

# Pier 3 Improvements / Luna Tug

Charlestown, MA

Notice of Intent

## January 3, 2018

submitted to City of Boston Conservation

Commission submitted by Luna Preservation Society

prepared by Fort Point Associates, Inc.

in association with Childs Engineering Corporation



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## NOTICE OF INTENT TRANSMITTAL



### 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

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



1.	Location of Project:			
	Charlestown Navy Ya	rd Pier 3 (Baxter Road)	Charlestown	
	a. Street Address	· · · · · · · · · · · · · · · · · · ·	b. City/Town	
			\$832.00	
	c. Check number		d. Fee amount	
2.	Applicant Mailing Add	ress:		
	Brent		Dibner	
	a. First Name		b. Last Name	
	Luna Preservation So	ciety		
	c. Organization			
	P.O. Box 1866			
	d. Mailing Address			
	Brookline		MA	02446
	e. City/Town		f. State	g. Zip Code
	617-277-1101	617-277-4448	bdibner@dibmar.com	
	h. Phone Number	i. Fax Number	j. Email Address	
3.	Property Owner (if diff	erent):		
	Richard		McGuinness	
	a. First Name		b. Last Name	
	Boston Planning and I	Development Agency		
	c. Organization	· · · · ·		
	One City Hall Square			
	d. Mailing Address			
	Boston		MA	02201
	e. City/Town		f. State	g. Zip Code

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

### **B.** Fees

617-918-4201 h. Phone Number

Fee should be calculated using the following process & worksheet. Please see Instructions before filling out worksheet.

j. Email Address

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

i. Fax Number

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



### 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
Category 5: New gangway (50 LF)	1	\$200	\$200
Category 5: New Docks (40 LF)	2	\$160	\$320
	Step 5/To	otal Project Fee:	\$520.00
	Step 6/I	Fee Payments:	
	Total	Project Fee:	\$520.00 a. Total Fee from Step 5
	State share	of filing Fee:	\$\$247.50 b. 1/2 Total Fee <b>less \$</b> 12.50
	City/Town share	e of filling Fee:	\$75.00 (Boston) c. 1/2 Total Fee <b>plus</b> \$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.)

HOLD TO LIGHT TO VIEW WATEAMANN IN PAPER HEAT SEN	STIVE RED IMAGE DISAPPEARS WITH HEAT	1774 O.W	7058
FORT POINT ASSOCIATES, INC. 31 STATE STREET, 3rd FLOOR BOSTON, MASSACHUSETTS 02109		DATE 1/3/18	5-7515/110
ORDER OF COMMONWEATH of MA			1\$247,50
two hundred forty seven and	50/100		DOLLARS
FOR Santander®	A	void after 60 days	MP DELUS
Lona Not "007058" 10110751501 (65	90001657		

10

	7059
FORT POINT ASSOCIATES, INC. 31 STATE STREET, 3rd FLOOR BOSTON, MASSACHUSETTS 02109	DATE 1/3/18 5-7515/110
PAY TO THE City of Boston ' ORDER OF City of Boston' Seventy five and co/100	\$ 75,00
Santander*         Santander*           FOR         Santander Bank, N. A.           Lune         Not           II*007059II*+I:011075150I: 6590	Void AFTER 60 DAYS Jame the Fay 00 1657011

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## NOTICE OF INTENT WPA FORM 3



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

**A. General Information** 

### 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 Charlestown 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.

1.	Project Location (Note: electronic filers w	ill click on button to locate project	t site):			
	Charlestown Navy Yard Pier 3 (Baxter Ro		02129			
	a. Street Address	b. City/Town	c. Zip Code			
		42 22 21.68	-71 03 17.77			
	Latitude and Longitude:	d. Latitude	e. Longitude			
	2047	0203505000				
	f. Assessors Map/Plat Number	g. Parcel /Lot Number				
2.	Applicant:					
	Brent	Dibner				
	a. First Name	b. Last Name				
	Luna Preservation Society					
	c. Organization					
	P.O. Box 1866					
	d. Street Address					
	Brookline	МА	02446			
	e. City/Town	f. State	g. Zip Code			
	617-277-1101 617-277-4448	bdibner@dibmar.com				
	h. Phone Number i. Fax Number	j. Email Address				
	Property owner (required if different from	applicant): 🛛 🛛 Check if more	e than one owner			
-	Richard	McGuinness				
	a. First Name	b. Last Name				
	Boston Planning and Development Ageng	AN CONTRACTOR OF CONTRACTOR				
	c. Organization					
	One City Hall Square					
	d. Street Address					
	Boston	MA	02201			
	e. City/Town	f. State	g. Zip Code			
	617-918-4237					
	h. Phone Number i. Fax Number	j. Email address				
	Representative (if any):					
	Julie	Conroy				
	a. First Name	b. Last Name				
	Fort Point Associates, Inc.					
	c. Company					
	31 State Street, 3 <sup>rd</sup> Floor					
	d. Street Address					
	Boston	МА	02109			
	e. City/Town	f. State	g. Zip Code			
	617-353-7044x205	jconroy@fpa-inc.com	9. <u> </u>			
	h. Phone Number i. Fax Number	j. Email address				

\$322.50	\$247.50	\$75
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Bureau of Resource Protection - Wetlands

### WPA Form 3 – Notice of Intent

Provided by MassDEP:

MassDEP File Number

Document Transaction Number Charlestown City/Town

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

### A. General Information (continued)

General Project Description:

Construction of a floating dock for the historic tugboat Luna, consisting of two 10' x 40' steel floats and four steel mooring piles. The floats are to be accessed by a gated, 60' long aluminum gangway with one end attached to the Pier 3 edge and the other end bearing on the floats.

#### 7a. Project Type Checklist:

1.	Single Family Home	2.  Residential Subdivision			
3.	Limited Project Driveway Crossing	4. Commercial/Industrial			
5.	Dock/Pier	6. 🔲 Utilities			
7.	Coastal Engineering Structure	8. Agriculture (e.g., cranberries, forestry)			
9.	Transportation	10. 🗌 Other			
Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?					
ıΓ	$1 \square$ Ves $\square$ No If we describe which limited project applies to this project:				

If yes, describe which limited project applies to this project: 

2. Limited Project

7b.

8. Property recorded at the Registry of Deeds for:

Suffolk	
a. County	b. Certificate # (if registered land)
09182	134
c. Book	d. Page Number

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

- 1. D 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.

	Resou	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)
For all projects affecting other Resource Areas,	a. 🗌	Bank	1. linear feet	2. linear feet
please attach a narrative explaining how	b. 🗌	Bordering Vegetated Wetland	1. square feet	2. square feet
the resource area was delineated.	c. 🗌	Land Under Waterbodies and	1. square feet	2. square feet
		Waterways	3. cubic yards dredged	



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

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Provided by MassDEP:

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Document Transaction Number Charlestown City/Town

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

Resource	Area	Size of Proposed Alteration	Proposed Replacement (if any)		
	Bordering Land Subject to Flooding	1. square feet	2. square feet		
		3. cubic feet of flood storage lost	4. cubic feet replaced		
	Isolated Land Subject to Flooding	1. square feet			
		2. cubic feet of flood storage lost	3. cubic feet replaced		
f. 🗌 I	Riverfront Area	1. Name of Waterway (if available)			
2. W	idth of Riverfront Area (che	eck one):			
[	25 ft Designated De	nsely Developed Areas only			
l	100 ft New agricultur	ral projects only			
I	200 ft All other proje	cts			
з. Тс	otal area of Riverfront Area	on the site of the proposed project	t: square feet		
4. Pr	oposed alteration of the R	iverfront Area:			
a. tota	al square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.		
5. Ha	as an alternatives analysis	been done and is it attached to this	s NOI?		
6. W	as the lot where the activit	y is proposed created prior to Augu	ust 1, 1996? 🗌 Yes 🗌 No		
3. 🛛 Coas	tal Resource Areas: (See	310 CMR 10.25-10.35)			
will meet	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.				
Resourc	<u>e Area</u>	Size of Proposed Alteration	Proposed Replacement (if any)		
a. 🔀 🛛 I	Designated Port Areas	Indicate size under Land Under t	he Ocean, below		
b. 🛛	Land Under the Ocean	8 (4 piles) 1. square feet			
		2. cubic yards dredged			
c. 🗌 🛛 🛛	Barrier Beach	Indicate size under Coastal Beach	nes and/or Coastal Dunes below		
d. 🗌 🤇	Coastal Beaches	1. square feet	2. cubic yards beach nourishment		
e. 🗌 🤇	Coastal Dunes	1. square feet	2. cubic yards dune nourishment		

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



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

## WPA Form 3 – Notice of Intent

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Provided by MassDEP:

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

			Size of Proposed	Alteration	Proposed Replacement (if any)	
	f. 🗌	Coastal Banks	1. linear feet			
	g. 🗌	Rocky Intertidal Shores	1. square feet			
	h. 🗌	Salt Marshes	1. square feet		2. sq ft restoration, rehab., creation	
	i. 🗌	Land Under Salt Ponds	1. square feet			
	j. 🛛	Land Containing Shellfish	2. cubic yards dredge 8 1. square feet	ed		
	k. 🗌	Fish Runs			ks, inland Bank, Land Under the r Waterbodies and Waterways,	
			1. cubic yards dredge	ed		
	I. 🗌	Land Subject to Coastal Storm Flowage	1. square feet			
4.						
	a. square	e feet of BVW		b. square feet of S	alt Marsh	
5.	Project Involves Stream Crossings					
	a. number of new stream crossings b. number of replacement stream crossings					
C.	Othe	r Applicable Stand	lards and Re	equirement	S	
Str	Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review					
1.	Is any portion of the proposed project located in <b>Estimated Habitat of Rare Wildlife</b> 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 <i>Massachusetts Natural Heritage Atlas</i> or go to <a href="http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm">http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm</a> .					

a. 🗌 Yes	$\boxtimes$	No	If yes, include proof of mailing or hand delivery of NOI to:
----------	-------------	----	--

	Natural Heritage and Endangered Species Program Division of Fisheries and Wildlife
2008	100 Hartwell Street, Suite 230
b. Date of map	West Boylston, MA 01583



Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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

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.1.d, 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).* 

- 1. c. Submit Supplemental Information for Endangered Species Review\*
  - 1. Dercentage/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
- 3. 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) D Photographs representative of the site
  - (c) MESA filing fee (fee information available at: <u>http://www.mass.gov/dfwele/dfw/nhesp/regulatory\_review/mesa/mesa\_fee\_schedule.htm</u>). 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
- d. 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, <u>http://www.mass.gov/dfwele/dfw/nhesp/regulatory\_review/mesa/mesa\_exemptions.htm;</u> 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.

b. Date submitted to NHESP

<sup>\*</sup> Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <a href="http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm">http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm</a>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

<sup>\*\*</sup> 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.



Bureau of Resource Protection - Wetlands

Provided by MassDEP:

MassDEP File Number

WPA Form 3 – Notice of Intent

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

Document Transaction Number Charlestown City/Town

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

- 3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
- 2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
  - a. D Not applicable project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:	North Shore - Hull to New Hampshire:

Division of Marine Fisheries -Southeast Marine Fisheries Station Attn: Environmental Reviewer 1213 Purchase Street – 3rd Floor New Bedford, MA 02740-6694 Division of Marine Fisheries -North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930

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.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

Online Users: Include your document		a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). <b>Note:</b> electronic filers click on Website.
transaction number		b. ACEC
(provided on your receipt page) with all	4.	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?
supplementary information you		a. 🗌 Yes 🛛 No
submit to the Department.	5.	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
	6.	Is this project subject to provisions of the MassDEP Stormwater Management Standards?
<ul> <li>a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Manage Standards per 310 CMR 10.05(6)(k)-(q) and check if:</li> <li>1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)</li> </ul>		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
		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



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 Charlestown City/Town

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

- 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

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.
- 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.

See Attachment A. Supplemental Information, Attachment C. Notification, & Attachment B. Plans a. Plan Title

b. Prepared By	c. Signed and Stamped by

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.



#### 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 Charlestown City/Town

### 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	3. Check date
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name

### 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.

Esent Dibnes	) an. 3 2018
1. Signature of Applicant	2. Date
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 A

## SUPPLEMENTAL INFORMATION

## ATTACHMENT A. SUPPLEMENTAL INFORMATION

### A.1 PROJECT CONTEXT

The historic Luna Tugboat, a National Historic Landmark, is currently docked at the Fitzgerald Shipyard in Chelsea. The Tug is the last full-sized wood-hulled docking harbor tug afloat on the U.S. Gulf and Atlantic coasts and has become a landmark destination. The Boston Planning and Development Agency (the "Applicant"), in partnership with the Luna Preservation Society, is proposing to relocate the Tug to Pier 3 in Charlestown after making improvements to the existing dock. The proposed work involves the installation of a new dock, gangway, and ramps associated with berthing the Luna (the "Project"). The Applicant is submitting this Notice of Intent to receive an Order of Conditions for the project from the Boston Conservation Commission.

### A.2 EXISTING CONDITIONS

Pier 3 is located within the Charlestown Navy Yard, a National Park Service Site, that is accessed from Chelsea Street in Charlestown, MA. The existing Pier is surrounded by Boston Harbor on its north and east sides, and a series of historic warehouses and Baxter Road on its south side (the "Site", see Figure 1. Aerial / Project Site). The existing dock is a 15 x 78-foot pile-supported fixed pier that extends southeastward into Boston Harbor (see Figure 2. Existing Conditions Photographs). The Massachusetts Bay Transportation Authority Inner Harbor ferry was located on Pier 3 until it was relocated across the waterway to Pier 4.

### A.3 PROJECT DESCRIPTION

The Proposed Project includes minor improvements to the existing dock, the installation of a new floating dock system within the Project area. Specifically, the Project will result in the attachment of the existing dock structure via a new aluminum gangway, to two (2) 10 x 40' steel floats. The floats will include concrete ballast blocks to achieve the required 3' freeboard height, which will eliminate list and trim, and protect the dock from Sea Level Rise impacts. The floats will be held in place via four new 18" pipe mooring pilings, to be driven to El. - 50' (BCB), and joined together by a rubber connector. The Project also includes the removal of a dilapidated steel guardrail and installation of a new railing and light post within the existing dock area. (See Attachment C. Project Plans.)

### A.4 WETLAND RESOURCES

The Project area includes a series of coastal wetland resources including Land Subject to Coastal Storm Flowage ("LSCSF"), Land Under the Ocean "(LUO"), and LUO Underlying an Anadromous / Catanadromous fish run. Table 1 lists each resource area and its existing features.

#### Table 1: Coastal Wetland Resources

RESOURCE	EXISTING LOCATION/CONDITION
LSCSF	Existing Dock
LUO	MLW seaward; coastal sediment covered by water at all tides, no submerged bars present
LUO Underlying A Fish Run	MLW seaward; anadromous fish migration (rainbow trout, blueback herring, and alewife)

These coastal wetlands are subject to the Massachusetts Wetlands Protection Act (WPA) under state jurisdiction, as well as Federal regulation pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Coastal wetlands areas were identified in accordance with criteria and guidance developed by state and federal wetland regulatory agencies. Specifically, resource areas were determined by tidal elevation and landform, in conjunction with a reference check against data provided by Massachusetts Geographic Information Systems (Mass GIS), and a visual site inspection.

The following sub-sections include a description of existing conditions and the significance of each resource area in terms of WPA interests.

### A.4.1 LAND SUBJECT TO COASTAL STORM FLOWAGE

LSCSF is defined in the Wetlands Protection Act at 310 CMR 10.04 as: "land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record, whichever is greater." Flood Insurance Rate Maps ("FIRM") produced by the Federal Emergency Management Agency ("FEMA") are used to determine coastal flood elevation. The majority of Pier 3 is located within the 100-year flood plain, according to the revised FIRM map for this section of Boston (Map # 25025C0081J), and thus the existing dock is entirely within this zone. The base flood elevation for Pier 3 is El. 11' (NAVD 88), or El. 4.53' Boston City Base ("BCB"), which is designated as a velocity zone; subject to wave action. (See Figure 3. FEMA Flood Insurance Rate Map.)

### A.4.2 LAND UNDER THE OCEAN

LUO resources extend from the MLW line, seaward to the boundary of the municipality's water resource jurisdiction (310 CMR 10.25). LUO resources provide feeding areas, spawning grounds, and nursery habitat for many coastal organisms related to marine fisheries, as well as important food for waterfowl. Nearshore areas of LUO also may help reduce storm and flood damage by buffering the high-energy effects of storms and dissipating wave energy with submerged bars.

LUO occurs at the Site below MLW, approximately at El. 1.29' (BCB). The Project Team conducted a spatial analysis using MassGIS data in addition to on-site observations to assess the LUO resource area, particularly to identify submerged aquatic vegetation. This analysis revealed no such vegetation within the Project area. Furthermore, the LUO resource area is not known to contain any significant number of shellfish or submerged bars to supply sediment to adjacent beaches. Due to the absence of marine grasses, the LUO resource area is not significant to providing food for birds or other wildlife. However, Boston Harbor has been designated as essential fish habitat for winter flounder, Atlantic Cod, and various skate species, and therefore; Time of Year ("TOY") construction limitations set-forth by the Division of Marine Fisheries apply.

### A.4.3 LAND UNDER THE OCEAN THAT UNDERLIE AN ANADROMOUS/ CATADROMOUS FISH RUN

The Wetlands Protection Regulations define this resource area as: "area[s] within estuaries, ponds, streams, creeks, rivers, lakes or coastal waters, which is a spawning or feeding ground or passageway for anadromous or catadromous fish and which is identified by the Division of Marine Fisheries or has been mapped on the Coastal Atlas of the Coastal Zone Management Program" ("CZM") (310 CMR 10.35). Although Boston Inner Harbor is not mapped as an Anadromous/Catadromous Fish Run by CZM, anadromous fish use the Harbor for passageway, including rainbow trout, blueback herring, and alewife, and therefore; TOY restrictions apply.

### A.5 COMPLIANCE WITH WPA PERFORMANCE STANDARDS

Project-related impacts to coastal wetland resources include the permanent alteration of 8 sq. ft. of bottom sediment due to the installation of four (4) piles to secure the new floats. It is possible that construction could result in temporary impacts from dispersal of sediments within the water column. Work within, and near, the tidal zone is well understood and frequently permitted and conditioned in Boston Harbor. However, the Project has been designed to avoid impacts to resource areas and minimize impacts in areas where they are unavoidable.

RESOURCE Area	PROJECT ACTIVITIES	ІМРАСТ	ΤΥΡΕ
LUO	Installation of 4 piles (8 sq. ft.)	Alteration of bottom sediment	Permanent
LUO	Deck improvements, installation of gangway and floats	Potential construction-related turbidity and sedimentation	Temporary

#### Table 2: Resource Area Impacts

A description of proposed Project activities and resulting impacts to each resource, relevant performance standards, and compliance with these standards are explained in the following sections. Mitigation for resource impacts are explained in Section 6.

### A.5.1 LAND SUBJECT TO COASTAL STORM FLOWAGE (310 CMR 10.04)

Improvements to the existing Pier 3 dock will occur within the LSCSF resource area. However, the fill and bulkhead supporting the dock were previously authorized under historic permits. Improvements, inclusive of the railing replacement and light post installation, will not result in permanent impacts to LSCSF. Although there are no performance standards for this resource area, the Applicant understands the importance of LSCSF for coastal flooding and storm surge protection, and therefore; suggests only minimal changes to the functioning dock.

### A.5.2 LAND UNDER THE OCEAN (310 CMR 10.25)

The Wetlands Regulations at 310 CMR 10.25(5) state that projects: "shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes." The Project will include pile-driving to secure the two new floats. Bottom topography within the footprint of the new piles (18" diameter) will occur. However, bottom topography in all other areas of the Project will be untouched. There are no submerged aquatic vegetation or tidal flats within the Project area to be adversely affected. Boston Harbor is a designated shellfish growing area, although shellfishing is prohibited within the area due to current water quality degradation. However, the applicant understands that TOY construction limitations associated with shellfish spawning (July/August) may apply.

The Regulations state that: "no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37." According to the Natural Heritage and Endangered Species Program's MassGIS data: "Estimated Habitat of State-listed Rare Wetlands Wildlife," there are no specified habitat sites of rare vertebrate or invertebrate species located within the Project area.

### A.5.3 LUO UNDERLYING AN ANADROMOUS / CATADROMOUS FISH RUN (310 CMR 10.35)

The Wetlands Regulations state that: "Any project on such land...shall not have an adverse effect on the anadromous or catadromous fish run by:

- a) impeding or obstructing the migration of the fish, unless DMF has determined that such impeding or obstructing is acceptable...;
- b) changing the volume or rate of flow of water within the fish run; or
- c) impairing the capacity of spawning or nursery habitats necessary to sustain the various life stages of the fish (310 CMR 10.35(3))."

The Project includes pile-driving to secure the two new floats, therefore; alteration to bottom topography within the footprint of the four new will occur. This installation is unlikely to permanently obstruct anadromous / catadromous fish migration within the Harbor due to the limited size of this benthic alteration (18" pile diameter x 4 = 72 inches). The Project will not result in a change in the volume or rate of flow.

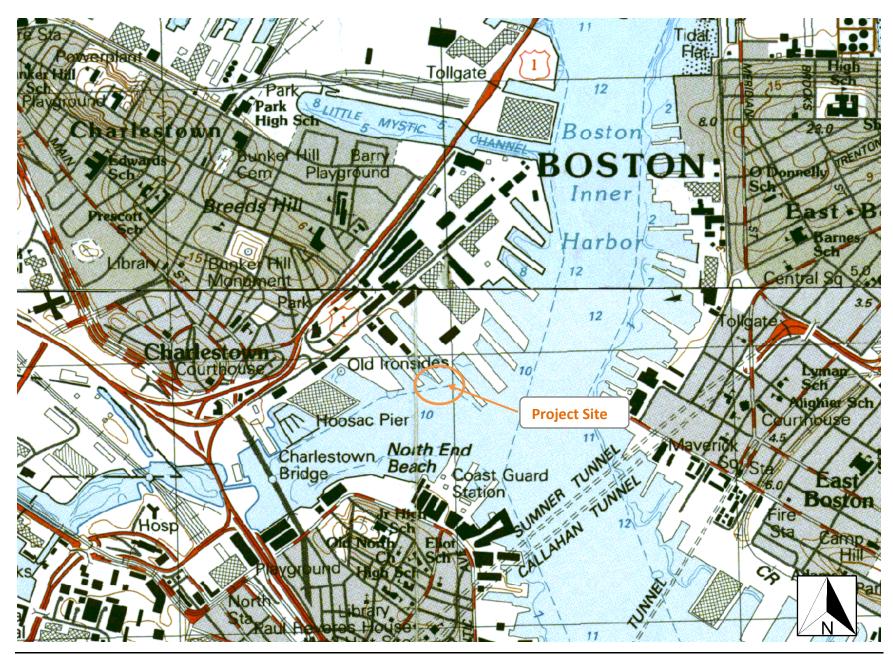
The Regulations at 310 CMR 10.35(4) state: "Unless otherwise allowed by DMF...disposal of Dredged Material or filling in a fish run shall be prohibited between March 15th and June 15th in any year. Since anadromous fish use the Harbor for passageway, and the Harbor is designated as essential fish habitat, Project work will not occur between March 15<sup>th</sup> and June 15<sup>th</sup>.

### A.6 CONSTRUCTION PERIOD MITIGATION

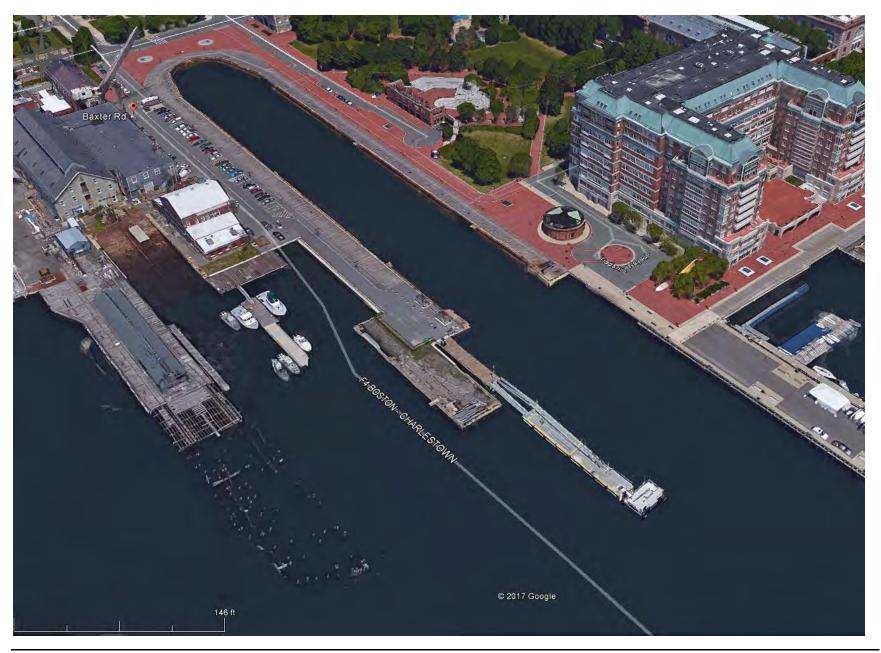
Construction is expected to begin as soon as possible. Installation of engineered structures will occur within the waterbody, however; most of the construction will be conducted from land. The Applicant will commit to following mitigation measures for the proposed work, including, but not limited to, those listed below.

- 1. Project work will not occur between March  $15^{th}$  and June  $15^{th}$ .
- 2. Floating booms and silt curtains will be used to control turbidity and sedimentation throughout the construction period, which will be inspected daily. Any debris will be removed so that the boom remains functional.
- 3. Sedimentation control measures will be installed at the Site including erosion control filter for drain covers or grates, as necessary.
- 4. A spill response plan will be included with Project Plans that includes:
  - a. Minor Spill Responses:
    - Cease work;
    - Isolate and containment;

- Spill kit (absorption bags and pads, oil absorption boom, waste material handling gloves, waste container bags);
- b. Major Spill Responses:
  - Cease work;
  - Isolate and containment;
  - Spill kit deployment;
  - Notify authorities.

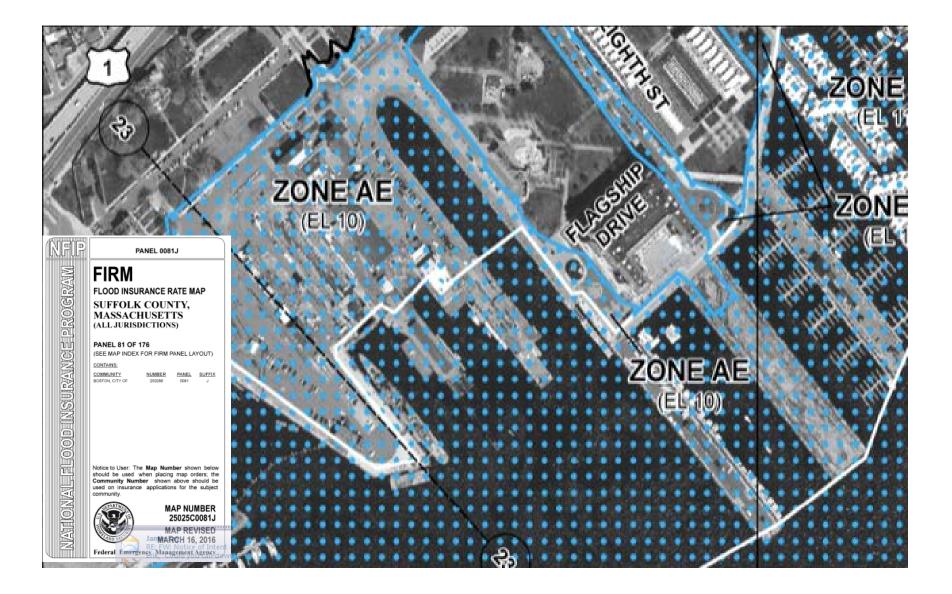


Charlestown, Massachusetts



Charlestown, Massachusetts

**Figure 3. Aerial View** Source: Google, 2017



Charlestown, Massachusetts



Existing Dock

View from Pier 4

# Attachment B

## **PROJECT NOTIFICATION**

## ATTACHMENT B: PROJECT NOTIFICATION

The following table lists abutters of the Project Site that are within 100 feet of the property line, as obtained from the City of Boston Assessing Department.

Parcel	Property	Owner Name	Owner Address
0203503000	93 CHELSEA ST,	U.S. Dept. of Interior	93 CHELSEA ST,
	BOSTON MA 02129		BOSTON MA 02129
0203505100	197 EIGHTH ST,	FLAGSHIP WHARF	197 EIGHTH ST,
	BOSTON MA 02129	CONDO ASSN.	CHARLESTOWN MA 02129

The attached notification will be mailed to abutters, as well as posted within the local newspaper (Boston Herald), explaining where copies of the Notice of Intent may be examined or obtained and where information on the date, time, and location of the public hearing may be obtained.

### Notification to Abutters Under the Massachusetts Wetlands Protection Act

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

A. The name of the applicant is <u>Luna Preservation Society</u>. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of <u>Boston</u> seeking permission to remove, till, dredge, or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, section 40).

B. The address of the lot where the activity is proposed is <u>Pier 3, Charlestown Navy Yard</u> (Baxter Road), Boston, Massachusetts 02129.

C. Copies of the notice of Intent may be examined at **Boston City Hall** between the hours of **8 AM and 4 PM** on the following days of the weeks: **Monday through Thursday.** For more information, call **the Constituent Service Center** at **BOS: 311.** 

D. Copies of the Notice of Intent may be obtained from the applicant's representative by calling this telephone number (617) 357-7044 x 208 between the hours of 9 AM and 5 PM on the following days of the week: Monday through Friday.

E. Information regarding the date, time, and place of the public hearing may be obtained from **Boston Conservation Commission** by calling this telephone number: <u>(617) 635-3850</u> between the hours of and on the following days of the week: <u>8 AM to 4 PM, Monday through Thursday.</u>

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

NOTE: Notice of the public hearing, including its date, tine, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: the **Northeast Region: (978) 661-3200**.



January 3, 2018

Division of Marine Fisheries Gloucester Field Office 30 Emmerson Ave Gloucester, MA 01930

#### Attn: Environmental Reviewer

RE: Notice of Intent – Pier 3 Improvements / Luna Tug

Dear Sir/Madam:

On behalf of Luna Preservation Society (the "Applicant"), Fort Point Associates, Inc. has submitted the enclosed Notice of Intent (NOI) for the installation of a new dock, gangway, and ramps associated with berthing the historic Luna Tugboat at Pier 3 at the Charlestown Navy Yard (the "Project"). The Applicant is submitting this Notice of Intent to receive an Order of Conditions for the project from the Boston Conservation Commission. We are seeking the Commission's review and approval of the Project.

The NOI provides the details about the Project, the regulatory context for the application, protected resource areas, and how the project complies with applicable regulatory standards of the Wetlands Protection Act.

Please feel free to contact me at 617-357-7044, ext. 208, with any questions or concerns.

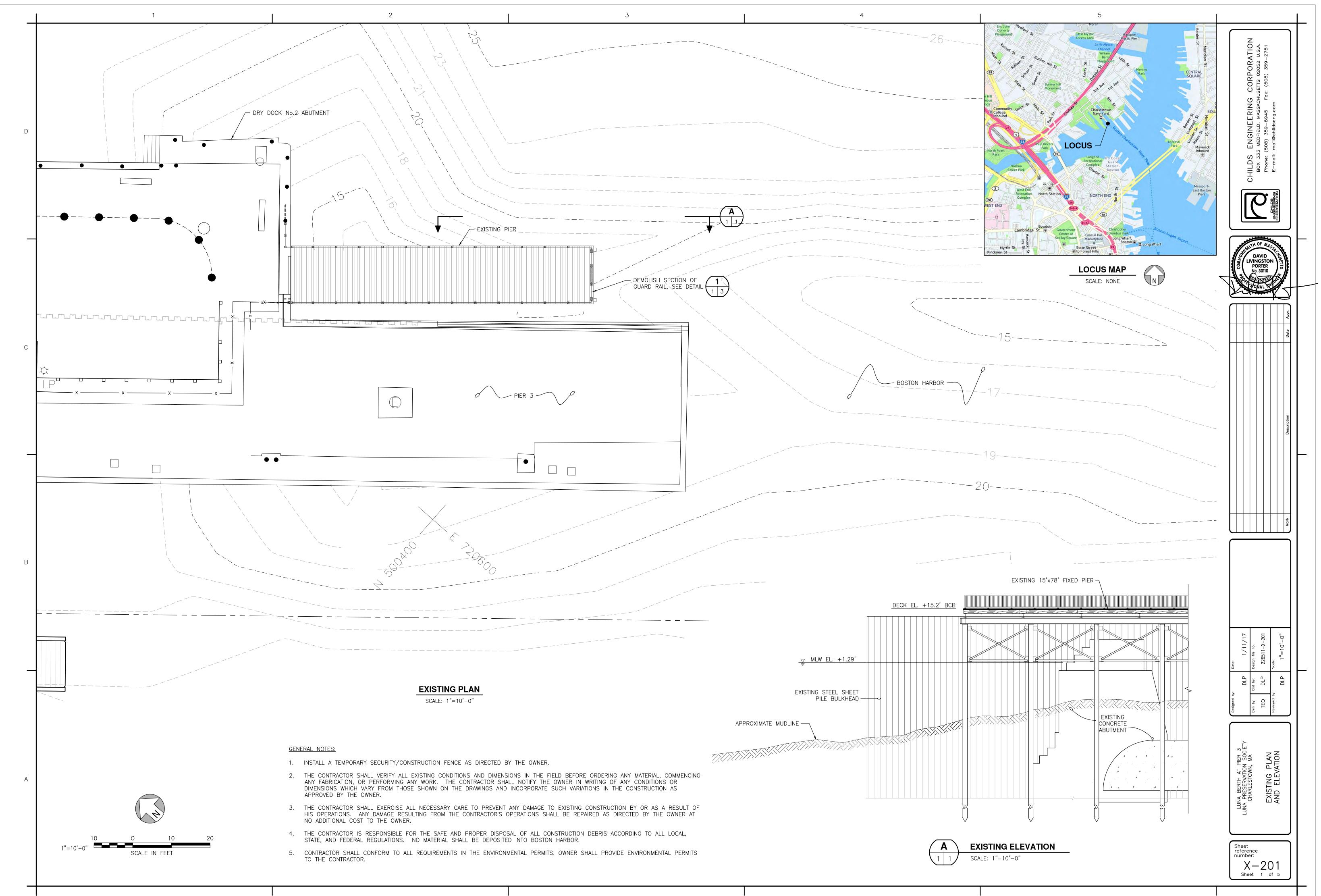
Sincerely,

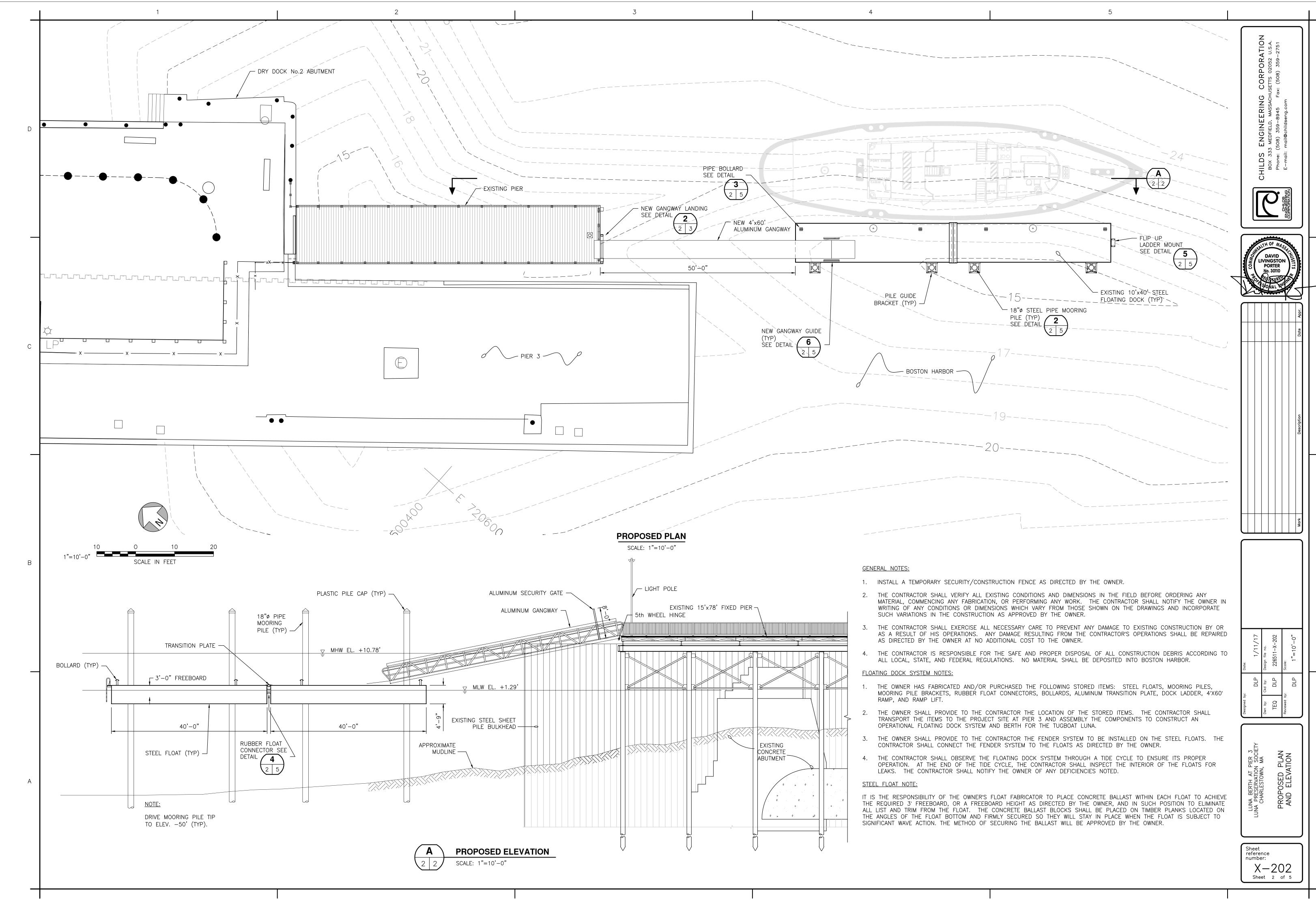
Julie Conroy, AICP Fort Point Associates, Inc.

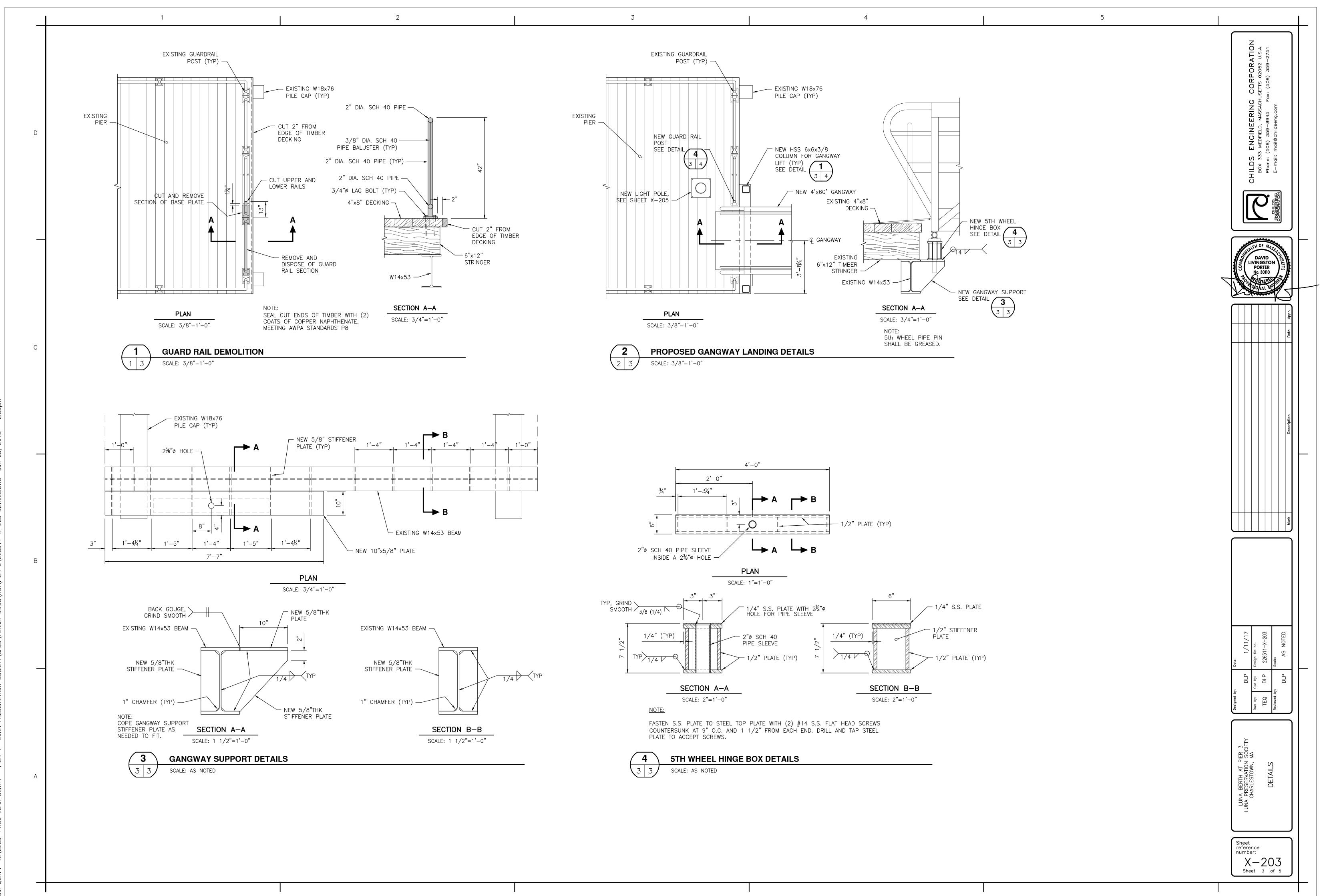
Encl: Notice of Intent with forms and attachments.

# Attachment C

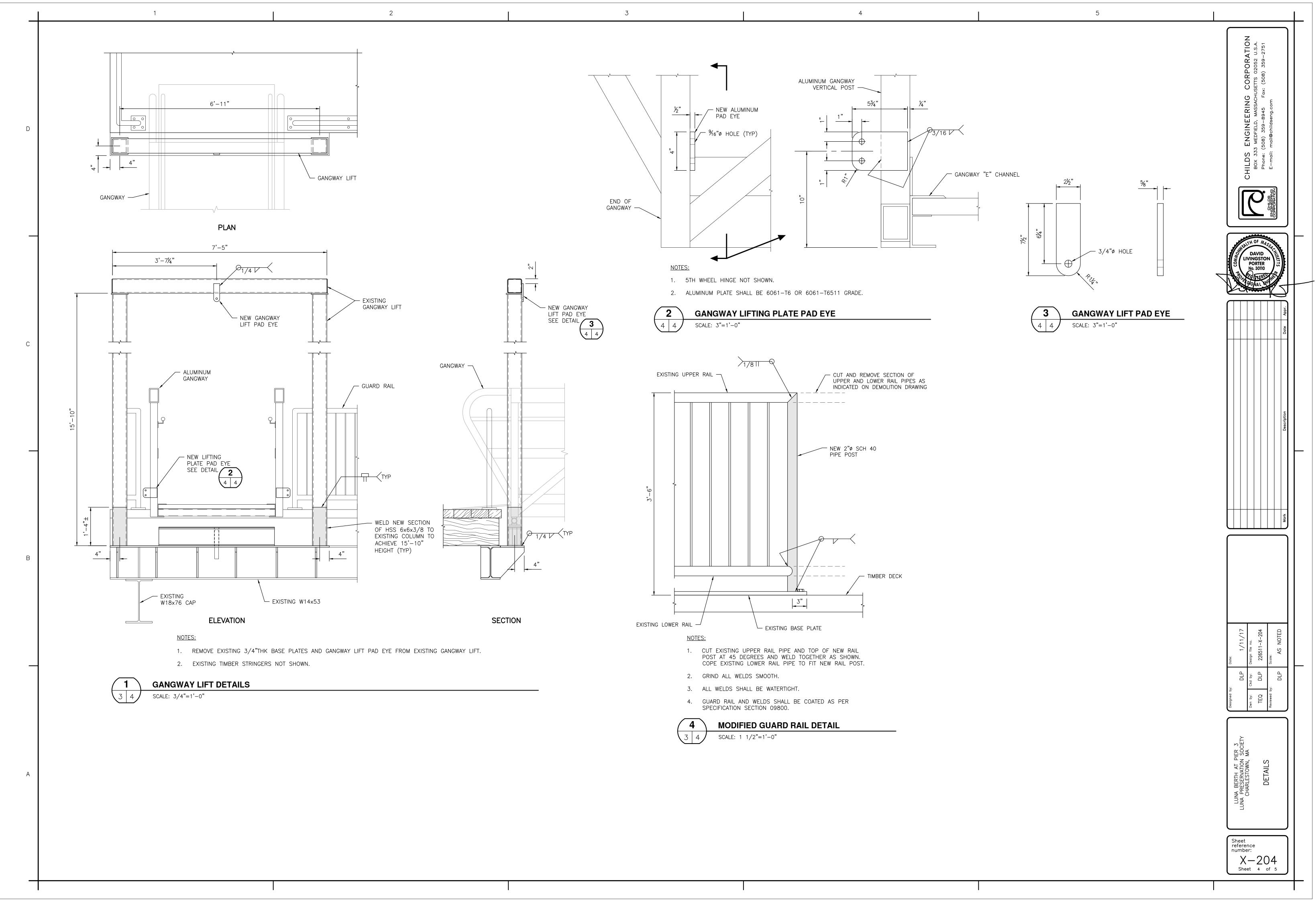
## PROJECT PLANS







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