

TO: Nicholas Moreno, City of Boston Conservation Commission
FROM: Crane Ledge Woods Coalition
DATE: August 20, 2021
SUBJ: WPA Form 1 - Request for Determination of Applicability: Rev 01
990 American Legion Highway

Dear Mr. Moreno.

Thank you for the timely response to our initial filing of the Wetlands Protection Act Request for Determination of Applicability dated August 9, 2021 for parcels in District 5, City of Boston: 1807234350, 1807318100, 1807321100 relative to the proposed development at 990 American Legion Highway.

Please find attached our revised filing for Conservation Commission consideration at the hearing scheduled for Wednesday, September 1, 2021. We believe this revised filing is complete under state Wetland Protection Act requirements.

Please note that we are not seeking a determination at this time under the City of Boston Local Wetlands Ordinance.

We recommend and request that the Conservation Commission engage a qualified wetland scientist or firm to evaluate whether jurisdictional resources exist at the 990 American Legion Highway site, and that this independent evaluation be paid for under Commission funds dedicated for natural resource review.

The subject site is located within an environmental justice neighborhood at risk from the adverse impacts of natural resource losses. The Conservation Commission may appropriately expend these designated funds to pay for the resource determination.

As part of this assessment of Commission jurisdiction and City commitment to inclusive, transparent stakeholder engagement, we request:

- That the Coalition receive notice from the Commission of any site visit scheduled as part of the Request for Determination of Applicability;
- That the Commission provide the Coalition its adopted guidelines for site visits, if such guidelines exist. We note that MassDEP has standard and beneficial site visit protocols in place.

Thank you for your past and continuing work with the Coalition and all parties in this matter.



WPA Form 1- Request for Determination of Applicability

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

REV 01: 8/20/2021

A. General Information

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



1. Applicant:

CRANE LEDGE WOODS COALITION

Name

craneledgeinfo@gmail.com
E-Mail Address

P.O. BOX 366158

Mailing Address

HYDE PARK

City/Town

MA

State

02136

Zip Code

617-690-7848

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

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

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

N/A

Name of Municipality

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



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Rev 01:08/20/2021

C. Project Description

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

990 AMERICAN LEGION HWY BOSTON

Street Address

City/Town

N/A

PLEASE SEE LIST BELOW b.

Assessors Map/Plat Number

Parcel/Lot Number

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

FOR A NATURAL AREA IN THE CITY OF BOSTON,
CONSISTING OF:

PARCEL ID:	SQ FT
1807234350	40,863
1807318100	60,984
1807321100	515,315

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

SITE PLAN FIGURE 1-4

4 JUNE 2021

Title

Date

Title

Date

Title

Date

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

FOR REFERENCED PARCELS in C.1.b, ON LAND OWNED BY NEW COVENANT CHRISTIAN CTR per CITY OF BOSTON RECORDS, A PROJECT DESCRIBED AS:

A "RESIDENTIAL NEIGHBORHOOD APARTMENT COMMUNITY" AND FURTHER DESCRIBED in a FILING DATED 4 JUNE 2021 WITH THE BOSTON PLANNING AND DEVELOPMENT AGENCY. PLEASE SEE ALSO SITE PLAN FIGURE 1-4 (C.1.c)

NARRATIVE DESCRIPTION: THIS WPA-1 IS A REQUEST THAT THE CONSERVATION COMMISSION DETERMINE WHETHER THE REFERENCED AREA and/or THE REFERENCED WORK IS SUBJECT TO THE WETLANDS PROTECTION ACT.



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REV 01; 8/20/2021

C. Project Description (cont.)

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

N/A

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

N/A

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

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

N/A



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REV 01; 08/20/2021

D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

MAILED TO:

NEW COVENANT CHRISTIAN CTR

Name
1500 BLUE HILL AVENUE

Mailing Address
MATTAPAN

City/Town
MA

State
02126

Zip Code

Signatures:

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

Lolita Jackson

Signature of Applicant

08/20/2021

Date

-

Signature of Representative (if any)

Date

ALSO MAILED TO:

CITY OF BOSTON CONSERVATION COMMISSION
CITY HALL, ROOM 709
BOSTON, MA 02201

MASS DEPT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE
205B LOWELL ST.
WILMINGTON, MA 01887

LEGEND

- 1 RESIDENTIAL BUILDING
- 2 CLUBHOUSE BUILDING
- 3 CLUBHOUSE POOL & POOL DECK
- 4 SURFACE PARKING (TYP)
- 5 PEDESTRIAN WALKWAY (TYP)
- 6 ENHANCED PLANTED AREA (TYP)
- 7 LAWN (TYP)
- 8 STREET TREE (TYP)
- 9 PAVED BUIEER
- 10 LANDSCAPE BUFFER
- 11 TRASH COMPACTOR
- 12 MAIN ENTRY DRIVE
- 13 TRAIL SYSTEM
- 14 PLAYGROUND
- 15 OUTDOOR MEETING SPACE
- 16 DOG RUN
- 17 PLAYING FIELD



990 American Legion Highway Boston, Massachusetts

LandDesign.

Figure 1-4
Site Plan

**SUBJ: WPA Form 1 - Request for Determination of Applicability: Rev 01
990 American Legion Highway**

Rev 01 Update on Items Listed:

BCC01. WPA Form 1 Section C(1)(c) indicates that no plans are applicable to the request. Section B(1) requests the Commission to determine whether the area shown on the plans accompanying the request is subject to their jurisdiction. Please update the form with the appropriate plan reference. **Instructions for Completing Application WPA Form 1 – Request for Determination of Applicability, Boston Wetlands Regulations, Section VI(A)(1) & Boston Conservation Commission Filing Guide (incorporated into the Regulations by reference)**

PLAN REFERENCE INCLUDED IN SEC. C(1)(c).

BCC02. We will need evidence that the property owner has been notified that the RDA has been filed. **310 CMR 10.05(3)(a)(3) & Boston Wetlands Regulations, Section VI(A)(3)**

EVIDENCE PROVIDED VIA SIGNED VERIFICATION & USPO RECEIPT OF MAILING.

BCC03. A filing fee of \$425 is required for this request as well (\$100 up to 1 acre + \$25 for each additional acre). **Boston Wetlands Regulations, Section VII(B)(1) & Boston Conservation Commission Filing Guide (incorporated into the Regulations by reference)**

NOT REQUIRED UNDER WPA. APPLICANT TO PAY FOR PUBLIC NOTICE PUBLICATION.

BCC04. We will need a copy of the 300ft Abutters List, a signed Affidavit of Service, a copy of the English Abutter Notification, a copy of the translated Abutter Notification, translation certification, and a copy of the babel notice. **Boston Wetlands Regulations, Section VI(A)(2), Boston Wetlands Regulations, Section VI(E), & Boston Conservation Commission Filing Guide (incorporated into the Regulations by reference)**

NOT REQUIRED UNDER WPA.

BCC05. We will need a narrative describing what is being requested of the Commission, which resource areas you are seeking a determination on, and evidence supporting the presence of wetlands. We will also need the wetland determination sheets completed by a certified wetland scientist. **Instructions for Completing Application WPA Form 1 – Request for Determination of Applicability, Boston Wetlands Regulations, Section VI(A)(1) & Boston Conservation Commission Filing Guide (incorporated into the Regulations by reference)**

THE PURPOSE OF THE WPA FORM 1 FILING IS TO INITIATE AND COMPLETE THE REFERENCED DETERMINATION. AS NOTED, APPLICANT REQUESTS THAT THE COMMISSION COMPLETE THE ON-SITE EVALUATION VIA A QUALIFIED WETLAND SCIENTIST OR FIRM.

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BCC06. We will also need any stormwater engineering calculations to support the presence of ponding wetland resource areas. **Boston Wetlands Regulations, Section VI(A)(1) & Boston Conservation Commission Filing Guide (incorporated into the Regulations by reference)**

PLEASE SEE BCC05 ABOVE.

BCC07. The existing conditions plan set was not signed and stamped by the surveyor nor did it detail any wetland resources present on-site. We will need a stamped plan set. **Boston Wetlands Regulations, Section VI(A)(1) & Boston Conservation Commission Filing Guide (incorporated into the Regulations by reference)**

THE EXISTING CONDITIONS PLAN SET WAS PREPARED BY THE 990 AMERICAN LEGION HIGHWAY PROJECT PROPONENT.

IF A STAMPED PLAN SET IS REQUIRED TO COMPLETE A REQUEST FOR DETERMINATION OF APPLICABILITY UNDER THE WETLANDS PROTECTION ACT, THE COMMISSION MAY REQUIRE THAT THE PROPONENT PREPARE.

Sales Receipt

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Jamaica Plain, MA 02130 US
+1 6179832679
info@freshcopyjp.com

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FC POS

SALES #	DATE
32075	08/20/2021

PMT METHOD
Cash

ACTIVITY	QTY	RATE	AMOUNT
TaxableFC:Copy B&W retail Black & White copy/print	24	0.16	3.84T
TaxableFC:Copy Color retail Color copy/print	8	0.75	6.00T
NontaxableFC:Service Fee	1	1.00	1.00

Thanks for your business!

SUBTOTAL	10.84
TAX	0.62
TOTAL	11.46
BALANCE DUE	\$0.00

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
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Total Postage and Fees	\$4.80



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 1500 BLUE HILL AVE
 City, State, ZIP+4®
 MATTAPAN MA 02126
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
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Postage	\$1.20
Total Postage and Fees	\$4.80



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 CITY OF BOSTON CONSERVATION COMMISSION
 Street and Apt. No., or PO Box No.
 CITY HALL, ROOM 709
 City, State, ZIP+4®
 BOSTON, MA 02201
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Total			\$4.80
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Tracking #:			70203160000197780026
Total			\$4.80
Total:			\$14.40
Card Remitted			\$14.40

TO: Nicholas Moreno, City of Boston Conservation Commission
FROM: Crane Ledge Woods Coalition
DATE: September 1, 2021
SUBJ: WPA Form 1 -Request for Determination of Applicability: Rev 01
990 American Legion Highway

Dear Mr. Moreno:

Crane Ledge Woods Coalition has filed a revised Request for Determination of Applicability with the Conservation Commission for 3 parcels in District 5, City of Boston relative to the proposed development at 990 American Legion Highway.

We are not seeking a determination at this time under the City's Local Wetlands Ordinance, and believe this revised filing is complete under state Wetland Protection Act requirements.

Commission staff has requested any further information which might assist the Commission in its consideration of the RDA.

We bring to the Commission's attention a video about Crane Ledge Woods publicly posted on the internet. If we locate additional publicly available information of value we will forward it to the Commission in a timely way in advance of a scheduled hearing on the RDA.

The video appears to document Crane Ledge Woods natural resources, including footage starting at 5:40 providing possible evidence of wetland plants and areas of standing and flowing water: <https://www.youtube.com/watch?v=WlUdAH5mKlg>

CLWC cannot attest to any further details of this video, but it does appear to provide threshold evidence of possible jurisdictional resources on the site which the Commission has means and authority to access and evaluate under an RDA.

We can also provide a site map annotated by CLWC to suggest several possible areas for field investigation based on topography and elevation contour lines. Direct evaluation of the entire site by a qualified wetlands scientist is needed for Commission action on the RDA.

We understand that the Commission has an approved budget line item for such independent, technical assistance, and we suggest that investigation of whether resources under Commission jurisdiction exist on a large section of natural land in an environmental justice neighborhood in Boston is a reasonable and appropriate use of these funds.

As you likely know, natural assets within environmental justice neighborhoods in Boston and across our nation have a long history of devaluation by government agencies - a pattern which the Commission's timely action at Crane Ledge Woods can help address.

Thank you for your past and continuing work with the Coalition and all parties in this matter.

TO: Nicholas Moreno, City of Boston Conservation Commission
FROM: Crane Ledge Woods Coalition
DATE: September 3, 2021
SUBJ: WPA Form 1 -Request for Determination of Applicability: Rev 01
990 American Legion Highway: Memo 03

Dear Mr. Moreno:

Crane Ledge Woods Coalition is providing the following supplemental information to assist the Conservation Commission in its consideration of the RDA revision filed on August 20, 2021 for 3 parcels in District 5, City of Boston relative to the proposed development at 990 American Legion Highway:

1. A site base map annotated by CLWC to suggest several possible areas for field investigation based on topography and elevation contour lines.
2. Screen Shots from the video posted on the internet, appearing to show representative areas of the 990 American Legion Highway site with threshold evidence of possible jurisdictional resources which the Commission has means and authority to access and evaluate under an RDA.

The shots provide possible evidence of wetland plants and areas of standing and flowing water: <https://www.youtube.com/watch?v=WlUdAH5mKJg>

3. Through discussion with MassAudubon, CLWC is able to offer the Commission an option for independent, expert evaluation of the site as part of the RDA process. Specifics can be considered further at the Commission's earliest convenience.

Any site visit associated with the RDA will need to be via an administrative inspection warrant obtained by the Commission or with the owner's written consent.

Thank you for your past and continuing work with the Coalition and all parties in this matter.

990 American Legion Hwy Site Plan Showing Possible Jurisdictional Resources















