



April 7, 2021

Nicholas Moreno, Conservation Agent
Boston Conservation Commission
City of Boston Environment Department
Boston City Hall, Room 709
Boston, MA 02201

RE: Request to Amend Order of Conditions for DEP File No. 006-1746 and BOS File No. 2020-029 for the proposed installation of six tide gates located along Morrissey Boulevard, Dorchester, MA (LSCSF, Waterfront Area, 100ft. Buffer to Coastal Bank, 100ft. Buffer to Salt Marsh)

Dear Nick,

The Department of Conservation and Recreation (DCR) requests to amend the Order of Conditions (OOC) issued September 3, 2020 by the Boston Conservation Commission for DEP File No. 006-1746 and BOS File No. 2020-029 for the proposed installation of six in-line tide gates along Morrissey Boulevard. DCR requests amendment of the Order to remove certain conditions that include language that is either not applicable to the proposed project or conditions for perpetual maintenance requirements that do not meet the performance standards under the Massachusetts Wetlands Protection Act. You may recall that this project was part of the same conversation involving the Day Boulevard/Castle Island Gate project (DEP File No. 006-1744) where those involved worked through issues of concern so that DCR could implement that project.

The conditions here that DCR seeks to amend the following:

Work is subject to Stormwater Management Standards to maximum extent practicable as it is an early action phase for Morrissey Boulevard improvements. No new BMPs are included in this phase. Remove Conditions 19 b), 19 c), 19 e), 19 f), 19 h) and 19 l), since these conditions apply to new BMPs which are not part of this project.

Special condition (SC) #33 for an EPA Oil Spill Prevention, Control and Countermeasure Plan does not apply and should be removed because at no time will there be more than 55 gallons of petroleum in any container on site which is the basis for this regulatory requirement. The only fuel on site will be in fuel tanks of vehicles and equipment that will not remain on site. This perpetual maintenance condition does not apply to this project and should be removed from the Order of Conditions. Precautions for fuel management and spill response are adequately covered under Special Condition #31.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114-2199
617-626-1250 617-626-1351 Fax
www.mass.gov/orgs/departement-of-conservation-recreation



Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Kathleen A. Theoharides, Secretary, Executive
Office of Energy & Environmental Affairs

Jim Montgomery, Commissioner
Department of Conservation & Recreation

Special Condition #41 requires engineered drawings with locations of wheel wash stations, sedimentation tanks and basins, oil separating structures and other equipment that will not be used and should not be required for this project. Please remove this language from the OOC.

SC #44 requires DCR to submit a landscaping plan; however no plantings are proposed as part of the in-line tide-gate installation project. Please remove SC #44.

DCR requests that SC #45 is removed as it does not relate to whether the project would meet the performance standards under the Wetlands Protection Act. In the alternative, DCR suggests that the condition could be modified, consistent with how the same condition was addressed for the Day Boulevard/Castle Island project, to read: "The Applicant must regularly remove and dispose of debris on all wetland resources areas on the project site resulting from the construction detailed within the Notice of Intent. Regular maintenance will be conducted in accordance with the South Boston Beach Management Plan (DEP File #006- 1658) and the Operation and Maintenance Plan and Long Term Pollution Prevention Plan included in the Notice of Intent."

SC #53 requires that all sheet flow must be directed to catch basins that meet BWSC specifications. As this is a DCR aprkway, catch basins would be subject to DCR specifications. DCR requests that this condition is either removed or modified to replace "BWSC" with "DCR."

Regarding SC #54, DCR would use its own catch basin marking system for the public education message in lieu of the plaque stating "Don't dump - drains to harbor." DCR's catch basin castings include the statement "Do Not Dump - No Waste - Drains to Waterways." DCR requests that the condition is either removed or modified to reflect the DCR parkway specification.

Regarding SC #68, update on long-term planning effort for Morrissey Boulevard, DCR will be in an position to provide an update once the long-term planning effort with MassDOT is updated.

Thank you for your assistance and consideration to amend the conditions in question and enable the proposed work to proceed without unnecessary conditions or restrictions that do not apply to the proposed project. DCR looks forward to moving ahead with this important flood control project that will benefit Morrissey Boulevard and the abutting Dorchester neighborhoods.

Sincerely



Robert Lowell
Deputy Chief

Cc: Patrice Kish, Chief, Planning and Engineering



**NOTIFICATION TO ABUTTERS
BOSTON CONSERVATION COMMISSION**

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

A. **THE DEPARTMENT OF CONSERVATION AND RECREATION (DCR)** has filed a **Request to Amend an Order of Conditions** 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 **MORRISSEY BOULEVARD**.

C. The project involves **AMENDING THE ORDER OF CONDITIONS ISSUED FOR DEP FILE NO.006-1746 AND BOS FILE NO. 2020-029. PROJECT WORK INCLUDES INSTALLING SIX TIDE GATES AT FOUR LOCATIONS ALONG MORRISSEY BOULEVARD.**

D. Copies of the **Amendment Request** may be obtained by contacting the Boston Conservation Commission at CC@boston.gov.

E. Copies of the **Amendment Request** may be obtained from **JILL BAUMBACH (REPRESENTATIVE)** **BY CALLING 617-607-1578** between the hours of **9AM AND 5PM, TUESDAY THROUGH THURSDAY.**

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.



**NOTIFICACIÓN PARA PROPIETARIOS Y/O VECINOS COLINDANTES
COMISIÓN DE CONSERVACIÓN DE BOSTON**

De conformidad con la Ley de protección de los humedales de Massachusetts, el Capítulo 131, Sección 40 de las Leyes Generales de Massachusetts y la Ordenanza sobre los humedales de Boston, por la presente queda usted notificado como propietario o vecino colindante de un proyecto presentado ante la Comisión de Conservación de Boston.

A. **EL DEPARTAMENTO DE CONSERVACIÓN Y RECREACIÓN (DCR)** ha presentado una solicitud para enmendar la orden de condiciones a la Comisión de Conservación de Boston pidiendo permiso para modificar una zona sujeta a protección en virtud de la Ley de protección de los humedales (Leyes generales, capítulo 131, sección 40) y la Ordenanza sobre los humedales de Boston.

B. La dirección del lote donde se propone la actividad es **MORRISSEY BOULEVARD**.

C. El proyecto consiste en **ENMENDAR EL ORDEN DE CONDICIONES PUBLICADO POR EL NÚMERO DE ARCHIVO DEL DEPARTAMENTO DE PROTECCIÓN AMBIENTAL DE MASSACHUSETTS NO. 006-1746 Y EL NÚMERO DE ARCHIVO DE BOSTON NO. 2020-029. LAS OBRAS DEL TRABAJO INCLUYE LA INSTALACIÓN DE SEIS PUERTAS DE MAREA EN CUATRO UBICACIONES POR MORRISSEY BOULEVARD.**

D. Se pueden obtener copias de la solicitud de enmienda comunicándose con la Comisión de Conservación de Boston en CC@boston.gov.

E. Las copias de la solicitud de enmienda pueden obtenerse **POR LLAMADA A JILL BAUMBACH (REPRESENTATIVE) AL 617-607-1578 entre las 9AM A 5PM, DE MARTES A JUEVES.**

F. De acuerdo con el Decreto Ejecutivo de la Mancomunidad de Massachusetts que suspende ciertas disposiciones de la Ley de reuniones abiertas, la audiencia pública se llevará a cabo virtualmente en <https://zoom.us/j/6864582044>. Si no puede acceder a Internet, puede llamar al 1-929-205-6099, ingresar ID de reunión 686 458 2044 # y usar # como su ID de participante.

G. La información relativa a la fecha y hora de la audiencia pública puede solicitarse a la **Comisión de Conservación de Boston** por correo electrónico a CC@boston.gov o llamando al **(617) 635-4416** entre las **9 AM y las 5 PM, de lunes a viernes.**

NOTA: La notificación de la audiencia pública, incluida su fecha, hora y lugar, se publicará en el **Boston Herald** con al menos cinco (5) días de antelación.

NOTA: La notificación de la audiencia pública, incluida su fecha, hora y lugar, se publicará en www.boston.gov/public-notices y en el Ayuntamiento de Boston con no menos de cuarenta y ocho (48) horas de antelación. Si desea formular comentarios, puede asistir a la audiencia pública o enviarlos por escrito a CC@boston.gov o al Ayuntamiento de Boston, Departamento de Medio Ambiente, Sala 709, 1 City Hall Square, Boston, MA 02201.

NOTA: También puede comunicarse con la Comisión de Conservación de Boston o con la Oficina Regional del Noreste del Departamento de Protección Ambiental para obtener más información sobre esta solicitud o la Ley de Protección de Humedales. Para comunicarse con el DEP, llame a la Región Noreste: (978) 694-3200.



City of Boston
Environment



City of Boston
Mayor Martin J. Walsh

NOTA: si tiene previsto asistir a la audiencia pública y necesita servicios de interpretación, sírvase informar al personal en CC@boston.gov antes de las 12 PM del día anterior a la audiencia.



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 *John C. R.*

Date