

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Boston City/Town

WPA Form 1- Request for Determination of Applicability

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

	A.	General Information			
Important: When filling out	1.	Applicant:			
forms on the computer, use		Friends of Boston Latin School Crew			
only the tab key		Name		E-Mail Address	
to move your		c/o Margaret Wood, 59 Mendum Street			
cursor - do not		Mailing Address			
use the return		Roslindale		MA	02131
key.		City/Town		State	Zip Code
A		617-216-5760			
Trail Trail		Phone Number		Fax Number (if applicab	ole)
return	2.	Representative (if any):			
		Firm			
		Margaret Wood		margaretminorwoo	d@gmail.com
		Contact Name		E-Mail Address	
		59 Mendum Street			
		Mailing Address			
		Roslindale		MA	02131
		City/Town		State	Zip Code
		617-216-5760			
		Phone Number		Fax Number (if applicab	ole)
	B.	Determinations			
	1.	I request the Boston Conservation Commission	nake the following det	ermination(s). Chec	ck any that apply:
		a. whether the area depicted on plan(s) jurisdiction of the Wetlands Protection A		nced below is an ar	ea subject to
		b. whether the boundaries of resource below are accurately delineated.	area(s) depicted on p	olan(s) and/or map(s	s) referenced
		c. whether the work depicted on plan(s)	referenced below is s	ubject to the Wetlan	nds Protection Act.
			ed on plan(s) reference	ed below is subject	to the jurisdiction

of any municipal wetlands ordinance or bylaw of:

e. whether the following scope of alternatives is adequate for work in the Riverfront Area as

City of Boston Name of Municipality

depicted on referenced plan(s).



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	D	4	D	
C.	Pro	lect	Desci	ription

1.	a. Project Location (use maps and plans to identify the location	of the area subject to this request):					
	525 Western Avenue Boston/I	Brighton 02134					
	Street Address City/Town						
		2200577000					
	Assessors Map/Plat Number Parcel/Lot	Number					
	b. Area Description (use additional paper, if necessary):	b. Area Description (use additional paper, if necessary):					
	See attached survey	See attached survey					
	c. Plan and/or Map Reference(s):						
	Existing Condition Plan with Proposed Temporary Dock Location	3/23/2021					
	Title	Date					
	Title	Date					
	Title	Date					
2.	a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):						
	See attached narrative						



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C. Project Description (cont.)

b. Identi	ify provisions of the Wetlands Protection Act or regulations which may exempt the applican
from havi	ng to file a Notice of Intent for all or part of the described work (use additional paper, if
necessar	у).

Proposed dock installation is temporary

3.	If this application is a Request for Determination of Scope of Alternatives for work in the erfront 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.
	Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification ove (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection

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Name and address of the property owner:

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D. Signatures and Submittal Requirements

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

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

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

DCR	
Name	
251 Causeway Street, Suite 900	
Mailing Address	
Boston	
City/Town	
MA	02115
State	Zip Code
Signatures: I also understand that notification of this Request will be plin accordance with Section 10.05(3)(b)(1) of the Wetlands Mayand Muor Wood Signature of Applicant	
~	
Signature of Representative (if any)	Date

Request for Determination of Applicability (RDA)

To: The Boston Conservation Commission

By: Friends of Boston Latin School Crew (FoBLS Crew)

Date: 24 March 2021

Re: Installation of temporary docks and boat storage

Project Narrative

Beginning in 2010, the legislature directed DCAMM to execute leases with "yacht clubs" that occupied locations along the City's waterfront. This legislation included the use of the former DCR bathhouse by Friends of Boston Latin School.

In 2011, Friends of BLS Crew made application to the Conservation Commission for a Determination of Applicability for the installation of temporary docks adjacent to the former bathhouse designated in the legislation, which is used as storage by the crew team. The Conservation Commission issued a Negative Determination of Applicability on March 3, 2011: a copy of the determination is attached to this application.

Since 2011, when the original Negative Determination was made, Friends of BLS Crew, the teams and coaches have annually installed and removed the temporary docks. These docks allow for sculls to be launched and removed from the water during daily practice from April through October without damaging the riverbank and provide anchorage for the launches used by coaches during practice. Installation is weather dependent and is typically in later March/early April: the docks are removed in late October/early November immediately after the Head of the Charles.

The adjacent resource areas are the 25' Riverfront Zone and the 100' year flood zone. The 25' Riverfront zone is noted approximately on the attached survey in red: the 100' year flood zone boundary is the riverbank as seen on the FEMA flood map:



The docks are installed adjacent to the 25' riverfront zone and in the 100-year flood zone. The location and dimensions of the temporary docks and the ramp are indicated on the attached survey.

The temporary docks are in components of approximately 10' x 30' and are anchored to the riverbank with a deadman anchor system which bolts to the dock. The deadman anchors are installed and removed each season. The ramp is attached to the adjacent level ground bank with a long bolt (photo of attachment included): the ramp is the only means of access to the docks in order to protect the riverbank. A bobcat is used to move the docks in and out of the water. The bobcat pushes the docks into the river from behind to protect the riverbank: for a typical installation each dock is able launch once it is 50% (15") into the river.

A range of sculls (singles, doubles, quads and eights) are stored on racks adjacent to a former DCR bathhouse which is currently used by the crew team for storage. The approximate boat storage area is 60' x 60' (3600 square feet): this area is indicated on the survey in red. At the moment, two boat trailers (38' x 8', or 608 square feet) are stored in front of the storage structure: Friends of BLS Crew has requested permission from DCR to remove debris and weed trees behind the structure in order to store them away in a dryer area and away from the public path.

Projected sea level rise is not anticipated to have an effect this far upstream on the Charles River.

Plan Requirements.

Please note the following:

- A. The abutters are the Department of Conservation and Recreation, as the owner of the parkland on which these activities occur, and Northeastern University, whose Henderson Boat House abuts the location. Notice to these abutters is attached.
- B. There is no alteration to flood storage capacity as result of this proposed project. Boat storage on land is on racks (see attached photo).
- C. Re: Soil characteristics. According to the USDA Natural Resources Conservation Service Soil Survey, the site consists of urdorthents whose parent material is described as "excavated and filled sandy and gravelly human transported material over highly decomposed herbaceous organic material." The slope listed for this map unit is 0 to 3 percent and the hydrologic soil group is not defined.
- D. No changes to the embankment are proposed.
- E. No erosion has been caused or is anticipated as a result of the temporary dock use and boat storage.

Stormwater Management Report

We have consulted the Stormwater Management Standards found at 310 CMR 10.05(6)(k0-(q) of the Wetlands Regulations and determined that a Stormwater Management Report for the project is not required.

Climate Change

The BPDA Climate Resiliency Checklist does not appear to apply to temporary installations and is therefore not included.

We anticipate climate change will impact the area through stronger and wetter storms which will cause increase runoff. The area around the bathhouse currently has poor drainage and could be improved by a broad look at the area. DCR has recently begun a Master Plan process for Herter Park, which includes this area, and we look forward to working with DCR to arrive at a drainage solution that will protect the area in the event of storms and improve overall drainage of the site.

Areas of Critical Environmental Concern

Based on review of the DCR Areas of Critical Environmental Concern (ACEC) Viewer, no areas within the area impacted by the activities of FoBLS Crew are designated as Areas of Critical Environmental Concern.

Please note the following:

- 1. The project does not include any changes to impervious surface coverage
- 2. A site survey detailing an inventory of trees and other vegetation is attached to this document
- 3. No lighting or noise impacts have been created by or are anticipated by the temporary installation
- 4. The area is currently open parkland with no wildlife corridors. Existing public access through the site in the form of a walking/biking path is maintained by this project.
- 5. A land conservation or maintenance plan does not appear to be applicable, and
- 6. Alternatives to the proposal include:
 - Launch the sculls from the water's edge, which would be detrimental to the resource area
 - Walk the sculls downstream to launch closer to the public parking area, which would be dangerous for pedestrians and bikers, as well as challenging for the crew members
 - Move the entire program to another location, if one could be identified.

Attachments:

- Aerial view of docks
- Photo of docks from across the river
- Photo of docks during installation looking upstream
- Photo of ramp to installed dock
- Photo of ramp connection
- Photo of boat racks with storage building beyond
- Abutter notifications (DCR and Northeastern)
- Negative Determination of Applicability dated March 3, 2021
- Survey dated 3/23/2021 by Feldman Land Surveyors

Attached Filing Fees:

- City of Boston Fee: The docks were donated to FoBLS Crew. We estimate the value to be more than \$1,000: therefore a City of Boston filing fee of \$50 is attached to this application.
- The Boston Conservation Commission fee included is \$100 as the site for the project is under 1 acre.

Aerial view of dock:



Photo of temporary dock from across the river:



Photo of temporary dock during installation looking upstream to the Henderson Boat House:



Photo of ramp to temporary dock:



Photo of ramp to temporary dock:



Photo of boat racks with storage building beyond:



Abutter Notifications. The attached notification was sent to the following:

Department of Conservation & Recreation 251 Causeway Street, Suite 900, Boston, MA 02115

Northeastern University 360 Huntington Avenue, Boston, MA 02115

4648	U.S. Postal Service [™] CERTIFIED MAIL [®] REC Domestic Mail Only For delivery information, visit our website	
0001 5476	Certified Mall Fee \$700 Stra Services & Fees (check box, add fee as approximate) Return Receipt (hardcopy) Return Receipt (electronic) Certified Mall Restricted Delivery Adult Signature Required Adult Signature Restricted Delivery \$	0109 12 Postmark Here
7020 0640	Postage \$ 10.55 Total Postage and Fees \$ 5.90 Sent To DCK Street and Apt. No., or PO Box No. City, State, 21:448 10.510 MA 0.2	03/24/2021 - SUITE 900 -115
	PS Form 3800, April 2015 PSN 7530-02-000-9047	See Reverse for Instructions





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. Friends of Boston Latin School Crew has filed a Request for Determination of Applicability with the Boston Conservation Commission seeking permission to install temporary docks for launching boats and to store boats in proximity to the docks in an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, section 40) and Boston Wetlands Ordinance. A negative Determination of Applicability was previously granted in 2011

- **B.** The location of the lot where the activity is proposed is east of the Henderson Boat House docks in Allston.
- C. The project involves the temporary, seasonal installation of docks and the year round storage of boats on racks adjacent to the former DCR bathhouse currently used as storage for the crew team.
- D. Copies of the Notice of Intent may be obtained by contacting the Boston Conservation Commission at **CC@boston.gov**.
- E. Copies of the Request for Determination of Applicability may be obtained from Margaret Wood (<u>margaretminorwood@gmail.com</u>) Monday through Friday between the hours of 8am-6pm.
- F. Inaccordance 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, tine, 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.



CITY OF BOSTON THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 805 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

March 3, 2011

Friends of Boston Latin School Crew c/o Robert Taylor 58 Winter Street Boston, MA 02108 CERTIFIED MAIL No: 7008 3230 0000 9062 1520

RE:

Negative Determination of Applicability, Friends of Boston Latin School Crew

Temporary Dock Installation, 525 Western Ave., Brighton, Charles River

Dear Mr. Taylor:

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 March 2, 2011 public hearing. The Determination is negative, as the work described in the request will not fill, remove, dredge or alter wetland resource areas subject to protection under the Act. Therefore, the project does not require the filing of a Notice of Intent and the work may proceed subject to the conditions in Attachment A. 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,

Chris H. Busch, Executive Director Boston Conservation Commission

Enclosure

CC:

Richard Tomczyk, DEP NERO

Jack Murray, MA DCR



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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.





. General illionin	ation				
rom:					
Boston Conservation C	commission				
o: Applicant			Property Owner (if dif	ferent from a	onlicant).
	0 1 10				
Friends of Boston Latir	School Crew		MA Department of Co	onservation &	Recreation
c/o Robert Taylor, 58 V	Vinter Street		251 Causeway Street	t	2
Mailing Address			Mailing Address		
Boston	MA State	02108 Zip Code	Boston City/Town	MA State	02114 Zip Code
City/Town	State				Zip Code
Title and Date (or Revi	sed Date if appl	licable) of Fin	al Plans and Other Docu	uments:	
Proposal for Dock and	Boat Storage				y 15, 2011
Title				Date	
Title		s (g		Date	23
Title				Date	
Date Request Filed:					
February 17, 2011					
. Determination					
Pursuant to the author Request for Determination.	ity of M.G.L. c. ^r ition of Applicab	131, § 40, the pility, with its s	Conservation Commiss upporting documentatio	sion considere n, and made	ed your the following
Project Description (if	applicable):				
Installation of a tempor	rary modular do	ck and ramp	system, and boat storag	ie area.	
metaliation of a tempor	ary modular do	ok ana ramp	byotom, and boat otorag	, o a o a .	······································
					8
	V		3		(4)
Project Location:					
525 Western Ave.			Boston/Brighton		
Street Address		2	City/Town		
22			2200577000		
Assessors Map/Plat Numbe	r		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 rom 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 <u>not</u> 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 ApplicabilityMassachusetts Wetlands Protection Act M.G.L. c. 131, §40

В.	De	termination (cont.)
		6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but <u>not</u> 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.
	Not Dep on req at t	gative Determination The: No further action under the Wetlands Protection Act is required by the applicant. However, if the coartment is requested to issue a Superseding Determination of Applicability, work may not proceed this project unless the Department fails to act on such request within 35 days of the date the uest is post-marked for certified mail or hand delivered to the Department. Work may then proceed the owner's risk only upon notice to the Department and to the Conservation Commission. Equirements 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). See Attachment A
		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.



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B. Determination (cont.)	
	uest is subject to protection under the Act. Since the work irements for the following exemption, as specified in the Act and it is required:
Exempt Activity (site applicable statuatory/regu	ulatory provisions)
6. The area and/or work describe	d in the Request is not subject to review and approval by:
Name of Municipality	
Pursuant to a municipal wetlands ord	inance or bylaw.
Name	Ordinance or Bylaw Citation
*	
C. Authorization	
This Determination is issued to the applic	ant and delivered as follows:
by hand delivery on	x by certified mail, return receipt requested on
	March 3, 2011
Date	Date
Vegetation Management Plans which are relieve the applicant from complying with bylaws, or regulations.	rs from the date of issuance (except Determinations for evalid for the duration of the Plan). This Determination does not all other applicable federal, state, or local statutes, ordinances,
	majority of the Conservation Commission. A copy must be sent see Attachment) and the property owner (if different from the
Signatures: hours Butt	m ()
March 2, 2011	
Data	



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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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 Attachment) 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.

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Attachment A – Project Conditions Determination of Applicability Friends of Boston Latin School Crew, Temporary Dock Installation, Brighton, Charles River

- 1. Any changes made or intended in the submitted plans shall require the applicant to inquire to the Commission in writing as to whether the changes warrant further formal Commission review. Any errors on the plans or information submitted by the applicant shall be considered changes.
- 2. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, all site related activities impacting the water shall cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
- 3. There shall be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetlands resource areas or associated 100-foot buffer zones to those resource areas. Any equipment used in the resource area or buffer zone that uses fuel, oil or hydraulic fluid shall be inspected daily for leakage. Any equipment that requires repair shall be repaired outside of the buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid shall be staffed at all times while operational within the buffer zone.
- 4. All project-related materials shall be contained from migration into wetland resource areas. Should any item or material be lost, dropped, dumped, sunk, misplaced, or left behind, regardless of whether it is within or outside of the project limits, the proponent must seek Commission approval of any remedial action requiring substantial impact to resources. The applicant and/or their contractor shall be responsible for the removal of any project-related debris dropped into the waters of the Charles River.
- 5. Public passage along the adjacent pathways shall not be obstructed other than for the transfer of boats. If necessary, an individual may be assigned to direct the public around vessels during transfer.
- 6. The anchoring system shall be removed when the float dock and ramp structures are removed for the season.
- 7. There shall be no removal of or damage to mature trees along the river bank.
- 8. The proponents shall maintain the dock structure free of trash and debris.
- 9. Upon permanent removal or relocation of the temporary dock and ramp the Applicant shall consult with DCR staff to determine if stabilization measures or surface regrading are necessary to prevent erosion of the river bank or damage to existing vegetation.
- 10. Should a permanent dock and ramp structure be proposed in the future, the Applicant shall contact the Conservation Commission to determine what level of review and permitting will be required under the Massachusetts Wetlands Protection Act.

