

Boston, MA

Playground Relocation at Paul Revere Park

February 2019

NOTICE OF INTENT



315 Norwood Park South
2nd Floor
Norwood, Massachusetts 02062
781.255.1982
www.BETA-Inc.com

Playground Relocation at Paul Revere Park

Boston, Massachusetts

NOTICE OF INTENT

Prepared by: **BETA GROUP, INC.**
Prepared for: Massachusetts

February 2019

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NOI Forms - WPA Form 3



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

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):

<u>Paul Revere Park, Warren Avenue</u>	<u>Boston</u>	<u>02129</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42°22'10.6"N</u>	<u>71°03'44.3"W</u>
	d. Latitude	e. Longitude
<u>0203966000</u>	<u>0203966000</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Ruth</u>	<u>Helfeld</u>	
a. First Name	b. Last Name	
<u>Massachusetts Department of Conservation and Recreation</u>		
c. Organization		
<u>251 Causeway Street, Suite 600</u>		
d. Street Address		
<u>Boston</u>	<u>MA</u>	<u>02114</u>
e. City/Town	f. State	g. Zip Code
<u>617-626-1375</u>	<u>617-626-1349</u>	<u>ruth.helfeld@state.ma.us</u>
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Joseph</u>	<u>Freeman</u>	
a. First Name	b. Last Name	
<u>BETA Group, Inc.</u>		
c. Company		
<u>315 Norwood Park South</u>		
d. Street Address		
<u>Norwood</u>	<u>MA</u>	<u>02062</u>
e. City/Town	f. State	g. Zip Code
<u>781-255-1982</u>	<u>781-255-1974</u>	<u>JFreeman@BETA-Inc.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Relocation of Paul Revere Park playground in Bordering Land Subject to Flooding and 100-foot Buffer Zone to Bank

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:

a. County

b. Certificate # (if registered land)

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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bordering Land Subject to Flooding and Isolated Land Subject to Flooding.

- f. Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland
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: square feet

4. Proposed alteration of the Riverfront Area:
a. total square feet b. square feet within 100 ft. 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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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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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

- 1. 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.

- 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**

- 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*

- 1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

- 2. Assessor's Map or right-of-way plan of site

- 2. 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 <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/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.



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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). 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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; 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:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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.



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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.



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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.

Paul Revere Park Playground

a. Plan Title

BETA Group, Inc.

b. Prepared By

February 18, 2019

d. Final Revision Date

Scott Ridder, RLA

c. Signed and Stamped by

varies

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:

2. Municipal Check Number

exempt

4. State Check Number

6. Payor name on check: First Name

3. Check date

5. Check date

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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Document Transaction Number


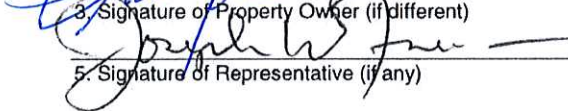
Boston

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	2. Date
	2-19-19
3. Signature of Property Owner (if different)	4. Date
	2/19/18
5. Signature of Representative (if any)	6. Date
	2/18/19

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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1 - b.) site work without a house	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$110

Step 6/Fee Payments:

Total Project Fee:	\$110
State share of filing Fee:	\$42.50
City/Town share of filing Fee:	\$67.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Abutter Notification and Abutter Listing

NOTIFICATION TO ABUTTERS **Under the Massachusetts Wetlands Protection Act**

In accordance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following proposed project:

The Massachusetts Department of Conservation and Recreation has filed a Notice of Intent (NOI) with the Boston Conservation Commission for **the Relocation of the Playground at Paul Revere Park** on **February 20, 2019** under the Massachusetts Wetlands Protection Act (M.G.L. c.131 § 40).

Copies of the Notice of Intent may be examined during regular office hours at **BETA Group, Inc., 315 Norwood Park South, 2nd Floor, Norwood, MA, 02062 (781) 255-1982.**

Copies may also be examined during regular office hours at the Boston Environment Department, 1 City Hall Square, Room 709, Boston, MA, 02201 (617) 635-3850.

Notice of the public hearing including the date, time and place will be published at least five (5) days in advance in the ***Boston Herald***.

Notice of the public hearing including the date, time and place will be posted in the Boston City Hall at least forty eight (48) hours in advance in the public hearing.

The **public hearing** will be held on **March 6, 2019 at 6:00 PM**, in the Boston City Hall, Piemonte Room on the 5th floor of City Hall which is located at 1 City Hall Square in Boston. Please call the Conservation Commission offices at (617) 635-3850 if you have any questions.

You may also contact the Massachusetts Department of Environmental Protection, Northeast Regional Office, Wilmington, MA at (978) 694-3200.

Boston, Massachusetts

Abutters Listing

OWNER	ADDRESSEE	MLG_ADDRESS	MLG_CITYSTATE	MLG_ZIPCODE
COMMONWEALTH OF MASS		WARREN AV	CHARLESTOWN MA	02129
COMMONWEALTH OF MASS		AUSTIN ST	CHARLESTOWN MA	02129
COMMONWEALTH OF MASS		WARREN AV	CHARLESTOWN MA	02129

Notice of Intent Narrative

1.0 NOTICE OF INTENT NARRATIVE

BETA Group, Inc. (BETA) has prepared this Notice of Intent on behalf of the Massachusetts Department of Conservation and Recreation (DCR) under the provisions of the Massachusetts Wetlands Protection Act and the Massachusetts Wetlands Regulations.

1.1 PROJECT DESCRIPTION

The project area, shown in Figure 1, is located at Paul Revere Park on the north bank of the Charles River in Charlestown. The project site is located to the west of the pathway crossing the Charles River Dam. An aerial view of the project site with respect to the existing playground location is shown in Figure 2.

The purpose of the project is to relocate the existing playground at the park to a new location, farther away from North Washington Street. Construction of the replacement of the North Washington Street Bridge requires the installation of a temporary bridge parallel to and west of the existing North Washington Street Bridge, affecting the existing playground.

The project will result in a de minimis increase of impervious surface within the project limits and will result in an improvement in the quality of stormwater runoff from the site.

1.2 WETLAND RESOURCE AREAS

The project site was reviewed for the presence of jurisdictional wetland resource areas within 100 feet. Three regulated wetland resource areas, regulated under the Massachusetts Wetlands Protection Act exist in the project area.

1.2.1 BANK (NATURALLY OCCURRING BANKS AND BEACHES)

As defined and described in 310 CMR 10.54(2), a Bank is "...the portion of the land surface which normally abuts and confines a water body" and, as in this case, can occur between a water body and an area of upland. Banks may be comprised of "...exposed soil, gravel, or stone."

The top of the bank was determined to be the top of the stone and/or concrete wall along the river edge. The wall is vertical and there is a clearly defined break in slope at the top of the wall as shown in Photo 1 in section 3.0. As noted in 310 CMR 10.54(2)(c), the "upper boundary of a Bank is the first observable break in slope or the mean annual flood level, whichever is lower." In this case, we have conservatively assumed that the top of the Bank is the landward boundary of the jurisdictional resource area.

No flagging of the top of the bank was performed in the field; the topographic survey for the project area verifies the clear break in slope at the top of the stone bank which is consistent in elevation throughout the project area.

1.2.2 BORDERING LAND SUBJECT TO FLOODING

The 1% Annual Chance (100-year) Floodplain associated with the Charles River encompasses a portion of the project site. (Figure 3). Elevation 10 (North American Vertical Datum of 1988) is identified as the flood zone boundary on the Flood Insurance Rate Maps for the project area (Maps 25025C0014J and 25025C0018J, dated 3/16/2016). This area is considered Bordering Land Subject to Flooding under the Act and the Wetlands Regulations.

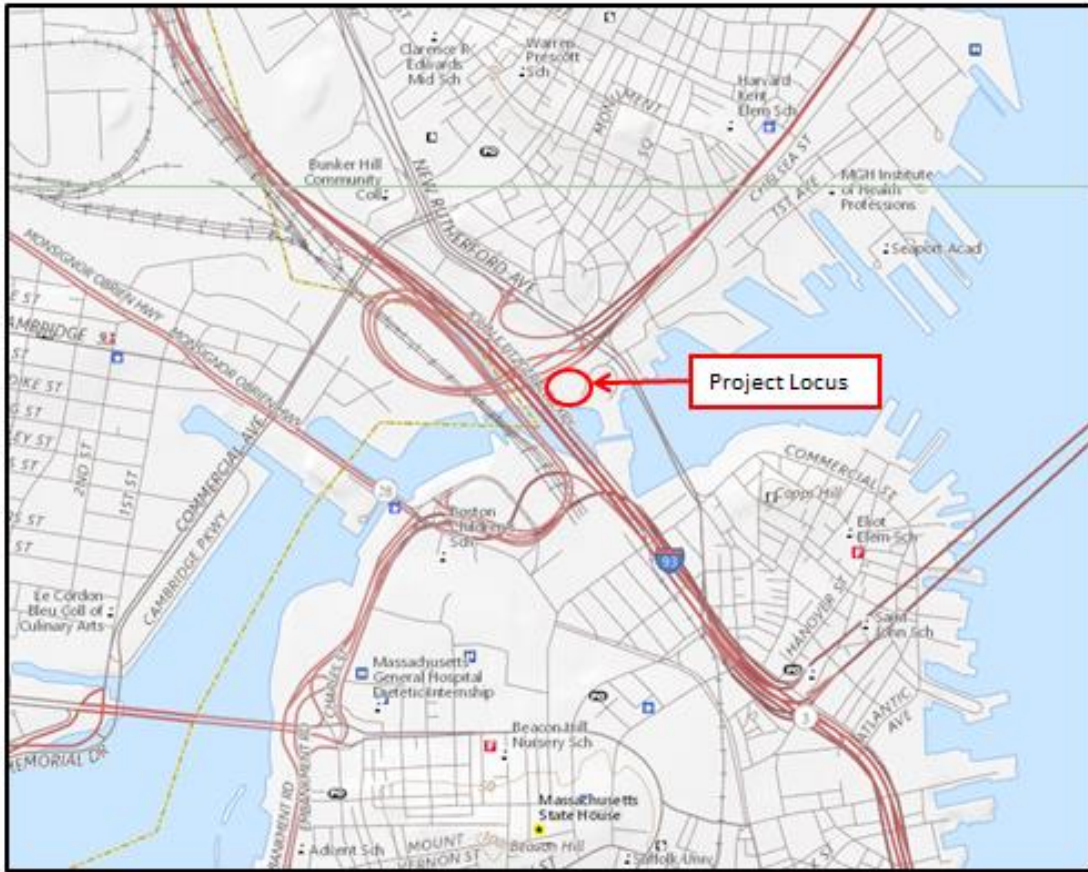


Figure 1. Project Locus

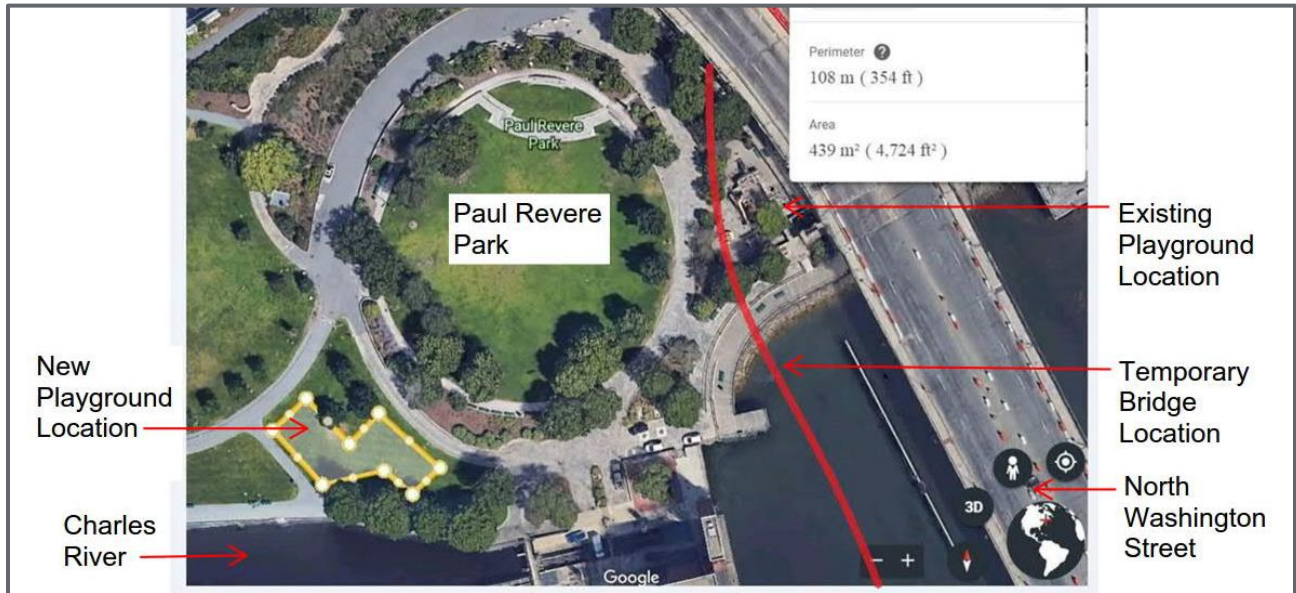


Figure 2. Aerial View of Project Site

Boston, Massachusetts

1.2.3 RIVERFRONT AREA

The Riverfront Area extends 25-feet inland from the top of the bank of the Charles River. No work will be required within the Riverfront Area.

1.3 BUFFER ZONE

The jurisdictional 100-foot Buffer Zone in the project area is regulated under the WPA and extends from the landward limit of the stone and concrete vertical Bank along the Charles River.

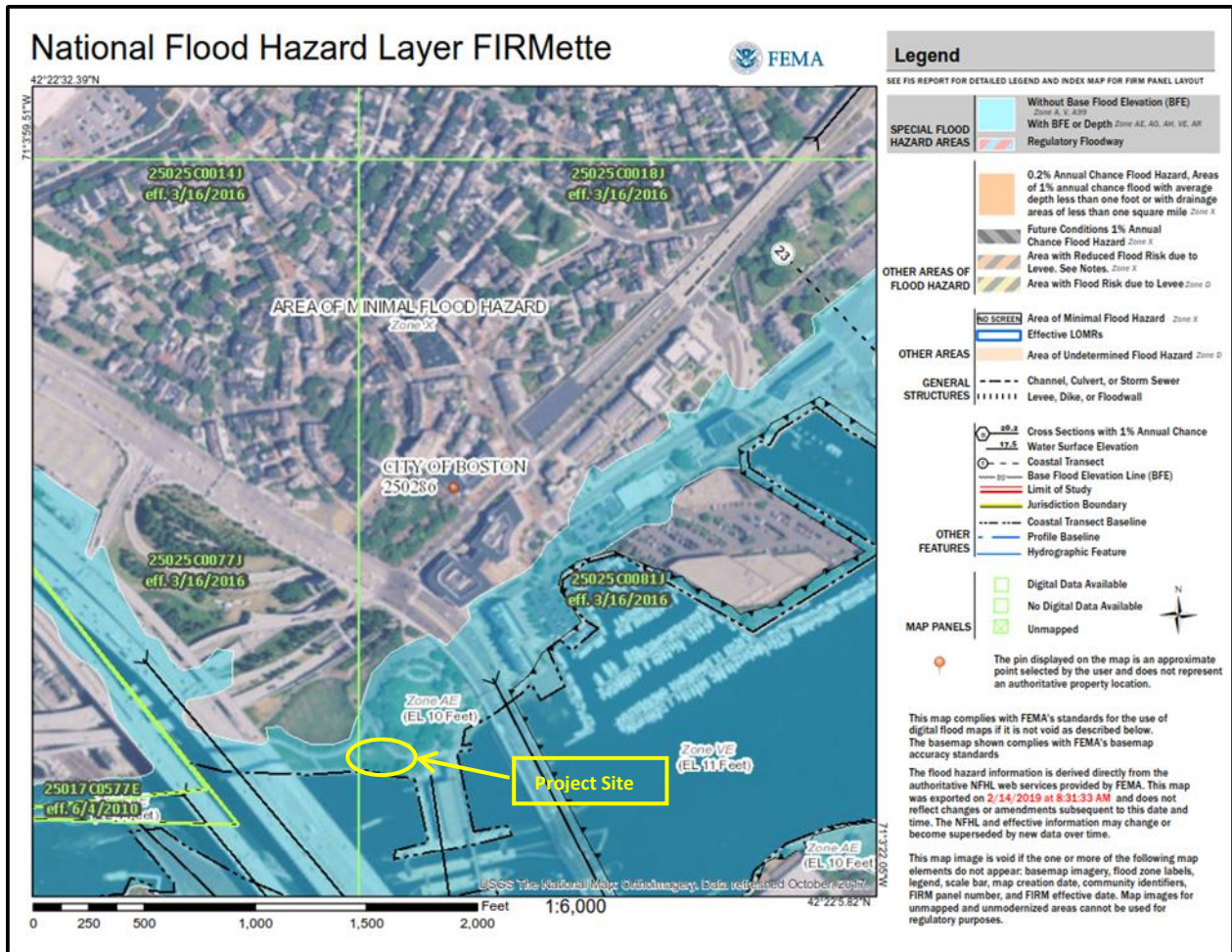


Figure 3. FEMA Map

1.4 WORK DESCRIPTION

The proposed work includes the construction of a relocated playground with associated excavation and grading work, installation of two new sections of paved pathways to access the new playground, installation of a pervious safety surface within the limits of the playground, decorative fencing and pedestrian gates, installation of playground equipment and benches on concrete foundations, plantings, and restoration of disturbed areas with loam and seed following construction. One existing tree will be removed from the site.

The limits of the safety surface will be excavated to a depth of 18-inches and removed from the site. Two layers of crushed stone placed and compacted. The 3½-inch pervious safety surface will be

installed on top of the crushed stone. Two new asphalt path connections to the play area and a perimeter fence will be installed around the play area will be installed. Three new trees (minimum caliper size of 3 inches), shrubs and ground cover will be installed. Additional perimeter areas will be loamed and seeded within the limits of construction. Existing irrigation lines within the area of the new playground will be removed and the lines capped at the edges. New irrigation lines and heads will be installed along the periphery of the project by others.

During construction, snow fence will be installed along the south, southeast and southwest boundaries of the playground. A line of compost filter tubes will also be installed along the south, southeast and southwest boundaries of the work area to prevent sedimentation to the Charles River.

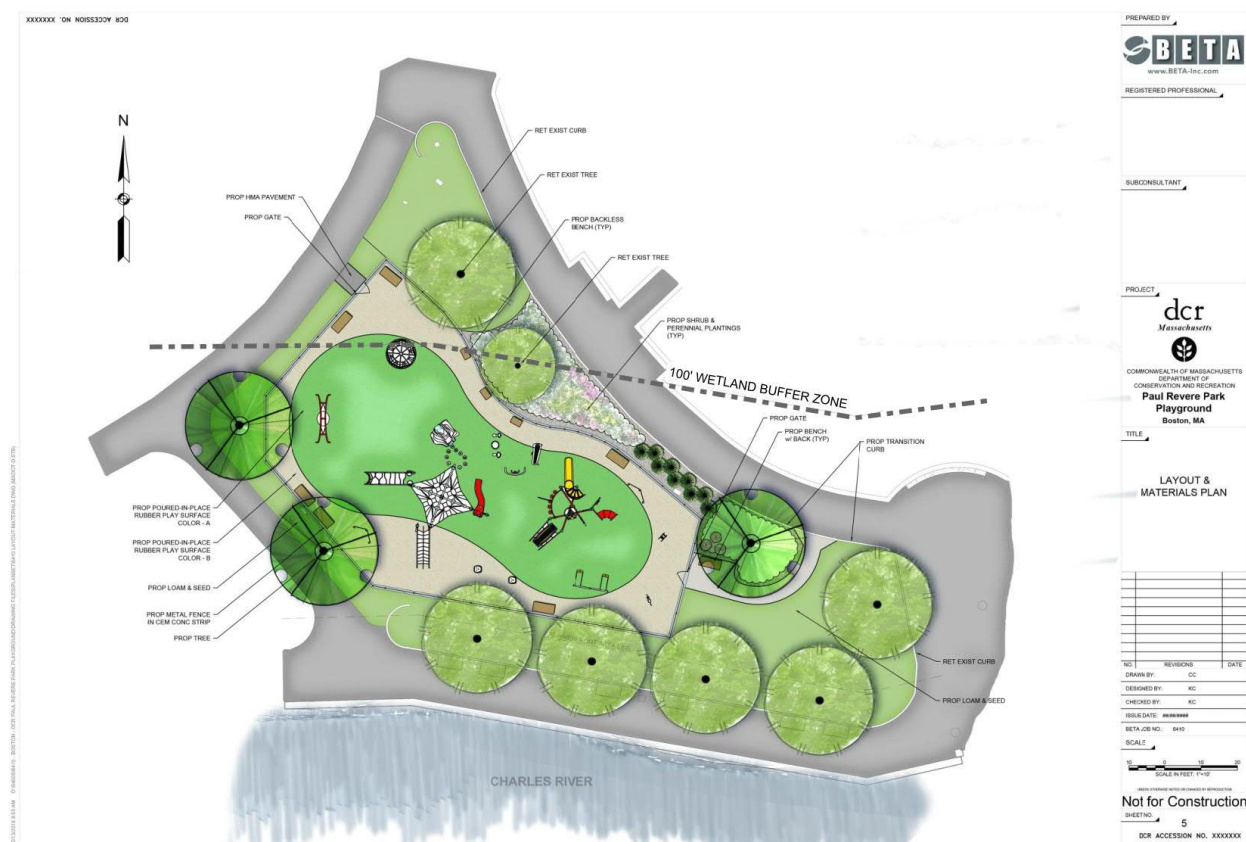


Figure 4. Playground Relocation Plan

1.5 WORK IN WETLAND RESOURCE AREAS AND CONFORMANCE TO PERFORMANCE STANDARDS

The project will directly alter only one jurisdictional wetland resource areas, Bordering Land Subject to Flooding. Therefore the regulatory performance standards in 310 CMR 10.57 (Land Subject to Flooding) of the Wetlands Regulations apply to the project. Project impacts to the BLSF resource area are extremely minor and are largely temporary in nature. No permanent impacts to BLSF will occur from

the project and no fill will be placed within the floodplain. Consequently there will be no loss of flood storage capacity at the site.

A total area of 587 square feet of BLSF will be impacted by project construction. The majority of this area will be restored with loam and seed after construction. A minor portion of the BLSF will be affected by playground construction as shown on the project plans.

1.5.1 LAND SUBJECT TO FLOODING – 310 CMR 10.57

Performance standards for Land Subject to Flooding (Bordering and Isolated Areas) are found at 310 CMR 10.57(4), standards for BLSF are included in section (4)(a). This section outlines the project's conformance with the performance standards – the standards are highlighted with *italicized text*.

(4) General Performance Standards.

(a) Bordering Land Subject to Flooding.

- 1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.*

Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.

Conformance: There will be no flood storage capacity lost in the small area of BLSF impacted by the project – the project complies with this standard.

- 2. Work within Bordering Land Subject to Flooding, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.*

Conformance: As noted, there will be no flood storage capacity lost in the small area of BLSF impacted by the project – the project complies with this standard.

- 3. Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

Conformance: There is no Estimated Habitat of Rare Wetlands Wildlife on the project site. The area of BLSF affected is much less than 10% of the total BLSF within Paul Revere Park – the project complies with this standard.

(b) Isolated Land Subject to Flooding. (Not applicable)

(c) Protection of Rare Wildlife Species. Notwithstanding the provisions of 310 CMR 10.57(4)(a) or (b), no project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.

Conformance: As noted, there is no Estimated Habitat of Rare Wetlands Wildlife on the project site – the project complies with this standard.

1.6 WORK IN BUFFER ZONES

The 100-foot Buffer Zone under the WPA lies adjacent to the Bank of the Charles River in the project area.

The majority of the work associated with construction of the relocated playground will occur in the Buffer Zone. The majority of the work area is presently lawn area and it will be converted to the playground with a permeable surface. A portion of the work in the Buffer Zone consists of improvements including the addition of new paved pathway sections.

Total alteration of the 100-foot Buffer Zone is **19,615 square feet (0.45 acres)**. This includes both temporary and permanent impacts.

The construction of two new paved path connections will result in permanent alteration of grassed areas to impervious pedestrian path.

2.0 STORMWATER MANAGEMENT

2.1 EXISTING CONDITIONS

Natural Resources Conservation Service (NRCS) maps for the project area list the existing soils on the project site as Udorthents. The project is located within the Charles River watershed, which is listed as an impaired waterway/water body.

There is no formal stormwater management system associated with the project site. The majority of the site will be comprised of permeable surfaces including the playground surface and grassed areas around the playground. The minor amount of runoff from the new areas of paved pathways will flow to grassed areas of the site. There will be no point source discharges of stormwater runoff to the Charles River or City of Boston storm drains.

2.2 PROPOSED STORMWATER MANAGEMENT

Although the project is not included in the list of “redevelopment” projects listed at 310 CMR 10.04, the project can be considered as redevelopment of the site and consists of the conversion of a grassed area to a permeable playground surface.

A formal Stormwater Management Report is not included in this NOI due to the limited work proposed. However a narrative outlining the Stormwater Management Standards and how they relate to the project are included below.

2.3 COMPLIANCE WITH STORMWATER PERFORMANCE STANDARDS

LID Measures

The project site is already developed as a park and stormwater improvements are limited. LID measures are not feasible for the site. The playground safety surface is porous.

Performance Standards for stormwater management are included at 310 CMR 10.05(6)(k) through (q).

Standard 1. *No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*

Conformance: No new untreated discharges to wetlands are created as part of this project – project complies.

Standard 2. *Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04.*

Conformance: This project will result in a slight increase in impervious area due to construction of two small sections of paved pathway. Runoff volume from these areas will be minimal and is anticipated to infiltrate into the ground at adjacent grassed areas. No increase in the peak rate of runoff off the Paul Revere Park site is anticipated – project complies.

Standard 3. *Loss of annual recharge to ground water shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices and good operation and maintenance. At a minimum, the annual recharge from the post- development site shall approximate the annual recharge from the pre-development conditions based on soil type.*

This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.

Conformance: The project will not result in a significant loss of pervious area within the project limits aside from the addition of two small areas of asphalt path connections to the new playground area. Installation of the pervious playground safety surface and proposed landscaping will not affect groundwater recharge – project complies.

Standard 4. *Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This Standard is met when:*

- a. Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan and thereafter are implemented and maintained;*
- b. Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with Massachusetts Stormwater Handbook; and*
- c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.*

Conformance: No engineered stormwater management system is present at the site. The site will primarily consist of pervious surfaces and no appreciable runoff is anticipated. Stormwater will be absorbed into the landscaped areas, lawn areas and the pervious playground surface. Runoff from the two minor additional lengths of asphalt path will travel to areas of lawn and is anticipated to be absorbed into the ground. This standard is not applicable.

Standard 5. *For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention, all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such use as provided in the Massachusetts Stormwater Handbook.*

Conformance: The project does not propose Land Uses with Higher Potential Pollutant Loads – this standard is not applicable.

Standard 6. *Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such area as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area, if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors.*

Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A “storm water discharge” as defined in 314 CMR 3.04(2)(a) or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00: Surface Water Discharge Permit Program and 314 CMR 4.00: Massachusetts Surface Water Quality Standards. Stormwater discharges to a Zone I or Zone A are prohibited, unless essential to the operation of the public water supply.

Conformance: The project will not result in any direct stormwater discharges to a critical area – this standard is not applicable.

Standard 7. *A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural stormwater best management practice requirements of Standards 4, 5 and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.*

Conformance: As noted, although the project is not defined as a redevelopment project at 310 CMR 10.02, the project will comply to the maximum extent practicable with standards 1, 2, and 3. The project does not include stormwater discharges from a land use with a higher potential pollutant load (standard 5) and will not discharge to a critical area (standard 6) therefore these standards do not apply. Standard 4 does not apply to this project as the majority of the project site will be pervious and/or landscaped surface with minimal runoff.

Standard 8. *A plan to control construction related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation and pollution prevention plan) shall be developed and implemented.*

Conformance: This project does not require a Storm Water Pollution Prevention Plan (SWPPP) to be prepared as part of an application for coverage under the Massachusetts General NPDES Permit for Discharges from Construction Activities. The area of ground disturbance is less than one acre and is well below the one-acre threshold for preparation of a SWPPP. Erosion and sedimentation controls including staked compost filter tubes will be installed before construction and maintained throughout the project duration. The location of the erosion controls are shown on the construction plans.

The project complies with this performance standard.

Standard 9. *A long-term operation and maintenance plan shall be developed and implemented to ensure that the stormwater management system functions as designed.*

Conformance: As noted, there is no formal stormwater management system at the site. Department of Conservation and Recreation staff maintains the site and will address any issues with uncontrolled stormwater runoff if necessary.

Standard 10. *All illicit discharges to the stormwater management system are prohibited.*

Conformance: There are currently no known illicit discharges within the project limits and new discharges are prohibited.

3.0 PHOTOS



Photo 1. Charles River Bank along project site



Photo 2. At project site looking west



Photo 3 . Corner of project site looking west



Photo 4. Corner of project site looking southeast

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**APPENDIX A – Project Plans
(attached separately)**
