



August 16, 2021  
File No. 01.0174917.00

Boston Conservation Commission  
1 City Hall Square, Suite 500  
Boston, Massachusetts 02201

Re: Notice of Intent Application – Amended Order of Conditions  
BOS File No. 2021-006  
DEP File No. 006-1769  
Myerson Access Road Over Canterbury Brook  
American Legion Highway  
Boston, Massachusetts

Dear Commission Members:

On behalf of the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance (DCAMM), GZA GeoEnvironmental Inc. (GZA) is pleased to submit this request for an amendment to the Order of Conditions (OOC) for Boston File No. 2021-006 and DEP File No. 006-1769 for the completed Canterbury Brook Culvert Sediment Removal Project (the Project) located under the Myerson Access Road at approximately 438 American Legion Highway, Mattapan (Boston), Massachusetts. GZA has prepared this amendment request per the requirements of the Massachusetts Wetlands Protection Act (DWW Policy 85-4) and its associated Regulations (310 CMR 10.00). In addition, this amendment request complies with the City of Boston Wetlands Ordinance, Boston City Code, Ordinances, Chapter 7-1.4 and its associated Rules and Regulations (the Ordinance).

Maverick Construction Management Services (Maverick; “Contractor”) conducted the approved sediment removal from April 6 – 15, 2021. During the course of the work, modifications to the approved OOC were in coordination with the Commission. The modifications included installation of a rip-rap buttress in the brook, removal of 4 trees, and installation of new wetland plantings as mitigation for the removed trees. Please see below for more information regarding these changes. A WPA-3 Form (see **Attachment A**) has been updated to reflect the final temporary impacts to bordering vegetated wetland (BVW) and Bank and the additional permanent impacts to land under water and waterbodies (LUWW) associated with the installation of rip rap.

### RIP RAP BUTTRESS

Following removal of the sediment on the upstream side of the culvert, the Contractor requested permission to install stone rip rap within the LUWW and a portion of the Bank to stabilize sediment directly east of the project’s sediment removal footprint. The rationale behind this recommendation was to prevent the remaining sediment within the brook from entering the culvert after the project was completed. This request was communicated to DCAMM who initiated a formal request to the Boston Conservation Commission on April 14, 2021 via email. The Conservation Agent, Nicholas Moreno, requested via email that DCAMM file for an amendment to the existing OOC on April 14, 2021. Following receipt of approval to complete the work, Maverick installed approximately 5.3 cubic yards of 6-inch diameter rip rap (installed dimensions approximately 6ft thick by 4ft high by 17ft long), resulting in a “wedge” shaped buttress at the base of the streambed (see attached as-built plan). Table 1 summarizes the cumulative total for resource impacts that are requested by this amendment to the OOC and



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approximate location of the rip rap buttress may be observed in the figure title “Culvert As-Built – Canterbury Brook” (see **Figure 1**).

Installation of the riprap buttress has met the performance standards for Bank (310 CMR 10.54(4)) and Land Under Waterbodies and Waterways (310 CMR 10.56(4)) through the following means:

#### **BANK RESOURCE AREA PERFORMANCE STANDARDS**

*310 CMR 10.54(4)(a): The physical stability of the Bank.*

The physical stability of the Bank within the area of the riprap buttress will be improved through structural stabilization provided by the stone. In addition, the riprap buttress will mitigate erosion of the Bank during storm and other high water events.

*310 CMR 10.54(4)(b): The water carrying capacity of the bank and the existing channel within the bank.*

The water carrying capacity of the Bank is not anticipated to be negatively affected by the addition of the riprap, as the buttress is approximately 5.3 cubic yards in volume. The initial project removed approximately 57 cubic yards of sediment and approximately 40.5 cubic yards of debris within the brook, thus yielding a total removal volume of 97.5 cubic yards, below the 100 cubic yard threshold. The 5.3 cubic yards of riprap fill would reduce the total net benefit of the project to 92.2 cubic yards of additional carrying capacity over pre-construction conditions.

*310 CMR 10.54(4)(c): Ground water and surface water quality.*

The surface water quality of Canterbury Brook is anticipated to improve with the addition of the rip rap buttress through the stabilization of sediment on the upstream side of the culvert both within the channel and adjacent Bank. Stabilization of the upstream edge of the sediment removal area is anticipated to mitigate movement of sediment into the culvert and likely reduce the flooding/ponding condition on the upstream side, creating the pre-construction stagnant water condition. Groundwater quality is anticipated to be unaffected as the improvements removed surface deposits of sediment and debris within the stream channel and the rip rap fill is located above groundwater.

*310 CMR 10.54(4)(d): The capacity of the Bank to provide breeding habitat, escape cover, and food for fisheries/wildlife.*

The capacity of the Bank to provide breeding habitat, escape cover and food for fish/wildlife in the area of the riprap buttress is anticipated to increase due to the increased surface area and addition of void spaces between the buttress stones. This additional area of escape cover and area for wildlife to take advantage of is anticipated to be a net benefit above the pre-construction, filled condition within the brook.

*310 CMR 10.54(4)(e): The capacity of the Bank to provide important wildlife habitat functions.*

The total permanent impacts include approximately 12 linear feet of Bank due to placement of the needed riprap buttress. The Bank impact is less than the allowed performance standard under 310 CMR 10.54(4).

#### **LAND UNDER WATERBODIES AND WATERWAYS PERFORMANCE STANDARDS**

*310 CMR 10.56(4)(a): The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks.*

The water carrying capacity of Canterbury Brook is not anticipated to be negatively affected by the addition of the riprap, as the buttress is approximately 5.3 cubic yards in volume. The initial project removed approximately 57 cubic yards of



sediment and approximately 40.5 cubic yards of debris within the brook, thus yielding a total removal volume of 97.5 cubic yards, below the 100 cubic yard threshold. The 5.3 cubic yards of riprap fill would reduce the total net benefit of the project to 92.2 cubic yards of additional carrying capacity over pre-construction conditions.

*310 CMR 10.56(4)(b): The ground and/or surface water quality.*

The surface water quality of Canterbury Brook is anticipated to improve with the addition of the rip rap buttress through the stabilization of sediment on the upstream side of the culvert. Stabilization of the upstream edge of the sediment removal area is anticipated to mitigate movement of sediment into the culvert and limit the flooding/ponding condition on the upstream side, creating the pre-construction stagnant water condition. Groundwater quality is anticipated to be unaffected as the improvements removed surface deposits of sediment within the stream channel and the rip rap fill is located above groundwater.

*310 CMR 10.56(4)(c): The capacity of the area to provide breeding habitat, escape, cover, and food for fisheries/shellfish.*

The capacity of the area to provide wildlife habitat features including breeding habitat, escape cover, and food for fish are anticipated to increase due to the increased surface area and addition of void spaces between the buttress stones. This additional area of escape cover and area for wildlife to take advantage of is anticipated to be a net benefit above the pre-construction, filled condition within the brook.

*310 CMR 10.56(4)(d): The capacity of the area to provide important wildlife habitat functions.*

The total permanent impacts, including the additional riprap buttress, totals 1,419 square feet to LUWW, which is below the allowable threshold of 5,000 square feet for LUWW impacts. The area of sediment removal would provide additional, clean substrate for species to utilize, in addition to adding volume to the stream channel for use by wildlife.

**ADDITIONAL TREE REMOVAL AND REPLACEMENT PLANTINGS**

In addition to the rip rap buttress, DCAMM received permission from the Boston Conservation Commission to remove three trees of 3-inch diameter from the work area. To complete the project, the Contractor required one additional tree to be removed from the within the work area adjacent to the downstream, north abutment. DCAMM discussed the potential need to remove this additional tree, if pruning was not successful, during the site visit with Nick Moreno on April 8, 2021, to inspect set-up of the erosional controls. The additional timbering was reviewed with Nick Moreno during the site visit conducted on May 21, 2021. DCAMM proposed, and Mr. Moreno agreed with replace-in-kind on this date, which resulted in the replanting of three 5-foot-tall trees in the restoration area.

**Table No. 1 – Summary of Total Resource Area Impacts**

Resource Area	Temporary Impacts (Sediment Removal)	Permanent Impacts (Sediment Removal)	Permanent Impacts (Sediment Removal)	Temporary Impacts (Woody Debris Removal)	Permanent Impacts (Woody Debris Removal)	Permanent Impacts (Rip Rap Fill)	Permanent Impacts (Rip Rap)	Total Temporary Impacts	Total Permanent Impacts
Bank	--	--	--	--	--	12 linear feet	--	--	12 linear feet
BVW	1,808 sq. ft.	--	--	400 sq. ft.	--	--	--	2,208 sq. ft.	0
LUWW	266 sq. ft.	1,317 sq. ft.	97.5 cu. yd*	150 sq. ft.	--	102 sq. ft.	5.3 cu. yd*	416 sq. ft.	1,419 sq. ft.
0-25-ft RA	3,901 sq. ft.	--	--	400 sq. ft.	--	--	--	4,301 sq. ft.	0



Resource Area	Temporary Impacts (Sediment Removal)	Permanent Impacts (Sediment Removal)	Permanent Impacts (Sediment Removal)	Temporary Impacts (Woody Debris Removal)	Permanent Impacts (Woody Debris Removal)	Permanent Impacts (Rip Rap Fill)	Permanent Impacts (Rip Rap)	Total Temporary Impacts	Total Permanent Impacts
25-50-ft Waterfront Area	2,457 sq. ft.	--	--	--	--	--	--	2,457 sq. ft.	--

\*Assumes an approximated void ratio (e) of 0.3

It is GZA’s opinion that, cumulatively, the project meets the performance standards for LUWW and Bank. Please contact Anthony Damiano at GZA at (603) 213-2682 if you have any questions or require additional information regarding this application. We look forward to working with the Conservation Commission during the permitting process.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.

Anthony Damiano  
Assistant Project Manager

Daniel M. Nitzsche CPESC, CESSWI  
Consultant Reviewer

Matthew Smith, P.E.  
Associate Principal

- Attachments: Figure 1 – Culvert As-Built – Canterbury Brook  
Attachment A - WPA Form 3 – Notice of Intent  
Attachment B – Canterbury NOI Amendment Photo Log  
Attachment C – Abutter’s list

- CC: Susan Ruch, Director of Environmental Services, Division of Capital Asset Management & Maintenance  
James B. Matz, Project Manager, Division of Capital Asset Management & Maintenance  
MassDEP – Headquarters Boston Office






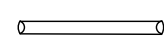
**Figure 1 – Culvert As-Built – Canterbury Brook**

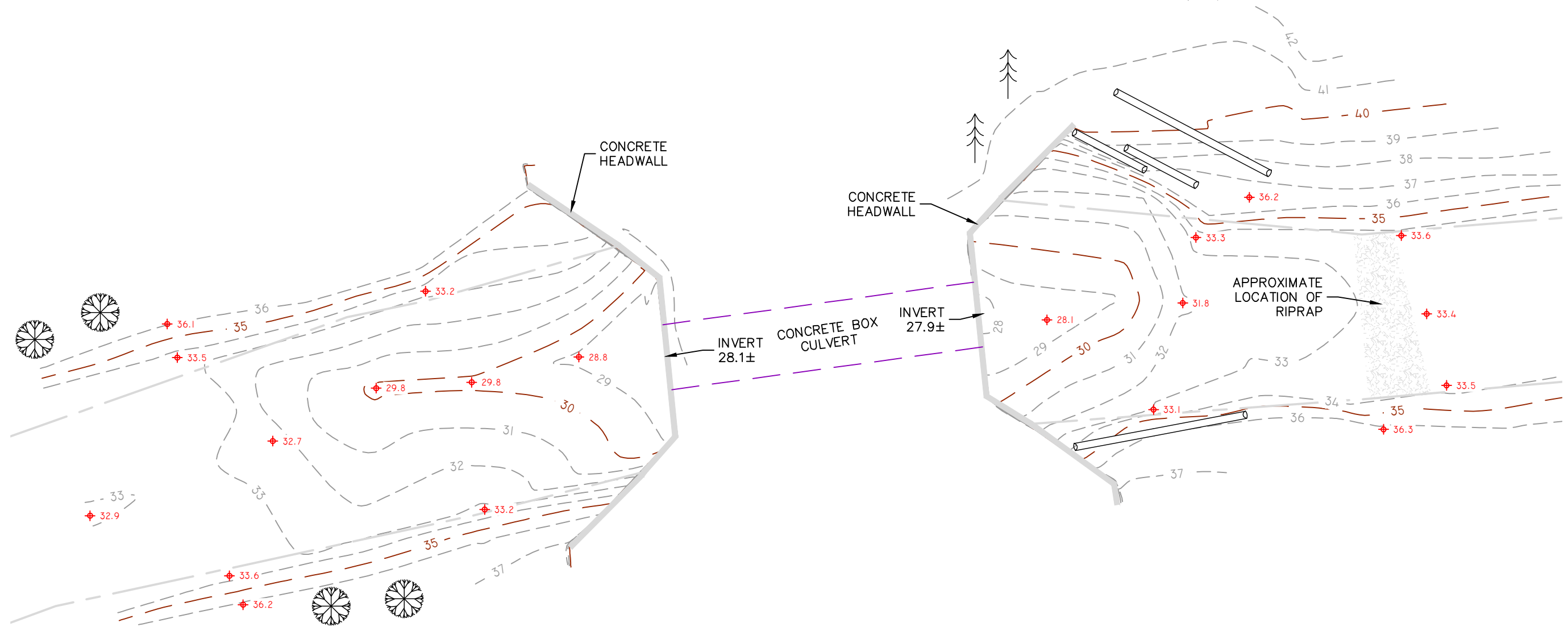


**GENERAL NOTES**

1. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON JUNE 7, 2021. THIS PLAN REFLECTS ON THE GROUND CONDITIONS AS OF THAT DATE.
2. ELEVATIONS SHOWN HEREON, IN U.S. SURVEY FEET, ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS DETERMINED BY DIPRETE ENGINEERING USING REAL TIME KINEMATIC G.P.S. OBSERVATIONS.

**LEGEND**

-  CORNUS AMOMUM SILKY/DOGWOOD SHRUB
-  ACER RUBRUM, REDMAPLE TREE
-  APPROXIMATE LOCATION OF RIPRAP ( LOCATION PROVIDED BY MAVERICK CONSTRUCTION MANAGEMENT SERVICES, INC.)
-  APPROXIMATE LOCATION OF COIR LOG (LOCATION PROVIDED BY MAVERICK CONSTRUCTION MANAGEMENT SERVICES, INC.)

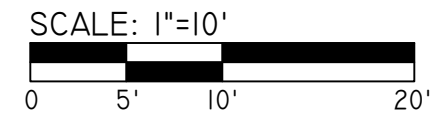
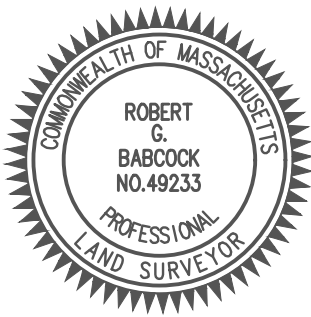


**CERTIFICATION**

I CERTIFY THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE RULES AND REGULATIONS AS STATED IN CMR 250 SECTION 6.00.

*Robert G. Babcock*  
 ROBERT G. BABCOCK, PLS #49233

8/5/21  
 DATE



**DiPrete Engineering**

Two Stafford Court Cranston, RI 02920  
 tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

**Boston • Providence • Newport**

**Culvert As-Built**  
**Canterbury Brook**  
 Boston, MA

**Maverick Construction Management Services, Inc.**  
 37 Town Forest Road Oxford, MA 01540

Date:  
 7/2/2021

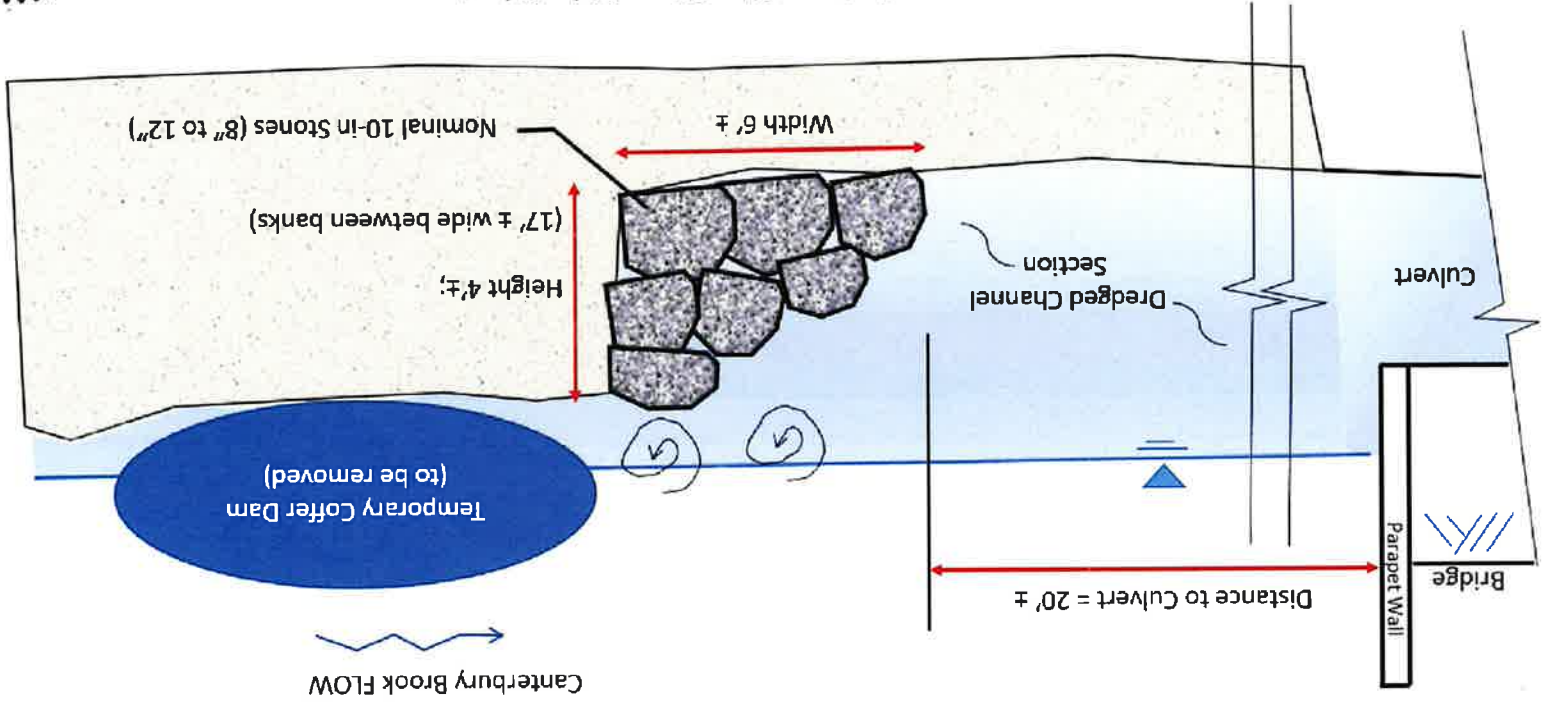
z:\dmain\projects\1409-014 canterbury brook\autocad drawings\1409-014-topo-asbuilt.dwg Plotted: 8/5/2021

DE Job No: 1409-014 Copyright 2021 by DiPrete Engineering Associates, Inc.

NO.	ISSUE/DESCRIPTION	BY	DATE

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOTECHNICAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REPRODUCED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

CROSS SECTION OF IMPROVED STREAMBED (AS-BUILT)		PROJECT NO.: 01.0174917.00	DATE: AUGUST, 2021
CANTERBURY BROOK SEDIMENT REMOVAL		DESIGNED BY: BW	PROJECT NO.: 01.0174917.00
GZA Geotechnical, Inc. Engineers and Scientists www.gza.com		DRAWN BY: BW	DATE: AUGUST, 2021
PREPARED FOR: DCAMM		REVIEWED BY: MMS	PROJECT NO.: 01.0174917.00
PREPARED BY: GZA Geotechnical, Inc. Engineers and Scientists www.gza.com		CHECKED BY: KD	DATE: AUGUST, 2021
DCAMM		SCALE: N/A	REVISION NO.: N/A
PLATE			
SHEET NO. 1 OF 1			



$H = 4'; W = 6'; L = 17'; e = 0.30$  (estimated)  
 $Riprap\ volume\ in\ stream = 0.5 * (4 * 6) * 17 * (1 - 0.3) = 142.8\ cu.\ ft. = 5.3\ cu\ yd$

Upstream Side of Stone Bridge Culvert  
(Looking North – Not to Scale)











**Attachment A - WPA Form 3 – Notice of Intent**





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

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**Important:**

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

438 American Legion Highway  
a. Street Address

Mattapan  
b. City/Town

02126  
c. Zip Code

Latitude and Longitude:  
42°17'22.98"N  
d. Latitude

71°05'59.76"W  
e. Longitude

14  
f. Assessors Map/Plat Number

1405198010  
g. Parcel /Lot Number

2. Applicant:

Susan  
a. First Name

Ruch  
b. Last Name

MA Division of Capital Asset Management and Maintenance  
c. Organization

1 Ashburton Place, 15th Floor  
d. Street Address

Boston  
e. City/Town

MA  
f. State

02108  
g. Zip Code

617-727-4050  
h. Phone Number

i. Fax Number

susan.ruch2@mass.gov  
j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name

b. Last Name

Mass Audubon Boston Nature Center  
c. Organization

500 Walk Hill Street  
d. Street Address

Mattapan  
e. City/Town

MA  
f. State

02126  
g. Zip Code

617-983-8500  
h. Phone Number

i. Fax Number

bnc@massaudubon.org  
j. Email address

4. Representative (if any):

Anthony  
a. First Name

Damiano  
b. Last Name

GZA GeoEnvironmental Inc.  
c. Company

249 Vanderbilt Ave  
d. Street Address

Norwood  
e. City/Town

MA  
f. State

02062  
g. Zip Code

603-213-2682  
h. Phone Number

i. Fax Number

anthony.damiano@gza.com  
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$750.00  
a. Total Fee Paid

\$362.50  
b. State Fee Paid

\$325.00  
c. City/Town Fee Paid



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 3 – Notice of Intent**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**A. General Information (continued)**

6. General Project Description:

Proposed work involves sediment and debris removal from the culvert located beneath the Myerson access road at approximately 438 American Legion Highway, Mattapan, MA. Approximately 5.3 cubic yards of rip-rap has been added in LUWW on the upstream side to stabilize sediment and limit potential of sediment migration into the culvert.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Suffolk	
a. County	b. Certificate # (if registered land)
33333	333
c. Book	d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	12 (perm) 1. linear feet	12 (restore) 2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	2,208 (temp) 0 (perm) 1. square feet	2,208 (restore) 2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	416 (temp) 1,419 (perm) 1. square feet 97.5 (dredge) 3. cubic yards dredged	0 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Canterbury Brook (inland) 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 6,550 square feet

4. Proposed alteration of the Riverfront Area:

6,550 a. total square feet      4,301 (temp) b. square feet within 100 ft.      0 c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?       Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?       Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4.  Restoration/Enhancement  
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

\_\_\_\_\_

a. square feet of BVW

\_\_\_\_\_

b. square feet of Salt Marsh

5.  Project Involves Stream Crossings

\_\_\_\_\_

a. number of new stream crossings

\_\_\_\_\_

b. number of replacement stream crossings





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Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

- 9/2017  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

- Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage
- Assessor’s Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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City/Town

### C. Other Applicable Standards and Requirements (cont'd)

- (c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3.  Separate MESA review completed.  
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and  
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Boston
City/Town

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

**C. Other Applicable Standards and Requirements (cont'd)**

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a.  Yes  No      If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- 
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2.  A portion of the site constitutes redevelopment
  3.  Proprietary BMPs are included in the Stormwater Management System.
- b.  No. Check why the project is exempt:
1.  Single-family house
  2.  Emergency road repair
  3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Boston
City/Town

**D. Additional Information (cont'd)**

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Culvert As-Built Canterbury Brook

a. Plan Title

DiPrete Engineering

Robert Babcock

b. Prepared By

c. Signed and Stamped by

7/2/2021

1" = 10'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

**E. Fees**

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

275917

01/13/2021

2. Municipal Check Number

3. Check date

275953

01/22/2021

4. State Check Number

5. Check date

GZA GeoEnvironmental Inc

6. Payor name on check: First Name

7. Payor name on check: Last Name



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

Boston

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

MA DCAMM by <u>Susan Puch</u> 1. Signature of Applicant	<u>08/18/21</u> 2. Date
by <u>Susan Puch</u> 3. Signature of Property Owner (if different)	<u>08/18/21</u> 4. Date
5. Signature of Representative (if any)	6. Date

(\*)

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

(\*) Note: DCAMM owns the stream and banks.  
Mass Audubon's Boston Nature Center owns the surrounding real property.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Boston

City/Town

### F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

*Julie Brande for Mass Audubon*

2. Date

*8/18/21*

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

#### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

#### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

#### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



**Attachment B – Canterbury NOI Amendment Photo Log**







# Photographic Log

<b>Client Name:</b> Division of Capital Asset Management and Maintenance		<b>Site Location:</b> 438 American Legion Highway Boston, Massachusetts	<b>Project No.</b> 01.0174917.00
<b>Photo No.</b> 1	<b>Date:</b> 4/14/21		
<b>Direction Photo Taken:</b> Southeast			
<b>Description:</b> View looking upstream at aqua dam and work area prior to rip rap installation.			

<b>Photo No.</b> 2	<b>Date:</b> 4/14/21		
<b>Direction Photo Taken:</b> Northeast			
<b>Description:</b> View looking upstream at aqua dam and work area prior to rip rap installation.			





# Photographic Log

<b>Client Name:</b> Division of Capital Asset Management and Maintenance		<b>Site Location:</b> 438 American Legion Highway Boston, Massachusetts	<b>Project No.</b> 01.0174917.00
<b>Photo No.</b> 3	<b>Date:</b> 4/14/21		
<b>Direction Photo Taken:</b> South			
<b>Description:</b> View looking south at the installation of the 10" rip rap, upstream of the culvert (right).			

<b>Photo No.</b> 4	<b>Date:</b> 4/14/21		
<b>Direction Photo Taken:</b> Northeast			
<b>Description:</b> View looking at the installed rip rap, upstream of the culvert.			





# Photographic Log

<b>Client Name:</b> Division of Capital Asset Management and Maintenance		<b>Site Location:</b> 438 American Legion Highway Boston, Massachusetts	<b>Project No.</b> 01.0174917.00
<b>Photo No.</b> 5	<b>Date:</b> 4/14/21		
<b>Direction Photo Taken:</b> North			
<b>Description:</b> View upstream of culvert (left) at installed rip rap as brook is released, flooding the upstream work area.			

<b>Photo No.</b> 6	<b>Date:</b> 4/15/21		
<b>Direction Photo Taken:</b> West			
<b>Description:</b> View looking downstream from upstream side of the culvert following removal of the upstream aqua dam.			





**Attachment C – Abutter’s list**







**Canterbury Brook Culvert Sediment Removal Project  
City of Boston  
Abutter List  
Boston, Massachusetts**

**Owner**

Parcel: 1405198010  
Mass Audubon Society  
450 Walk Hill Street  
Dorchester, MA 02124

**Parcel: 1405199002**

Commonwealth of Massachusetts  
450 Canterbury Street  
Roslindale, MA 02131

**Parcel: 1405200000**

Commonwealth of Massachusetts  
430 Canterbur Street  
Roslindale, MA 02132

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

(to be submitted to Massachusetts Department of Environmental Protection and the Conservation Commission when filing a Notice of Intent)

I, Anthony Damiano, hereby certify under the pains and penalties of perjury that on August 19, 2021, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetlands Protection Act by the Division of Capital Asset Management and Maintenance with the City of Boston Conservation Commission on August 19, 2021, for property located at 438 American Legion Highway for removal of sediment and debris from Canterbury Brook and installation of riprap buttress at the Myerson Access Road culvert crossing, found adjacent to the City Soil composting facility. parking lot.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Anthony Damiano

8.19.2021

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Roslindale, MA 02131

**OFFICIAL USE**

Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.75
<b>Total Postage and Fees</b>	<b>\$7.20</b>



Sent To: Commonwealth of Massachusetts  
 Street: 430 Canterbury Street  
 City, St: Roslindale, MA 02132

7020 1810 0001 6101 0961

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Roslindale, MA 02131

**OFFICIAL USE**

Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.75
<b>Total Postage and Fees</b>	<b>\$7.20</b>



Sent To: Commonwealth of Massachusetts  
 Street: 450 Canterbury Street  
 City, St: Roslindale, MA 02131

7020 1810 0001 6101 0954

STATE OF: *Massachusetts*

COUNTY OF: *Suffolk*

**CERTIFICATE OF ACCURACY**

Leo Galperin on behalf of Language Connections, certifies:

1. That our translator(s) are familiar with both the **Haitian Creole** and the **English** languages.
2. That we have made the attached translation of the below mentioned original document(s) from **English** into **Haitian Creole** and hereby certify that the same is a true and complete translation to the best of our translator(s) knowledge, ability and belief.
3. Document name:
  - 1. Abutter Notification COVID-19 Form\_For Translation\_Amendment\_8.19.2021.docx

Signature:

*Leo Galperin*



**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. **Division of Capital Asset Management and Maintenance (DCAMM)** 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 **438 American Legion Highway, Boston MA 02126.**

C. The project has been completed. DCAMM is seeking an amendment and Certificate of Compliance to the Order of Conditions issued 3/18/2021 for stone placed within the streambed of Canterbury Brook to stabilize existing sediment following the permitted removal of sediment east and west of the culvert.

D. Copies of the Notice of Intent may be obtained by contacting the Boston Conservation Commission at [CC@boston.gov](mailto:CC@boston.gov).

E. Copies of the Notice of Intent may be obtained from **Susan Ruch** at [susan.ruch2@mass.gov](mailto:susan.ruch2@mass.gov) or **857 -204-1214** between the hours of **9 AM to 5 PM, Monday through 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](mailto: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](http://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](mailto: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  
Mayor Martin J. Walsh



City of Boston  
Environment

**AVI POU PWOPRIYETÈ KI GEN PWOPRIYETE KOLE AK LÒT YO  
BOSTON CONSERVATION COMMISSION (KOMISYON KONSÈVASYON BOSTON)**

Annakò avèk Lwa sou Pwoteksyon Zòn Imid nan Massachusetts (Massachusetts Wetlands Protection Act), Lwa Jeneral Massachusetts (Massachusetts General Laws) Chapit 131, Seksyon 40, ak Òdinans sou Zòn Marekaj nan Boston (Boston Wetlands Ordinance), n ap avize w antanke yon pwopriyetè ki gen pwopriyete kole ak lòt yo e ki asosye ak yon pwòje ki anrejistre avèk Boston Conservation Commission (Komisyon Konsèvasyon Boston) an.

A. **Division of Capital Asset Management and Maintenance (DCAMM)** depoze yon aplikasyon avèk Komisyon Konsèvasyon Boston (Boston Conservation Commission) kote l ap mande pèmision pou modifiye yon Zòn ki Ka Sijè a Pwoteksyon anba Lwa pou Pwoteksyon Zòn Marekaj (Wetlands Protection Act) (Lwa Jeneral Chapit 131, seksyon 40) ak Òdinans sou Zòn Imid nan Boston (Boston Wetlands Ordinance) yo.

B. Adrès sit kote aktivite y ap pwopoze a ye a se **438 American Legion Highway,**

**Boston, MA 02126**

C. Pwojè a fini. DCAMM ap chache yon amandman ak Sètifika Konfòmite pou Òdonans Kondisyon ki te sòti 18/3/2021 an pou wòch yo mete nan Canterbury Brook pou estabilize sediman ki ladann yo yo fin pèmèt retire sediman ki nan lès ak lwès kanivo a.

D. Ou ka jwenn kopi Avi Entansyon yo lè ou kontakte Komisyon Konsèvasyon nan Boston sou [CC@boston.gov](mailto:CC@boston.gov).

E. Ou ka jwenn kopi Avi Dentansyon an nan men **Susan Ruch**, [susan.ruch2@mass.gov](mailto:susan.ruch2@mass.gov) oswa **857-204-1214** ant 9 AM a 5PM, Lendi jiska Vandredi..

F. An akò avèk dekrè Egzekitif Commonwealth Massachusetts lan kap Sispann Sèten Dispozisyon Lwa sou Reyinyon Piblik yo, odyans piblik la pral fèt vityèlman sou sit entènèt sa <https://zoom.us/j/6864582044>. Si ou pa gen aksè a entènèt, ou ka patisipe nan telefòn. Rele (929) 205-6099, antre nimewo reyinyon an: 686 458 2044 # epi itilize # kòm ID patisipan ou.

G. Ou ka jwenn enfòmasyon konsènan dat ak lè odyans piblik la nan **Boston Conservation Commission (Komisyon Konsèvasyon Boston)** lè w voye yon imèl nan [CC@boston.gov](mailto:CC@boston.gov) oswa lè w rele nan **(617) 635-4416** ant **9 AM a 5 PM, Lendi jiska Vandredi.**

REMAKE: Y ap pibliye avi sou odyans piblik la, ansanm ak dat la, lè a ak ki kote l ap fèt, omwen senk (5) jou davans nan **Boston Herald**.

REMAKE: Y ap pibliye avi sou odyans piblik la, ansanm ak dat la, lè a ak ki kote l ap fèt, sou [www.boston.gov/public-notices](http://www.boston.gov/public-notices) ak nan Meri Boston (Boston City Hall) pa mwens ke karantuit (48) èdtan davans. Si w ta renmen pataje kòmantè w yo, ou kapab patisipe nan odyans piblik la oswa voye kòmantè w yo alekri nan [CC@boston.gov](mailto:CC@boston.gov) oswa nan Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201

REMAKE: Ou kapab kontakte Boston Conservation Commission (Komisyon Konsèvasyon Boston)

oswa Biwo Rejyonal Nòdès Depatman Pwoteksyon Anviwònman an pou plis enfòmasyon sou aplikasyon sa a oswa sou Lwa sou Pwoteksyon Zòn Imid yo (Wetlands Protection Act). Pou kontakte Depatman Pwoteksyon Anviwònman an (DEP), rele Rejyon Nòdès la nan: (978) 694-3200.

REMAKE: Si w gen lentansyon ale nan odyans piblik la e ou bezwen sèvis entèpretasyon, tanpri avize manm pèsònèl yo nan [CC@boston.gov](mailto:CC@boston.gov) avan 12 PM (Midi) jou anvan odyans lan.

**CITY of BOSTON**

1 CITY HALL SQUARE BOSTON, MA 02201-2021 | ROOM 709 | 617-635-3850 | [ENVIRONMENT@BOSTON.GOV](mailto:ENVIRONMENT@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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:cc@boston.gov) ou 617-635-3850.

French:

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**FINAL ORDER OF CONDITIONS**





City of Boston  
Environment



City of Boston  
Mayor Martin J. Walsh

March 18, 2021

Anthony Damiano  
GZA GeoEnvironmental  
249 Vanderbilt Ave  
Norwood, MA 02026

**CERTIFIED MAIL: 7015 1520 0002 7630 1662**

**RE: Notice of Intent for DEP File No. 006-1769 and BOS File No. 2021-006 from GZA GeoEnvironmental on behalf of the Division of Capital Asset Management and Maintenance for the proposed sediment and debris removal from Canterbury Brook located at 438 American Legion Highway, Mattapan, MA (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)**

Dear Mr. Damiano,

Pursuant to the Massachusetts Wetlands Protection Act, General Laws, Chapter 131, Section 40 and Boston Wetlands Ordinance, Boston City Code, Ordinances, Chapter 7-1.4, I have enclosed the Order of Conditions ("the Order") for the above referenced project. Please arrange to have the Order recorded at the Suffolk County Registry of Deeds in accordance with General Condition 9. Work on the project may not begin until the Boston Conservation Commission receives the completed Recording Information form.

In accordance with General Condition 12 of the Order, upon completion of the project a Request for a Certificate of Compliance (WPA Form 8A), must be filed with the Commission stating that the work has been satisfactorily completed. If the project filing included plans stamped by a registered professional engineer, architect, landscape architect or land surveyor a written statement by such professional must accompany the Certificate request confirming that the project has been completed in substantial compliance with the plans and the conditions of the Order.

**Please make certain that all contractors and workers involved in the project review the permit conditions as required. Please also ensure that the prior to construction requirements listed in the Order are satisfied prior to the start of work.**

If you should have any questions regarding the enclosed Order of Conditions you may contact Boston Conservation Commission Staff at [cc@boston.gov](mailto:cc@boston.gov) or 617-635-3850.

For the Commission,

Nicholas Moreno, Executive Director  
Boston Conservation Commission

Enclosure: WPA Form 5

cc: DEP NERO

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**CITY of BOSTON**

17



Massachusetts Department of Environmental Protection

## eDEP Transaction Copy

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **SMACARI**

Transaction ID: **1265715**

Document: **WPA Form 5 - OOC**

Size of File: **136.02K**

Status of Transaction: **In Process**

Date and Time Created: **3/18/2021:11:32:08 AM**

**Note:** This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.



2021 00030720  
Bk: 65048 Pg: 265 Page: 1 of 17  
Recorded: 03/22/2021 02:41 PM  
ATTEST: Stephen J. Murphy, Register  
Suffolk County Registry of Deeds

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

Provided by MassDEP:  
 MassDEP File #:006-1769  
 eDEP Transaction #:1265715  
 City/Town:BOSTON

**A. General Information**

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

**3. Applicant Details**

a. First Name SUSAN b. Last Name RUCH  
 c. Organization MA DIV CAPITAL ASSET MGNMT AND MAINTENANCE  
 d. Mailing Address 1 ASHBURTON PLACE, 15TH FLOOR  
 e. City/Town BOSTON f. State MA g. Zip Code 02108

**4. Property Owner**

a. First Name b. Last Name  
 c. Organization MASS AUDUBON BOSTON NATURE CENTER  
 d. Mailing Address 500 WALK HILL STREET  
 e. City/Town MATTAPAN f. State MA g. Zip Code 02126

**5. Project Location**

a. Street Address 438 AMERICAN LEGION HIGHWAY  
 b. City/Town BOSTON c. Zip Code 02126  
 d. Assessors 14 e. Parcel/Lot# 1405198010  
 Map/Plat#  
 f. Latitude 42.28983N g. Longitude 71.09998W

**6. Property recorded at the Registry of Deed for**

a. County b. Certificate c. Book d. Page  
 SUFFOLK 33333 333

**7. Dates**

a. Date NOI Filed : 2/3/2021 b. Date Public Hearing Closed: 2/17/2021 c. Date Of Issuance: 3/3/2021

**8. Final Approved Plans and Other Documents**

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
STAGING ACCESS AND EROSION CONTROL PLAN	GZA GEOENVIRONMENTAL	MATTHEW SMITH	03/2021	1=40
CULVERT CROSS SECTIONS AND DETAILS	GZA GEOENVIRONMENTAL	MATTHEW SMITH	03/2021	N/A

**B. Findings**

**1 Findings pursuant to the Massachusetts Wetlands Protection Act**

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

Check all that apply:

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

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

**Approved subject to:**

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

**Denied because:**

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

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

Inland Resource Area Impacts:(For Approvals Only):				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>1808</u> a. square feet	<u>1808</u> b. square feet	<u>1808</u> c. square feet	<u>1808</u> d. square feet
6. <input checked="" type="checkbox"/> Land under Waterbodies and Waterways	<u>1583</u> a. square feet	<u>1583</u> b. square feet	<u>266</u> c. square feet	<u>266</u> d. square feet
	<u>97.5</u> c. c/y dredged	<u>97.5</u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet



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8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	3901	3901		
Sq ft within 100 ft	a. total sq. feet	b. total sq. feet		
Sq ft between 100-200 ft	c. square feet	d. square feet	e. square feet	f. square feet
	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:**

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

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

11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		

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

13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
--	----------------	----------------	--------------------	--------------------

14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
--	----------------	----------------	--------------------	--------------------

15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
--	----------------	----------------	--	--

16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
--	----------------	----------------	--	--

17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
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18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		

19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
--	----------------	----------------	----------------	----------------

20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		

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21.  Land Subject to Coastal Storm Flowage

\_\_\_\_\_ a. square feet b. square feet

22.

Restoration/Enhancement (For Approvals Only)

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

\_\_\_\_\_ a. square feet of BVW

\_\_\_\_\_ b. square feet of Salt Marsh

23.

Streams Crossing(s)

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

\_\_\_\_\_ a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects**

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

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"  
[or 'MassDEP']  
File Number : "006-1769"

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

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

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- BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

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all applicable federal, state, and local laws and regulations.

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

**Special Conditions:**

SEE ATTACHED CONDITIONS

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

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

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

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

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

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

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

1. Municipal Ordinance or Bylaw BOSTON WETLANDS PROTECTION ORDINANCE

2. Citation BOSTON CITY CODE, ORDINANCES, CHAPTER 7-1.4

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

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



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Bureau of Resource Protection - Wetlands  
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000-1769  
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1265715  
eDEP Transaction #  
Boston  
City/Town

**E. Signatures**

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

03/08/2021  
1. Date of Issuance

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

5  
2. Number of Signers

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

DocuSigned by: <u>Michael Parker</u> EE8D3288BE9E4AF...	Michael Parker
Signature <u>Aldo Ghirin</u> DocuSigned by: FDD8DA2EBDD099...	Printed Name Aldo Ghirin
Signature <u>Anne Herbst</u> DocuSigned by: 9CC888138FC940E...	Printed Name Anne Herbst
Signature <u>Alice Richmond</u> DocuSigned by: 1CA22302A9084AE...	Printed Name Alice Richmond
Signature <u>John Sullivan</u> DocuSigned by: 7C89A68965584E2...	Printed Name John Sullivan
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

03/18/2021

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

**G. Recording Information**

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

BOSTON  
Conservation Commission

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

To:

BOSTON  
Conservation Commission

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

438 AMERICAN LEGION HIGHWAY  
Project Location

006-1769  
MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
for: _____		
Property Owner		

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

Book \_\_\_\_\_ Page \_\_\_\_\_

In accordance with the Order of Conditions issued on:

Date \_\_\_\_\_

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

Instrument Number \_\_\_\_\_

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

Document Number \_\_\_\_\_



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

Provided by MassDEP:  
MassDEP File #:006-1769  
eDEP Transaction #:1265715  
City/Town:BOSTON

---

Signature of Applicant

Rev. 4/1/2010

February 3, 2021

## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)

DEP File No. 006-1769 / BOS File No. 2020-006

20. The term "Applicant" as used in this Order of Conditions refers to the applicant, owner, any successor in interest or successor in control of the property, or assigns referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Boston Conservation Commission (hereinafter "the Commission") must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
22. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
23. A member of the Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order.
24. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Massachusetts Wetlands Protection Act (hereinafter "the Act").
26. 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 must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
27. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with these conditions and the Act. The Applicant will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
28. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
29. All project generated discharges, including stormwater, authorized by a NPDES permit, will be subject to the terms of the NPDES permit which is incorporated herein by reference pursuant to 310 CMR 10.03 (4). The Applicant must submit the NPDES permit to the Commission.
30. If applicable, the Applicant will submit the Water Quality Certificate issued by the Massachusetts Department of Environmental Protection, pursuant to Section 401 and 404 of the federal Clean Water Act, to the Commission. The terms of the Water Quality Certificate will be made part of this Order. In no case will they exempt the proponent from any other condition of this Order. If a conflict arises between requirements of this Order and the requirements of the Water Quality Certificate the Applicant will request an amendment of this Order to review the condition causing the conflict.
31. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas or 100-foot Buffer Zone (hereinafter "buffer zone") associated with those resource areas. Any equipment used in any wetland resource area or buffer zone that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be

February 3, 2021

## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
 Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)  
**DEP File No. 006-1769 / BOS File No. 2020-006**

- repaired outside of any wetland resource area or buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas or buffer zone. Equipment must not be re-fueled within any wetland resource areas.
32. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in the resource area, buffer zone or over the water. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watershed. The spent material should be containerized and disposed of properly.
  33. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at 617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Nicholas Moreno, Conservation Agent: [cc@boston.gov](mailto:cc@boston.gov)
  34. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein.
  35. Anti-degradation provisions of the Massachusetts Surface Water Quality Standards protect all waters including wetlands. The contractor must take all steps necessary to assure that the proposed activities will be conducted in a manner which will avoid violations of said standards.
  36. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
  37. All project related correspondence and submittals to the Commission regarding this Final Order must indicate the DEP File number: 006-1769 and BOS File number: 2021-006.

## Prior to Construction

38. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Said plans shall show all areas of temporary and permanent wetland resource area alteration and the location of any wetland restoration. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
39. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.

February 3, 2021

## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)

DEP File No. 006-1769 / BOS File No. 2020-006

40. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
41. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.
42. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.
43. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw wattles or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.
44. The contractor must submit a construction materials and equipment staging plan 30 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
45. Prior to construction, the Applicant must submit a landscaping plan for Commission Staff review and approval, detailing the use of native species within the resource area and their associated buffer zones. Said species must be listed as native in either "The Vascular Plants of Massachusetts: A County Checklist First Revision" or the USDA PLANTS Database.

## During Construction

46. The Applicant must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.
47. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
48. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.

February 3, 2021

## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)

**DEP File No. 006-1769 / BOS File No. 2020-006**

49. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
50. All practical best management practices must be implemented during in-water or waterside demolition/construction activities to minimize turbidity and other water quality impacts, including but not limited to a floating boom with an attached silt curtain to contain work areas. The silt curtain should be maintained in good operating condition, should rest on the mud line at all times, and should have adequate shore-line anchors, tie-downs or other mechanisms to ensure proper position and performance. Any visible plume of turbid water caused by project activity outside the area contained by the silt curtain will constitute inadequate performance and require immediate adjustment and/or repositioning of the curtain. Deployment of the curtain should occur in such a way that it will not interfere with water traffic. The boom may be removed when work directly requiring the use of a boom has been completed. The contractor must also have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet.
51. All project-related materials must be contained from migration into wetland resource areas and all practical precautions must be used during any water-based demolition/construction work. The Applicant and/or their contractor will be responsible for the removal of any project-related debris, material, machinery or equipment lost, dumped, thrown into, or otherwise entering any wetland resource area, regardless of whether it is within or outside of the project limits. The proponent must seek Commission approval for any remedial action involving substantial impacts to wetland resource areas.
52. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.
53. All sheet flow from areas where vehicles drive or park must be directed toward catch basins that meet BWSC Specifications.
54. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.
55. There may be no parking of contractor or laborer vehicles in any resource area or associated buffer zone without proper stormwater controls or best management practices installed.
56. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
57. There may be no overnight stockpiling or storage of construction material including unconsolidated material, piles, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the buffer zone, 25 feet of the inland bank, or the 100-year flood plain. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within resource areas or the buffer zone. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.

February 3, 2021

Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)  
DEP File No. 006-1769 / BOS File No. 2020-006

58. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs, noting turbidity conditions, occurrence of fish kills, debris removal from resource areas and evaluations of measures employed to reduce turbidity and other impacts to the water and wetland resources. The condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.
59. All land-side areas disturbed during construction must be stabilized as soon as possible upon completion of construction. Loaming and seeding should occur within (5 - 30) days of final grading. Disturbed resource areas landward of the high water line and buffer zone mark should be secured by a biodegradable erosion control mats while vegetation establishes. Barren areas should be stabilized with a temporary cover of rye or other grass if work on the project is interrupted for more than 30 days. If the season is not appropriate for plant growth, then exposed surfaces may be stabilized by straw, snow fence, or other U.S. Natural Resources Conservation Service - recommended methods. The Applicant or their contractor will ensure a mature cover of vegetation is established on previously disturbed or exposed areas.
60. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
61. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
62. All equipment and unconsolidated materials must be removed from areas subject to the 1% annual chance flood (100-year flood, Zone A) in advance of significant rainfall that will exceed the volume of a 2-year storm event.

**Additional Conditions**

63. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and signage details and any modifications or additions to the project, to Commission staff to determine if further Commission review is required.
64. All dredge spoils shall be dewatered and disposed of at an upland location, or as indicated in the plan approved by the Commission.
65. The removal of material from the brook bottom shall be done in such a manner as to ensure that the reconfigured bottom area will not impede or obstruct fish migration, or interfere with the natural flow of the brook.



Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

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Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

**Username: SMACARI**

**Transaction ID: 1265715**

**Document: WPA Form 5 - OOC**

**Size of File: 136.02K**

**Status of Transaction: In Process**

**Date and Time Created: 3/18/2021:11:32:08 AM**

**Note:** This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.

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

Provided by MassDEP:  
 MassDEP File #:006-1769  
 eDEP Transaction #:1265715  
 City/Town:BOSTON

**A. General Information**

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

**3. Applicant Details**

a. First Name SUSAN b. Last Name RUCH  
 c. Organization MA DIV CAPITAL ASSET MGNMT AND MAINTENANCE  
 d. Mailing Address 1 ASHBURTON PLACE, 15TH FLOOR  
 e. City/Town BOSTON f. State MA g. Zip Code 02108

**4. Property Owner**

a. First Name b. Last Name  
 c. Organization MASS AUDUBON BOSTON NATURE CENTER  
 d. Mailing Address 500 WALK HILL STREET  
 e. City/Town MATTAPAN f. State MA g. Zip Code 02126

**5. Project Location**

a. Street Address 438 AMERICAN LEGION HIGHWAY  
 b. City/Town BOSTON c. Zip Code 02126  
 d. Assessors Map/Plat# 14 e. Parcel/Lot# 1405198010  
 f. Latitude 42.28983N g. Longitude 71.09998W

**6. Property recorded at the Registry of Deed for:**

a. County	b. Certificate	c. Book	d. Page
SUFFOLK		33333	333

**7. Dates**

a. Date NOI Filed : 2/3/2021 b. Date Public Hearing Closed: 2/17/2021 c. Date Of Issuance: 3/3/2021

**8. Final Approved Plans and Other Documents**

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
STAGING ACCESS AND EROSION CONTROL PLAN	GZA GEOENVIRONMENTAL	MATTHEW SMITH	03/2021	1=40
CULVERT CROSS SECTIONS AND DETAILS	GZA GEOENVIRONMENTAL	MATTHEW SMITH	03/2021	N/A

**B. Findings**

**1. Findings pursuant to the Massachusetts Wetlands Protection Act**

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

Check all that apply:



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

Provided by MassDEP:  
 MassDEP File #:006-1769  
 eDEP Transaction #:1265715  
 City/Town:BOSTON

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

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

Approved subject to:

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

Denied because:

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

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

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

                      
a. linear feet

**Inland Resource Area Impacts:(For Approvals Only):**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u>                    </u> a. linear feet	<u>                    </u> b. linear feet	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>1808</u> a. square feet	<u>1808</u> b. square feet	<u>1808</u> c. square feet	<u>1808</u> d. square feet
6. <input checked="" type="checkbox"/> Land under Waterbodies and Waterways	<u>1583</u> a. square feet	<u>1583</u> b. square feet	<u>266</u> c. square feet	<u>266</u> d. square feet
	<u>97.5</u> e. c/y dredged	<u>97.5</u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet	<u>                    </u> g. cubic feet	<u>                    </u> h. cubic feet

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:

MassDEP File #:006-1769

eDEP Transaction #:1265715

City/Town:BOSTON

8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	a. square feet	b. square feet		
Cubic Feet Flood Storage	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>3901</u>	<u>3901</u>		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:**

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

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

11.  Land Under the Ocean

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

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

13.  Coastal Beaches

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

14.  Coastal Dunes

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

15.  Coastal Banks

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

16.  Rocky Intertidal Shores

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

17.  Salt Marshes

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

18.  Land Under Salt Ponds

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

19.  Land Containing Shellfish

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

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

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

**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
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Provided by MassDEP:  
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eDEP Transaction #:1265715  
City/Town:BOSTON

21.  Land Subject to Coastal Storm Flowage  
\_\_\_\_\_ a. square feet b. square feet

22. \_\_\_\_\_

Restoration/Enhancement (For Approvals Only)

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

\_\_\_\_\_ a. square feet of BVW \_\_\_\_\_ b. square feet of Salt Marsh

23. \_\_\_\_\_

Streams Crossing(s)

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

\_\_\_\_\_ a. number of new stream crossings \_\_\_\_\_ b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects**

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

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Provided by MassDEP:

MassDEP File #:006-1769

eDEP Transaction #:1265715

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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or 'MassDEP']

File Number : "006-1769"

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

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order(the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period

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BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with

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all applicable federal, state, and local laws and regulations.

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

**Special Conditions:**

SEE ATTACHED CONDITIONS

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

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

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

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

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

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

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

1. Municipal Ordinance or Bylaw BOSTON  
WETLANDS  
PROTECTION  
ORDINANCE

2. Citation BOSTON CITY CODE,  
ORDINANCES, CHAPTER  
7-1.4

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

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



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**E. Signatures**

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

03/03/2021  
1. Date of Issuance

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

5  
2. Number of Signers

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

Signature	<small>DocuSigned by:</small> <u>Michael Parker</u> <small>EE8D3288E9E4AF...</small>	Printed Name	<u>Michael Parker</u>
Signature	<small>DocuSigned by:</small> <u>Aldo Ghirin</u> <small>FDD8DAZEBED0499...</small>	Printed Name	<u>Aldo Ghirin</u>
Signature	<small>DocuSigned by:</small> <u>Anne Herbst</u> <small>5C3B8A28F6740E...</small>	Printed Name	<u>Anne Herbst</u>
Signature	<small>DocuSigned by:</small> <u>Alice Richmond</u> <small>1CA22302A9984AE...</small>	Printed Name	<u>Alice Richmond</u>
Signature	<small>DocuSigned by:</small> <u>John Sullivan</u> <small>7C86A68965564E2...</small>	Printed Name	<u>John Sullivan</u>
Signature		Printed Name	
Signature		Printed Name	
Signature		Printed Name	

by hand delivery on

by certified mail, return receipt requested, on

Date

03/18/2021  
Date



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

**G. Recording Information**

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

BOSTON  
 Conservation Commission

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

To:

BOSTON  
 Conservation Commission

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

<u>438 AMERICAN LEGION HIGHWAY</u>	<u>006-1769</u>
Project Location	MassDEP File Number

Has been recorded at the Registry of Deeds of:

County	Book	Page
for:		
<u>Property Owner</u>		

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

<u>Book</u>	<u>Page</u>
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In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

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Signature of Applicant

Rev. 4/1/2010

February 3, 2021

## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway

Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)

DEP File No. 006-1769 / BOS File No. 2020-006

20. The term "Applicant" as used in this Order of Conditions refers to the applicant, owner, any successor in interest or successor in control of the property, or assigns referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Boston Conservation Commission (hereinafter "the Commission") must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
22. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
23. A member of the Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order.
24. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Massachusetts Wetlands Protection Act (hereinafter "the Act").
26. 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 must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
27. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with these conditions and the Act. The Applicant will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
28. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
29. All project generated discharges, including stormwater, authorized by a NPDES permit, will be subject to the terms of the NPDES permit which is incorporated herein by reference pursuant to 310 CMR 10.03 (4). The Applicant must submit the NPDES permit to the Commission.
30. If applicable, the Applicant will submit the Water Quality Certificate issued by the Massachusetts Department of Environmental Protection, pursuant to Section 401 and 404 of the federal Clean Water Act, to the Commission. The terms of the Water Quality Certificate will be made part of this Order. In no case will they exempt the proponent from any other condition of this Order. If a conflict arises between requirements of this Order and the requirements of the Water Quality Certificate the Applicant will request an amendment of this Order to review the condition causing the conflict.
31. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas or 100-foot Buffer Zone (hereinafter "buffer zone") associated with those resource areas. Any equipment used in any wetland resource area or buffer zone that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be

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## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway

Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)

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repaired outside of any wetland resource area or buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas or buffer zone. Equipment must not be re-fueled within any wetland resource areas.

32. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in the resource area, buffer zone or over the water. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watershed. The spent material should be containerized and disposed of properly.
33. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at 617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Nicholas Moreno, Conservation Agent: [cc@boston.gov](mailto:cc@boston.gov)
34. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein.
35. Anti-degradation provisions of the Massachusetts Surface Water Quality Standards protect all waters including wetlands. The contractor must take all steps necessary to assure that the proposed activities will be conducted in a manner which will avoid violations of said standards.
36. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
37. All project related correspondence and submittals to the Commission regarding this Final Order must indicate the DEP File number: 006-1769 and BOS File number: 2021-006.

**Prior to Construction**

38. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Said plans shall show all areas of temporary and permanent wetland resource area alteration and the location of any wetland restoration. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
39. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.

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## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)  
DEP File No. 006-1769 / BOS File No. 2020-006

40. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
41. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.
42. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.
43. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw wattles or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.
44. The contractor must submit a construction materials and equipment staging plan 30 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
45. Prior to construction, the Applicant must submit a landscaping plan for Commission Staff review and approval, detailing the use of native species within the resource area and their associated buffer zones. Said species must be listed as native in either "The Vascular Plants of Massachusetts: A County Checklist First Revision" or the USDA PLANTS Database.

#### During Construction

46. The Applicant must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.
47. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
48. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.

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## Attachment – Special Conditions

Division of Capital Asset Management and Maintenance, Sediment and debris removal, 438 American Legion Highway  
Mattapan, Canterbury Brook (Inland Bank, BVW, LUWW, Riverfront Area, Waterfront Area, 100ft Buffer to Inland Bank, 100ft Buffer to BVW)

**DEP File No. 006-1769 / BOS File No. 2020-006**

49. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
50. All practical best management practices must be implemented during in-water or waterside demolition/construction activities to minimize turbidity and other water quality impacts, including but not limited to a floating boom with an attached silt curtain to contain work areas. The silt curtain should be maintained in good operating condition, should rest on the mud line at all times, and should have adequate shore-line anchors, tie-downs or other mechanisms to ensure proper position and performance. Any visible plume of turbid water caused by project activity outside the area contained by the silt curtain will constitute inadequate performance and require immediate adjustment and/or repositioning of the curtain. Deployment of the curtain should occur in such a way that it will not interfere with water traffic. The boom may be removed when work directly requiring the use of a boom has been completed. The contractor must also have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet.
51. All project-related materials must be contained from migration into wetland resource areas and all practical precautions must be used during any water-based demolition/construction work. The Applicant and/or their contractor will be responsible for the removal of any project-related debris, material, machinery or equipment lost, dumped, thrown into, or otherwise entering any wetland resource area, regardless of whether it is within or outside of the project limits. The proponent must seek Commission approval for any remedial action involving substantial impacts to wetland resource areas.
52. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.
53. All sheet flow from areas where vehicles drive or park must be directed toward catch basins that meet BWSC Specifications.
54. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.
55. There may be no parking of contractor or laborer vehicles in any resource area or associated buffer zone without proper stormwater controls or best management practices installed.
56. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
57. There may be no overnight stockpiling or storage of construction material including unconsolidated material, piles, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the buffer zone, 25 feet of the inland bank, or the 100-year flood plain. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within resource areas or the buffer zone. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.

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58. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs, noting turbidity conditions, occurrence of fish kills, debris removal from resource areas and evaluations of measures employed to reduce turbidity and other impacts to the water and wetland resources. The condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.
59. All land-side areas disturbed during construction must be stabilized as soon as possible upon completion of construction. Loaming and seeding should occur within (5 - 30) days of final grading. Disturbed resource areas landward of the high water line and buffer zone mark should be secured by a biodegradable erosion control mats while vegetation establishes. Barren areas should be stabilized with a temporary cover of rye or other grass if work on the project is interrupted for more than 30 days. If the season is not appropriate for plant growth, then exposed surfaces may be stabilized by straw, snow fence, or other U.S. Natural Resources Conservation Service - recommended methods. The Applicant or their contractor will ensure a mature cover of vegetation is established on previously disturbed or exposed areas.
60. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
61. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
62. All equipment and unconsolidated materials must be removed from areas subject to the 1% annual chance flood (100-year flood, Zone A) in advance of significant rainfall that will exceed the volume of a 2-year storm event.

**Additional Conditions**

63. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and signage details and any modifications or additions to the project, to Commission staff to determine if further Commission review is required.
64. All dredge spoils shall be dewatered and disposed of at an upland location, or as indicated in the plan approved by the Commission.
65. The removal of material from the brook bottom shall be done in such a manner as to ensure that the reconfigured bottom area will not impede or obstruct fish migration, or interfere with the natural flow of the brook.