length. Due to the confined nature of the River at this location, no Bordering Vegetated Wetlands or Inland Bank are present adjacent to the Project Site.

Riverfront Area

Riverfront Area is defined in 310 CMR 10.58 (2) as *“the area of land between a river’s mean annual high water and a parallel line measured horizontally. The riverfront Area may overlap other resources areas. The riverfront area does not have a buffer zone.”*

In densely developed areas, including the City of Boston, Riverfront Area is 25-feet wide.

310 CMR 10.58(2)(a)3.c. further clarifies Riverfront Area boundaries when rivers and streams are within a culvert, such as the case with the Muddy River:

“When a river runs through a culvert more than 200 feet in length, the riverfront area stops at a perpendicular line at the upstream end of the culvert and resumes at the downstream end.”

The culvert currently confining the Muddy River underneath the Sears Rotary is approximately 400 feet in length. Therefore, as described in this regulation, Riverfront Area does not presently exist on or adjacent to the Project site.

Based on VHB’s review of the Army Corps of Engineers Muddy River Flood Damage reduction and Environmental Restoration Project plans (Sheets C-101 and C-102) dated January 2012, when the Muddy River daylighting project is complete in late 2015, the Project site will continue to be more than 25-feet from the newly exposed water course. Thus, in the future the Project site will continue to not fall within a Riverfront Area.

Bordering Land Subject to Flooding

Bordering Land Subject to Flooding (BLSF) is defined at 310 CMR 10.57(2) as *“an area with low flat topography adjacent to and inundated by floodwaters rising from creeks, rivers, streams, ponds or lakes.”*

The boundary of BLSF is defined at 310 CMR 10.57(2)(a)3 as *“the estimated maximum lateral extent of flood waters which will theoretically result from the statistical 100-year frequency storm...by referenced to the most recently available flood profile data....under the National Flood Insurance Program “*

According to the Flood Insurance Rate Map (FIRM)⁵ prepared by the Federal Emergency Management Agency (FEMA), the Muddy River and the adjacent land area is within Zone AE of the 100-year floodplain (Figure 4.1 and 4.2). The floodplain elevation has been calculated to be 10 feet (NAVD). Floodplain is regulated under the WPA as the resource area BLSF.

As stated in 310 CMR 10.57(2)(a), *“This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters.”*

As a due diligence component for the redevelopment of the Project site, Vanasse Hangen Brustlin, Inc. reviewed the mapped floodplain per the FEMA map panels for the site and immediate area. Comparisons of the FEMA map panels and available topographic survey plans for the Project site display differences between the FEMA mapped floodplain and the floodplain limits based on surveyed topography.



⁵ Federal Emergency Management Agency, September 25, 2009. *Flood Insurance Rate Map, City of Boston, Massachusetts, Suffolk County*. Community Panel Number 25025C0076G.

The attached figures graphically displays the limits of the FEMA floodplain in comparison to the surveyed limits of floodplain. Base map information for these plans was compiled from three sources; an on the ground survey of the Landmark Center and its immediate surroundings performed by Feldman Land Surveyors, an aerial survey of the Muddy River basin sourced from past studies of the Muddy River, and MassGIS Lidar Geotiffs.

The floodplain at elevation 10 feet NAVD is limited to the Sears Rotary parcel and portions of Park Drive. Although some portions of the Landmark Center site are below the FEMA floodplain elevation of 10 FT NAVD, these areas are separated from the Muddy River floodplain by higher elevations and not hydraulically connected to the floodplain. Floodplain associated with the Muddy River does not extend onto the Project Site. Therefore, we conclude that BLSF is not present at the Project Site.

Inland Bank

The WPA regulations at 310 CMR 10.54(2) define inland bank as *“the portion of land which normally abuts and confines a waterbody... it may be comprised of exposed soil, gravel or stone.”*

The Muddy River adjacent to the Project Site is presently within twin concrete box culverts. Because the structure which abuts and confines a waterbody is not composed of exposed soil, gravel or stone, it is not regulated as Bank under the Massachusetts Wetlands Protection Act.

Summary

The Applicant respectfully requests the Boston Conservation issue a negative determination of applicability confirming that the Project Site, located at 401 Park Drive in Boston, does not contain any local or state-regulated wetland resource areas subject to the Massachusetts Wetlands Protection Act.

Attachment B

Engineering Memorandum





Memorandum

To: Stephanie Kruel
Executive Secretary
Boston Conservation Commission

Date: December 23, 2013

Project No.: 11615.00

From: David W. Roache, PE

Re: Landmark Center Floodplain

As part of the Due Diligence for the redevelopment of the existing Landmark Center in the Fenway neighborhood of Boston at 405 Park Drive, VHB has reviewed the mapped floodplain per the FEMA map panels for the site and immediate area. We also reviewed available topographic survey plans for the subject site and surrounding neighborhood. Comparing these we found differences between the FEMA mapped floodplain and the limits based on surveyed topography. We have prepared this memorandum to document our findings and begin a dialogue about the appropriate jurisdictional floodplain limits for the Landmark Center site. We look forward to working with you and ensuring that we meet the Commissions' review requirements.

We understand that FEMA uses planning level topographic information in assessing flooding characteristics of any specific area. It is our usual approach to proof these limits against field surveyed data using the flood level elevations provided by FEMA. The attached plans demonstrate this difference in approach.

The base map information was compiled from three sources:

- an on-the-ground survey of the Landmark Center and its immediate surrounds performed by Feldman Land Surveyors,
- an aerial survey of the Muddy River basin sourced from past studies of the Muddy River and or areas outside the scope of actual surveys, and
- the MassGIS Lidar Geotiffs.

All survey elevation are shown in Boston City Base (BCB) datum. The Lidar Geotiffs and FEMA floodplain elevations are defined in North American Vertical Datum (NAVD) 1988. To convert NAVD datum to BCB, a 6.46 foot conversion factor is added.

Plans F-1 and F-2 attached show the Zone AE 100-year floodplain in the vicinity of the Landmark Center as mapped by FEMA. The flood zone was imported to these drawings using the raster data link provided by FEMA at the following website::

<https://hazards.fema.gov/gis/nfhl/services/public/NFHLWMS/MapServer/WMSServer?version=1.3.0>.

The mapped Zone AE is shown in blue and extends well into the existing Muddy River building. The adjacent flood plain elevation is noted as elevation 10 FT (NAVD 1988) which corresponds to elevation 16.46 FT Boston City Base.

Plans F-3 and F-4 show the potential limits of Bordering Land Subject to Flooding by applying the FEMA base flood elevations to the surveyed land in red. In the vicinity of the Landmark Center, the defined Zone AE base flood elevation is 10 FT NAVD, which corresponds to 16.46 FT BCB.

There is not an open watercourse immediately adjacent to the Landmark Center, however the ongoing Muddy River Restoration Project will convert an existing culvert through the location known as the "Sears Rotary" to an open watercourse. For the purposes of this analysis, it is assumed that this location will be open water and will continue to have a flood elevation of 10 NAVD. Although some portions of the Landmark Center site are below this elevation, they are separated from the Muddy River (and the Sears Rotary) by higher elevations. The site is not hydraulically connected to this floodplain and therefore, are not subject to regulation under the Massachusetts Wetlands Protection Act as Bordering Land Subject to Flooding.

In the case of the Sears Rotary, Park Drive has a continuous elevation as surveyed, which is greater than the flood elevation. For the portions of the river west of the Sears Rotary, a constructed flood control dike, which is noted in the flood maps, creates a hydraulic separation between the watercourse and the MBTA Riverside rapid transit line right of way. For the portions of the river east of the rotary, the intervening neighborhood is at an elevation higher than the floodplain creating a hydraulic separation.

For comparative purposes, the mapped and surveyed areas are overlain on **Plans F-5 and F-6**.

In response to these findings, we will be seeking a Request for Determination of Applicability with the Commission to establish the jurisdictional floodplain limit for the site so we can have clarity as the project design moves forward. We trust that these materials provide the information you need to assess the site floodplain limit. We would appreciate the opportunity to sit down with you once you have had a chance to review this information and get your feedback and any questions you have prior to the filing of the RDA.

Saved Monday, December 02, 2013 5:37:48 PM. DR00ACHE Plotted Monday, December 23, 2013 4:06:14 PM. Roache, David



Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

101 Walnut Street, P.O. Box 9151
Watertown, Massachusetts 02471
617.924.1770 • FAX 617.924.2286



No.	Revision	Date	Appvd.

Designed by	Drawn by	Checked by	
CAD checked by		Approved by	
Scale 1"=40'		Date December 2, 2013	

Project Title
**Landmark Center
Redevelopment Project**

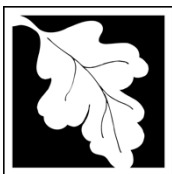
Street
Boston, Massachusetts
Issued for

Not Approved for Construction
Drawing Title
**Muddy River Flood Areas
FEMA Mapped Floodplain
40 Scale**

Drawing Number
F-1
Sheet of 1
Project Number
99901.00

Attachment C

- WPA Form 1



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



- Applicant:

ARE-MA Region No. 88 Holding Limited Partnership,
ARE-MA Region No. 87 Owner Limited Partnership
Name dangelucci@are.com
E-Mail Address

c/o Samuels & Associates, 136 Brookline Avenue
Mailing Address

Boston MA 02215
City/Town State Zip Code

617-252-4964
Phone Number

Fax Number (if applicable)
- Representative (if any):

VHB
Firm

William Nichols
Contact Name wnichols@vhb.com
E-Mail Address

99 High Street, 10th Floor
Mailing Address

Boston MA 02110
City/Town State Zip Code

617-607-2983
Phone Number

Fax Number (if applicable)

B. Determinations

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

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

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

<u>201 Brookline Ave/401 Park Drive</u>	<u>Boston</u>
Street Address	City/Town
<u>--</u>	<u>2100077000</u>
Assessors Map/Plat Number	Parcel/Lot Number

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

201 Brookline Avenue/401 Park Drive is located at the corner of Park Drive and Brookline Avenue in Boston's Fenway neighborhood. The Subject Site is bound to the northeast by Fullerton Street, to the northwest by an MBTA right-of-way (ROW), to the southeast by Park Drive, and to the southwest by Brookline Avenue. The Site is currently developed and consists of the historic Landmark Center building, a five-level 380,000 square foot parking structure, and a new office building. Upland vegetation is limited to mowed grasses and landscape trees. Land use in the vicinity of the Site is predominantly urban commercial and residential. The Muddy River, a perennial watercourse, flows on the south side of Park Drive.

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

<u>See Attachment B</u>	<u></u>
Title	Date
<u></u>	<u></u>
Title	Date
<u></u>	<u></u>
Title	Date

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

This RDA is submitted to request the Commission's confirmation that the Project Site does not contain any wetland resource areas subject to the Massachusetts Wetlands Protection Act.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The currently effective FEMA Flood Insurance Rate Map depicts the presence of a Zone AE, land subject to inundation during the statistical 100-year storm, on the Subject Site. Although Subject Site contains land below the indicated base flood elevation, it lacks a hydraulic connection to the nearby floodplain of the Muddy River. Therefore, the Site does not contain Bordering Land Subject to Flooding. The Riverfront Area and 100-foot buffer to Inland Bank, as well as the locally-jurisdictional Waterfront Area, also lie outside of the Site.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1 - Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

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

Name and address of the property owner:

ARE-MA Region No. 88 Holding Limited Partnership, ARE-MA Region No. 87 Owner Limited partnership

c/o Samuels & Associates, 136 Brookline Avenue

Mailing Address

Boston

City/Town

MA

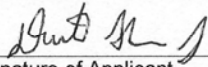
State

02215

Zip Code


Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.


Signature of Applicant
Senior Vice President

February 3, 2021

Date


Signature of Representative (if any)

February 3, 2021

Date

Attachment D

- Abutter Notification Materials
 - Abutter List
 - Abutter Notification Form (COVID-19)
 - Chinese Abutter Notification Form
 - Babel Notice
 - Affidavit of Service

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100158000, 2100158002, 2100158020, 2100158004, 2100158006, 2100158008, 2100158010, 2100158012, 2100158014, 2100158016, 2100158018	BEACON BROWNSTONE CONDO TR	849 BEACON	BOSTON MA	02215
2100146000, 2100146002, 2100146004, 2100146006, 2100139042	PING AN CONDOMINIUM TRUST	23 ABERDEEN ST #1	BOSTON MA	02215
2100151000, 2100151002, 2100151004, 2100151006	ABERDEEN MEWS CONDO TR	12 ABERDEEN ST	BOSTON MA	02215
2100123000, 2100123006, 2100123028, 2100123030, 2100123032, 2100123034, 2100123036, 2100123038, 2100123040, 2100123042, 2100123024, 2100139064, 2100123008, 2100123044, 2100123012, 2100123014, 2100123016, 2100123018, 2100123010, 2100123020, 2100123022, 2100123004, 2100123002	AUDUBON CONDO ASSN	448 PARK DR	BOSTON MA	02215
2100167000, 2100167006, 2100167026, 2100167018, 2100167052, 2100167002, 2100167004, 2100167008, 2100167010, 2100167012, 2100167014, 2100167016, 2100167020, 2100167022, 2100167024, 2100167028, 2100167030, 2100167032, 2100167034, 2100167036, 2100167038, 2100167040, 2100167042, 2100167044, 2100167046, 2100167048, 2100167050, 2100167054, 2100167056, 2100167058, 2100167060, 2100167062, 2100167064, 2100167066, 2100167068, 2100167070, 2100167072, 2100167074, 2100167076, 2100167078, 2100167080, 2100167106, 2100167082, 2100167084, 2100167086, 2100167088, 2100167090, 2100167092, 2100167094, 2100167096, 2100167098, 2100167100, 2100167102, 2100167104	AUDUBON PARK CONDO TR	16 MINER ST	BOSTON MA	02215
2100159000, 2100159002, 2100159004, 2100159006, 2100159008, 2100159010, 2100159012, 2100159014, 2100159018, 2100159016	EIGHT 47 BEACON ST CONDO TR	847 BEACON	BOSTON MA	02215
2100125000, 2100125002, 2100125004, 2100125006, 2100125008, 2100125010, 2100125012, 2100125014, 2100125016, 2100125018, 2100125020, 2100125022, 2100125024, 2100125026, 2100125028, 2100125030, 2100125032, 2100125034, 2100125036	FOUR 51 PARK DRIVE CONDO TR	451 PARK DR	BOSTON MA	02215
2100122000, 2100122026, 2100122028, 2100122032, 2100122036, 2100122038, 2100122042, 2100122010, 2100122014, 2100122046, 2100123026, 2100122012, 2100122016, 2100122020, 2100122022, 2100122024, 2100122002, 2100122008, 2100122004, 2100122006, 2100122030, 2100122040, 2100122044, 2100122018, 2100122034	FOUR 52 PARK DRIVE	452 PARK DR	BOSTON MA	02215

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100120014, 2100120016, 2100120018, 2100120020, 2100120022, 2100120024, 2100120004, 2100120006, 2100120008, 2100120010, 2100120012, 2100120002, 2100120000	FOURTEEN 18 MEDFIELD ST	18 MEDFIELD	BOSTON MA	02215
2100129000, 2100129002, 2100129004, 2100129006, 2100129008, 2100129010, 2100129012, 2100129014, 2100129016, 2100129018, 2100129020, 2100129022, 2100129024, 2100129026, 2100129028, 2100129030, 2100129032, 2100129034, 2100129036, 2100129038, 2100129040, 2100129042	PARK 461 CONDO TRUST	252 NEWBURY ST	BOSTON MA	02116
2100139034, 2100139036, 2100139038, 2100139068, 2100139040, 2100139044, 2100139046, 2100139048, 2100139050, 2100139052, 2100139054, 2100139056, 2100139024, 2100139026, 2100139028, 2100139030, 2100139082, 2100139084, 2100139072, 2100139100, 2100139104, 2100139086, 2100139088, 2100139090, 2100139092, 2100139074, 2100139076, 2100139078, 2100139080, 2100139094, 2100139096, 2100139098, 2100139102, 2100139116, 2100139118, 2100139120, 2100139122, 2100139032, 2100139124, 2100139126, 2100139106, 2100139108, 2100139110, 2100139112, 2100139114, 2100139002, 2100139058, 2100139020, 2100139004, 2100139006, 2100139014, 2100139022, 2100139008, 2100139010, 2100139012, 2100139016, 2100139018, 2100139000, 2100139062, 2100139066, 2100139070, 2100139060	SEVEN 21 ABERDEEN STREET	10 HARVARD SQ STE #2	BROOKLINE MA	02445
504328000	126 BROOKLINE AVENUE LLC	136 BROOKLINE AVE	BOSTON MA	02215
2100171000, 2100172001, 2100171002	BCH 819 BEACON STREET LLC	300 LONGWOOD	BOSTON MA	02115
2100149000	BLAUER CHARLES TRSTS	28 ABERDEEN	BOSTON MA	02215
504322010, 504322013, 504322014	BOYLSTON WEST LLC	136 BROOKLINE AV	BOSTON MA	02215
504322012, 504322015	BW GARAGE OWNER LIMITED	333 NEWBURY ST	BOSTON MA	02115
2100086000	CONSIDINE MATTHEW A	456 PARK DRIVE	BOSTON MA	02215
2100085000	EATON FLORENCE FRANCES	458 PARK DRIVE	BOSTON MA	02215
2100084000	FARRAH ALBERT L JR	460 PARK DR	BOSTON MA	02215
2100150000	FAVERMANN MARK L	16 ABERDEEN ST	BOSTON MA	02215
2100051012, 2100051014, 2100051016	FENRES LLC	136 BROOKLINE AV	BOSTON MA	02215
504327000, 504328010, 2100059010, 504327001	FENWAY ENTERPRISES	136 BROOKLINE AVE	BOSTON MA	02215
2100051010	FENWAY MIXED USE PRIMARY	333 NEWBURY ST	BOSTON MA	02115
2100054000, 2100055000, 2100056000	FENWAY VENTURES POINT	136 BROOKLINE AVE	BOSTON MA	02215
2100124000	FOUR 47 PARK DRIVE LLC	879 BEACON ST	BOSTON MA	02215
2100130000	FOUR 63 PARK DRIVE LLC	879 BEACON ST	BOSTON MA	02215
2100074000	HARVARD VANGUARD	275 GROVE ST SUITE 3-	NEWTON MA	02466
2100070000	HUB PROPERTIES TRUST	2 N RIVERSIDE PLZ STE	CHICAGO IL	60606
2100077000	LANDMARK CENTER OWNER	245 PARK AVE	NEW YORK NY	10167
2100169000	MINER REALTY TRUST	PO BOX 51827	BOSTON MA	02205
2100162000, 2100163000, 2100164000, 2100165000, 2100166000	MINER STREET LLC	300 INDEPENDANCE DR	CHESTNUT HILL MA	02467
2100115000	ONE-HUNDRED MONMOUTH	PO BOX 590249	NEWTON CENTER	02459

Associated PIDs	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
2100152000	ONG PHYLLIS C	10 ABERDEEN ST	BOSTON MA	02215
2100128000	PINE STREET INN INC	434 HARRISON AV	BOSTON MA	02118
2100051018	PRESIDENT & FELLOWS	8 -10 MOUNT AUBURN	CAMBRIDGE MA	02138
2100168000	RAINEN EDWARD TS	PO BOX 51827	BOSTON MA	02205
2100153000	RICHARD S ONG TRUST 2007	8 ABERDEEN ST	BOSTON MA	02215
2100161000	SEVEN MINER ST LLC	8 BEACON HILL RD	MARBLEHEAD MA	01945
2100046000	STAR MARKETS COMPANY INC	750 WEST CENTER	WEST	02379
2100047000	STAR MARKETS COMPANY INC	PO BOX 990	MINNEAPOLIS	55440
504322011	TARGET CORPORATION	PO BOX 9456	MINNEAPOLIS	55440
2100157000	TORPEY BERNADETTE M	851 BEACON ST	BOSTON MA	02215
2100126000, 2100126001, 2100127000, 2100127001, 2100147000, 2100147001, 2100148000, 2100148001, 2100156000, 2100160000, 2100160001	TRUSTEES OF BOSTON UNIVERSITY	881 COMMONWEALTH AV 4TH FL	BOSTON MA	02215



**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. **Landmark Center Owner Limited Partnership** 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 **401 Park Drive**.

C. The project involves **Request to confirm no on-site wetland resource areas**.

D. Copies of the Notice of Intent may be obtained by contacting the Boston Conservation Commission at CC@boston.gov.

E. Copies of the Notice of Intent may be obtained from **Stephanie Krueel, skruel@vhb.com, 617-607-2972** between the hours of **9:00-4:00, Monday-Friday**.

F. In accordance with the Commonwealth of Massachusetts Executive Order Suspending Certain Provisions of the Open Meeting Law, the public hearing will take place **virtually** at <https://zoom.us/j/6864582044>. If you are unable to access the internet, you can call 1-929-205-6099, enter Meeting ID 686 458 2044 # and use # as your participant ID.

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) 635-3850** 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.



波士顿湿地保护委员会 项目邻近住户通知

根据《马萨诸塞州湿地保护法》、《马萨诸塞州普通法》第 131 章第 40 节以及《波士顿湿地条例》的规定，我们特此向您，即向波士顿湿地保护委员会提出申请的项目的邻近住户，发出以下通知。

A. **Landmark Center Owner Limited Partnership** 已向波士顿湿地保护委员会提出申请，请求批准改建一块受《湿地保护法》（《普通法》第 131 章第 40 节）和《波士顿湿地条例》保护的地块。

B. 拟开展改建活动的地块地址为：**401 Park Drive**。

C. 该项目涉及以下建设内容：**Request to confirm no on-site wetland resource areas**。

D. 可通過聯繫波士頓保護委員會取得意向通知書的副本，電子郵件是 CC@boston.gov。

E. 您可于 **9:00-4:00, Monday-Friday** 在 **Stephanie Krueel, skrueel@vhb.com, 617-607-2972** 处获取意向通知的副本。

F. 根據《馬薩諸塞州行政命令》（暫緩執行《公開會議法》聽證會將在網上 <https://zoom.us/j/6864582044> 進行。如果無法上互聯網 (Internet)，則可致電 1-929-205-6099，輸入會議編號(ID) 686 458 2044 #，然後使用 # 作為您參與的編號 (ID)。

G. 您可于**周一至周五上午 9 点到下午 5 点**联系波士顿湿地保护委员会，咨询公开听证会举行的日期和时间，邮箱地址：CC@boston.gov，电话：**(617) 635-4416**。

注：公开听证会的通知（包括其举行日期、时间和地点）将提前至少五天在《波士顿先驱报》上予以公布。

注：公开听证会的通知（包括其举行日期、时间和地点）将提前至少四十八（48）小时发布在以下网页之上以及波士顿市政厅内：www.boston.gov/public-notices。如果您想提出意见或建议，您可以参加该公开听证会或将书面形式的意见或建议发送至 CC@boston.gov 或邮寄至以下地址：Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201。

注：您也可以联系波士顿湿地保护委员会或环境保护部东北地区办公室，咨询有关此项申请或《湿地保护法》的更多信息。如要联系环境保护部，请致电：东北地区：（978）694-3200。

注：如果您准备参加该公开听证会并需要口译服务，则请在听证会举行前一天中午 12 点前通过以下电子邮箱地址告知工作人员：CC@boston.gov。



BABEL NOTICE

English:

IMPORTANT! This document or application contains **important information** about your rights, responsibilities and/or benefits. It is crucial that you understand the information in this document and/or application, and we will provide the information in your preferred language at no cost to you. If you need them, please contact us at cc@boston.gov or 617-635-3850.

Spanish:

¡IMPORTANTE! Este documento o solicitud contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es fundamental que usted entienda la información contenida en este documento y/o solicitud, y le proporcionaremos la información en su idioma preferido sin costo alguno para usted. Si los necesita, póngase en contacto con nosotros en el correo electrónico cc@boston.gov o llamando al 617-635-3850.

Haitian Creole:

AVI ENPÒTAN! Dokiman oubyen aplikasyon sa genyen **enfòmasyon ki enpòtan** konsènan dwa, responsablite, ak/oswa benefis ou yo. Li enpòtan ke ou konprann enfòmasyon ki nan dokiman ak/oubyen aplikasyon sa, e n ap bay enfòmasyon an nan lang ou prefere a, san ou pa peye anyen. Si w bezwen yo, tanpri kontakte nou nan cc@boston.gov oswa 617-635-3850.

Traditional Chinese:

非常重要！這份文件或是申請表格包含關於您的權利，責任，和／或福利的重要信息。請您務必完全理解這份文件或申請表格的全部信息，這對我們來說十分重要。我們會免費給您提供翻譯服務。如果您有需要請聯系我們的郵箱 cc@boston.gov 電話# 617-635-3850..

Vietnamese:

QUAN TRỌNG! Tài liệu hoặc đơn yêu cầu này chứa **thông tin quan trọng** về các quyền, trách nhiệm và/hoặc lợi ích của bạn. Việc bạn hiểu rõ thông tin trong tài liệu và/hoặc đơn yêu cầu này rất quan trọng, và chúng tôi sẽ cung cấp thông tin bằng ngôn ngữ bạn muốn mà không tính phí. Nếu quý vị cần những dịch vụ này, vui lòng liên lạc với chúng tôi theo địa chỉ cc@boston.gov hoặc số điện thoại 617-635-3850.

Simplified Chinese:

非常重要！这份文件或是申请表格包含关于您的权利，责任，和／或福利的重要信息。请您务必完全理解这份文件或申请表格的全部信息，这对我们来说十分重要。我们会免费给您提供翻译服务。如果您有需要请联系我们的邮箱 cc@boston.gov 电话# 617-635-3850.

Cape Verdean Creole:

INPURTANTI! Es dukumentu ó aplikason ten **informason inpur tanti** sobri bu direitus, rasponsabilidadi i/ó benefisius. Ê krusial ki bu intendi informason na es dukumentu i/ó aplikason ó nu ta da informason na língua di bu preferênsia sen ninhun kustu pa bó. Si bu prisiza del, kontata-nu na cc@boston.gov ó 617-635-3850.

Arabic:

مهم! يحتوي هذا المستند أو التطبيق على معلومات مهمة حول حقوقك ومسؤولياتك أو فوائدك. من الأهمية أن تفهم المعلومات الواردة في هذا المستند أو التطبيق. سوف نقدم المعلومات بلغتك المفضلة دون أي تكلفة عليك. إذا كنت في حاجة إليها، يرجى الاتصال بنا على cc@boston.gov أو 617-635-3850.

Russian:

ВАЖНО! В этом документе или заявлении содержится **важная информация** о ваших правах, обязанностях и/или льготах. Для нас очень важно, чтобы вы понимали приведенную в этом документе и/или заявлении информацию, и мы готовы бесплатно предоставить вам информацию на предпочитаемом вами языке. Если Вам они нужны, просьба связаться с нами по адресу электронной почты cc@boston.gov, либо по телефону 617-635-3850.

Portuguese:

IMPORTANTE! Este documento ou aplicativo contém **Informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É importante que você compreenda as informações contidas neste documento e/ou aplicativo, e nós iremos fornecer as informações em seu idioma de preferência sem nenhum custo para você. Se precisar deles, fale conosco: cc@boston.gov ou 617-635-3850.

French:

IMPORTANT ! Ce document ou cette demande contient des **informations importantes** concernant vos droits, responsabilités et/ou avantages. Il est essentiel que vous compreniez les informations contenues dans ce document et/ou cette demande, que nous pouvons vous communiquer gratuitement dans la langue de votre choix. Si vous en avez besoin, veuillez nous contacter à cc@boston.gov ou au 617-635-3850.





**AFFIDAVIT OF SERVICE
FOR ABUTTER NOTIFICATION**

**Under the Massachusetts Wetlands Protection Act
and Boston Wetlands Ordinance**

I, _____, hereby certify under pains and penalties of perjury that that at least one week prior to the public hearing, I gave notice to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A _____ was filed under the Massachusetts Wetlands Protection Act and/or the Boston Wetlands Ordinance by _____ for _____ located at _____.

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


Name

Date

Attachment E

- Copy of Filing Fee Check
- Extension Form




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Name

Date



Certification of Translation



COUNTY OF SUFFOLK
COMMONWEALTH OF MASSACHUSETTS

February 5, 2021

This is to certify that the attached **bold text within the translation** is, to the best of my knowledge and belief, a true and accurate translation from English into Chinese of the attached document:

Chinese Abutter Notification Form 2020_201 Brookline.docx

Linguistic Systems, Inc. adheres to an ISO-certified quality management system that ensures best practices are always followed in the selection of linguists skilled in both the languages and subject matters necessary for every translation.



Patrick Evanson
Production Manager
Linguistic Systems





波士頓濕地保護委員會 專案鄰近住戶通知

根據《麻塞諸塞州濕地保護法》、《麻塞諸塞州普通法》第131章第40節及《波士頓濕地條例》之規定，我們特此向您，即向波士頓濕地保護委員會提出申請的專案的鄰近住戶，發出以下通知：

- A. **ARE-MA Region No. 88 Holding Limited Partnership/ARE-MA Region No. 87 Owner Limited Partnership** 已向波士頓濕地保護委員會提出申請，請求批准改建一塊受《濕地保護法》（《普通法》第131章第40節）和《波士頓濕地條例》保護的地塊。
- B. 擬開展改建活動的地塊地址為：**401 Park Drive**。
- C. 該專案涉及以下建設內容：請求確認場地無濕地資源區域。
- D. 可透過聯繫波士頓保護委員會取得意向通知書的副本，電子郵件：CC@boston.gov。
- E. 您可於週一至週五上午9點到下午4點從Stephanie Krueel (skrueel@vhb.com、617-607-2972) 處獲取意向通知的副本。
- F. 根據《馬薩諸塞州行政命令》（暫緩執行《公開會議法》聽證會將在線上<https://zoom.us/j/6864582044> 進行。若無法接入互聯網（Internet），則可致電1-929-205-6099，輸入會議編號(ID) 686 458 2044 #，然後使用#作為您參與的編號(ID)。
- G. 您可於週一至週五上午9點到下午5點聯繫波士頓濕地保護委員會，諮詢公開聽證會舉行的日期和時間，郵箱地址：CC@boston.gov，電話：**(617) 635-4416**。

注：公開聽證會的通知（包括其舉行日期、時間和地點）將提前至少五天在《波士頓先驅報》上予以公佈。

注：公開聽證會的通知（包括其舉行日期、時間和地點）將提前至少四十八（48）小時發佈在以下網頁之上以及波士頓市政廳內：www.boston.gov/public-notices。若您想提出意見或建議，您可以參加該公開聽證會或將書面形式的意見或建議發送至CC@boston.gov或郵寄至以下地址：

Boston City Hall,
Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201。

注：您也可以聯繫波士頓濕地保護委員會或環境保護部東北地區辦公室，諮詢有關此項申請或《濕地保護法》的更多資訊。如要聯繫環境保護部，請致電：東北地區：（978）694-3200。

注：如果您準備參加該公開聽證會並需要口譯服務，則請在聽證會舉行前一天中午12點前透過以下電郵地址告知工作人員：CC@boston.gov。