



New Street Boat Landing Expansion

East Boston, Massachusetts

Notice of Intent

February 7, 2018

submitted to
Boston Conservation Commission

submitted by
Navy Yard Hospitality Group

prepared by
Fort Point Associates, Inc.

in association with
WSP USA



Fort Point Associates, Inc.
Urban Planning Environmental Consulting Project Permitting

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TRANSMITTAL FORM



Enter your transmittal number

X277233
Transmittal Number

Your unique Transmittal Number can be accessed online:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>

Massachusetts Department of Environmental Protection

Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: MassDEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. **Copy 2** must accompany your fee payment. **Copy 3** should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

* **Note:**
For BWSC Permits, enter the LSP.

A. Permit Information

WPA Form 3

Notice of Intent

1. Permit Code: 4 to 7 character code from permit instructions

2. Name of Permit Category

Addition of piles and floats

3. Type of Project or Activity

B. Applicant Information – Firm or Individual

Navy Yard Hospitality Group

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

Larner

Charles

2. Last Name of Individual

3. First Name of Individual

4. MI

42 8th Street, Unit 3510

5. Street Address

Charlestown

MA

02129

813-785-5446

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

Charles Larner

charlie@navyyardhospitality.com

11. Contact Person

12. e-mail address

C. Facility, Site or Individual Requiring Approval

10 New Street

1. Name of Facility, Site Or Individual

10 New Street

2. Street Address

East Boston

MA

02128

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Fort Point Associates, Inc

1. Name of Firm Or Individual

31 State Street, 3rd floor

2. Address

Boston

MA

02109

617-357-7044

3. City/Town

4. State

5. Zip Code

6. Telephone #

208

7. Ext. #

Richard Jabba

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? yes no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

14102

EOEA File Number

F. Amount Due

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

Special Provisions:

- Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
- Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
- Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
- Homeowner (according to 310 CMR 4.02).

7062

\$337.50

February 5, 2018

Check Number

Dollar Amount

Date

7063

FORT POINT ASSOCIATES, INC.
31 STATE STREET, 3rd FLOOR
BOSTON, MASSACHUSETTS 02109

EZShield® Check Fraud
Protection for Business
5-7515/110

PAY TO THE
ORDER OF

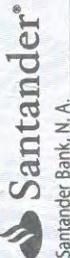
City of Boston
seventy five and 00/100

\$ 75.00

DOLLARS

DATE 2/5/18

VOID AFTER 60 DAYS



FOR

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Jane W. Fey MP

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7062

FORT POINT ASSOCIATES, INC.
31 STATE STREET, 3rd FLOOR
BOSTON, MASSACHUSETTS 02109

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PAY TO THE
ORDER OF

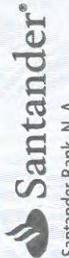
Commonwealth of Massachusetts
three hundred thirty seven and 50/100

\$ 337.50

DOLLARS

DATE 2/5/18

VOID AFTER 60 DAYS



FOR

Lane NOT fee

Jane W. Fey MP

⑈007062⑈ ⑆011075150⑆ 65900016570⑈



Application

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):

10 New Street East Boston 02128
 a. Street Address b. City/Town c. Zip Code
 Latitude and Longitude: 42° 22' 16" 71° 02' 42"
 d. Latitude e. Longitude
 Map 01054 Lot 08000
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Charles Lerner
 a. First Name b. Last Name
 Navy Yard Hospitality Group
 c. Organization
 42 8th Street, Unit 3510
 d. Street Address
 Charlestown MA 02129
 e. City/Town f. State g. Zip Code
 813-785-5446 charlie@navyyardhospitality.com
 h. Phone Number i. Fax Number j. Email Address

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

Kelly Saito
 a. First Name b. Last Name
 GEGC 2 New Street, LLC
 c. Organization
 1477 NW Everett Street
 d. Street Address
 Portland OR 97209
 e. City/Town f. State g. Zip Code
 503-299-6000 ksaito@gerdingedlen.com
 h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

Richard Jabba
 a. First Name b. Last Name
 Fort Point Associates, Inc.
 c. Company
 31 State Street, 3rd Floor
 d. Street Address
 Boston MA 02109
 e. City/Town f. State g. Zip Code
 617-357-7044 x208 rjabba@fpa-inc.com
 h. Phone Number i. Fax Number j. Email address

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

\$700.00 \$337.50 \$75.00
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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

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A. General Information (continued)

6. General Project Description:

The Project includes the addition of pile-held floats to an existing 10 feet by 40 feet boat landing in order to accommodate up to a total of nine vessels.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Suffolk

a. County

52576

c. Book

b. Certificate # (if registered land)

124

d. Page Number

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

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

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



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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> 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 checked="" type="checkbox"/> Land Under the Ocean	38 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

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

Provided by MassDEP:

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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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Provided by MassDEP:

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

Provided by MassDEP:
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Document Transaction Number
Boston
City/Town

D. Additional Information (cont'd)

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

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

See list of plans in Attachment A, Supplemental Information

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.

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:

7063

2. Municipal Check Number

February 5, 2018

3. Check date

7062

4. State Check Number

February 5, 2018

5. Check date

6. Payor name on check: First Name

Fort Point Associates, Inc.

7. Payor name on check: Last Name



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MassDEP File Number

Document Transaction Number

Boston

City/Town

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

February 7, 2018

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:

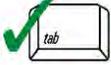
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



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.



A. Applicant Information

1. Location of Project:

<u>10 New Street</u>	<u>East Boston</u>
a. Street Address	b. City/Town
<u>7062</u>	<u>\$337.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Charles</u>	<u>Larner</u>	
a. First Name	b. Last Name	
<u>Navy Yard Hospitality Group</u>		
c. Organization		
<u>42 8th Street, Unit 3510</u>		
d. Mailing Address		
<u>Charlestown</u>	<u>MA</u>	<u>02129</u>
e. City/Town	f. State	g. Zip Code
<u>813-785-5446</u>	<u>charlie@navyyardhospitality.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u>Kelly</u>	<u>Saito</u>	
a. First Name	b. Last Name	
<u>GEGC2 New Street, LLC</u>		
c. Organization		
<u>1477 NW Everett Street</u>		
d. Mailing Address		
<u>Portland</u>	<u>OR</u>	<u>97209</u>
e. City/Town	f. State	g. Zip Code
<u>503-299-6000</u>	<u>ksaito@gerdingedlen.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

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

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.

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.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (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
Category 5 - Work on Docks	175	\$4 / LF	\$700.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	<u>\$700.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>\$337.50</u>
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 <u>\$75.00 (Boston Fee)</u> 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.)

Attachment A

SUPPLEMENTAL INFORMATION

ATTACHMENT A: SUPPLEMENTAL INFORMATION

1.1 OVERVIEW OF PROPOSED PROJECT

Navy Yard Hospitality Group (the “Applicant”) proposes to add new pile-held floats to an existing 10 feet by 40 feet boat landing accessible from the property parcel at 10 New Street, East Boston (the “Project”). The existing boat landing was approved by the Boston Conservation Commission (MassDEP File #006-1235) in February 24, 2015, and was constructed as part of the Eddy residential development. The boat landing is located entirely in flowed tidelands of Boston Harbor on the southwest side of the property parcel, which is roughly bounded by LoPresti Park to the south and the New Street development to the north and east (see Figure 1: Locus Map).

The Project work will take place in an approximately 1.1 acre area bounded by the seaward edge of the Harborwalk on the east, the limit of the Designated Port Area on the north, and the parcel boundaries on the west and south (“Project Site”). See Figure 2: Aerial View and Existing Conditions Photograph Key Plan.

The proposed addition of pile-held floats will provide docking space for up to nine vessels. The main floats will be 10 feet wide and 45 feet long, with one 5 feet by 40 feet finger float. The floats will be held by 12 new 24-inch diameter steel piles. The total new float area will be 1,550 square feet.

1.2 EXISTING CONDITIONS

The Project Site is located on the southwestern edge of the property parcel and is adjacent to a Federal Navigational Channel. The easternmost limit of the Project Site is bounded by a granite seawall. Water depths within this area range from approximately EL -1.62 NAVD88 to EL -27.06 NAVD88. The Project is located seaward of the Mean Low Water line, EL -5.26 NAVD88, and more than 120 feet (three times the channel depth) from the navigational channel. A navigation beacon (#14) is located in the outer portion of the Project Site.

The boat landing currently provides designated docking space for a water taxi. Additional vessels may use the boat landing so long as they do not impede water taxi access. It is accessed via a pier and ramp that connects to a pile-supported platform (see Figure 3: Existing Conditions Photograph). The water taxi stop has become one of the most popular vessel destinations in East Boston due to its proximity to other water-dependent uses within the Harbor as well as to the recent commercial and residential developments in East Boston.

1.3 WETLAND RESOURCE AREAS

The coastal wetland resource areas were delineated in accordance with criteria developed by state regulatory agencies and were determined by using elevations near and within the Project Site.

1.3.1 LAND UNDER THE OCEAN

Land Under the Ocean (LUO) is defined in the WPA regulations at 310 CMR 10.25 (2) as “land extending from the mean low water line seaward to the boundary of the municipality’s jurisdiction and includes land under estuaries.”

The Project is located within the Boston Inner Harbor below Mean Low Water (MLW), which is identified as -5.16 feet NAVD88. All proposed work for the Project will take place seaward of MLW in an area approximately 1.1 acres.

1.3.2 ANADROMOUS/CATADROMOUS FISH RUN

Anadromous/Catadromous Fish Run (Fish Run) is defined in the WPA regulations at 310 CMR 10.35 (2) as:

Area 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. Such fish runs shall include those areas which have historically served as fish runs and are either being restored or are planned to be restored at the time the Notice of Intent is filed. For the purposes of 310 CMR 10.21 through 10.37, such fish runs shall extend inland no further than the inland boundary of the coastal zone.

The Project is located within a Fish Run as identified on the Coastal Atlas of the Coastal Zone Management Program. All proposed work for the Project will take place in an area approximately 1.1 acres.

1.4 DESCRIPTION OF PROPOSED WORK

1.4.1 SITE DEVELOPMENT AND IMPROVEMENTS

The expansion of the boat landing is shown in Attachment C: NOI Plans and includes the installation of pile-held structures encompassing 1,550 square feet of float area and 12 piles.

1.4.2 DESCRIPTION AND IMPACTS OF PROPOSED WORK IN WETLAND RESOURCE AREAS

All work will take place within LUO and the Fish Run resource areas, which have the same area. Work will involve the temporary driving of 12 piles by barge-mounted crane. Approximately 38 square feet of LUO and Fish Run will be permanently impacted by the installation of the piles.

The proposed activities will not increase the height or velocity of waves impacting the shore and will not cause an increase in flooding or erosion. Sediment transport processes that would increase flood or erosion hazards by affecting the natural replenishment of beaches will not be impacted. The portions of the Project that impact resource areas are water-dependent and have been designed to minimize and/or avoid adverse impacts on marine fisheries habitat and wildlife habitat caused by changes in water quality.

1.4.3 PROJECT SCHEDULE

Construction is expected to begin in May 2018 and continue through June 2018.

1.5 COMPLIANCE WITH WPA PERFORMANCE STANDARDS

Project activities will be undertaken in a manner to ensure compliance with the performance standards for wetland resource areas as required in 310 CMR 10.00. The portions of the Project permanently impacting the resource areas are water-dependent and have been designed to prevent loss of marine fisheries or wildlife habitat. The Project avoids alterations, and where alterations are unavoidable, minimizes adverse impacts caused by changes in water quality and direct alteration. Mitigation of direct alterations will be coordinated with the City of Boston Conservation Commission. The following is a step-by-step analysis of the applicable regulatory performance standards applied to the Project.

Land Under the Ocean – 310 CMR 10.25

When Land Under the Ocean or nearshore areas of Land Under the Ocean are found to be significant to the protection of marine fisheries, protection of wildlife habitat, storm damage prevention or flood control, 310 CMR 10.25(3) through (7)¹ shall apply:

- (5) Projects not included in 310 CMR 10.25 (3) which affect nearshore areas of Land Under the Ocean 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.*

¹ 310 CMR 10.25 (3) and (4) are standards pertaining to improvement and maintenance dredging. As the Project does not propose dredging, neither standard applies.

The installation of piles and floats will not affect the bottom topography. Pile-held floats allow for the flow of currents and waves around the structures, which prevents changes that would alter the energy of the ocean patterns and increase potential storm damage and erosion to landward resource areas.

- (6) *Projects not included in 310 CMR 10.25 (4) which affect Land Under the Ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:*
- (a) *alterations in water circulation;*
 - (b) *destruction of eelgrass (*Zostera marina*) or widgeon grass (*Rupia maritima*) beds;*
 - (c) *alterations in the distribution of sediment grain size;*
 - (d) *changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or*
 - (e) *alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.*

All proposed activities are water-dependent. Pile installation activities are designed with necessary BMPs in order to avoid and minimize construction-related and long-term effects on the local marine environment. The free flow of water will not impede littoral drift, and grain size distribution will remain the same post construction.

Construction phase turbidity is expected to be minimal. The proposed boat landing expansion will not have significant or cumulative effects on the functions and values of the resource area, nor will it add additional pollutants to the Boston Inner Harbor.

Fish Run – 310 CMR 10.35

When such land or bank is determined to be significant to the protection of marine fisheries, 310 CMR 10.35(3) through (5) shall apply:

- (3) *Any project on such land or bank 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, pursuant to its authority under M.G.L. c. 130, § 19;*
 - (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.*

Permanent impacts to the Fish Run will not impact the volume or rate of flow of water, nor the capacity of spawning or nursery habitats. Temporary impacts to water quality from pile removal and pile installation will be minimized through the mitigation measures outlines in Section 1.6.

- (4) *Unless otherwise allowed by DMF pursuant to M.G.L. c. 130, § 19, dredging, disposal of Dredged Material or filling in a fish run shall be prohibited between March 15th and June 15th in any year.*

In-water work will be carried out in compliance with time-of-year restrictions unless otherwise authorized by DMF in writing.

- (5) *Notwithstanding the provisions of 310 CMR 10.35(3), 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.*

The Project is not located within the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife published by the Natural Heritage and Endangered Species Program.

1.6 MITIGATION MEASURES

The following section describes measures that the Project will implement to avoid short- and long-term impacts to resource areas. These measures will be employed throughout all phases of the Project:

- Best Management Practices will be deployed during construction in order to reduce sediment suspension during pile installation.
- A floating debris boom with an attached turbidity curtain will be placed in order to contain potential solids within the work area.
- Construction will take place during periods of reduced current and wave action, to the greatest extent practical.
- Water quality will be visually monitored, and construction activities will be rescheduled if considerable changes are observed. It is expected that water quality will not be adversely affected due to the relatively few number of piles to be installed, the low impact of installing piles, and the outlined precautions that will be pursued.

- In-water work will be carried out during the time of year that will not interfere with winter flounder spawning, migratory fish runs, or other activities as designated by the Division of Marine Fisheries (DMF), unless otherwise authorized in writing by DMF.
- There will be no discharge of pollutants affecting temperature or clarity of the water during construction or upon completion.

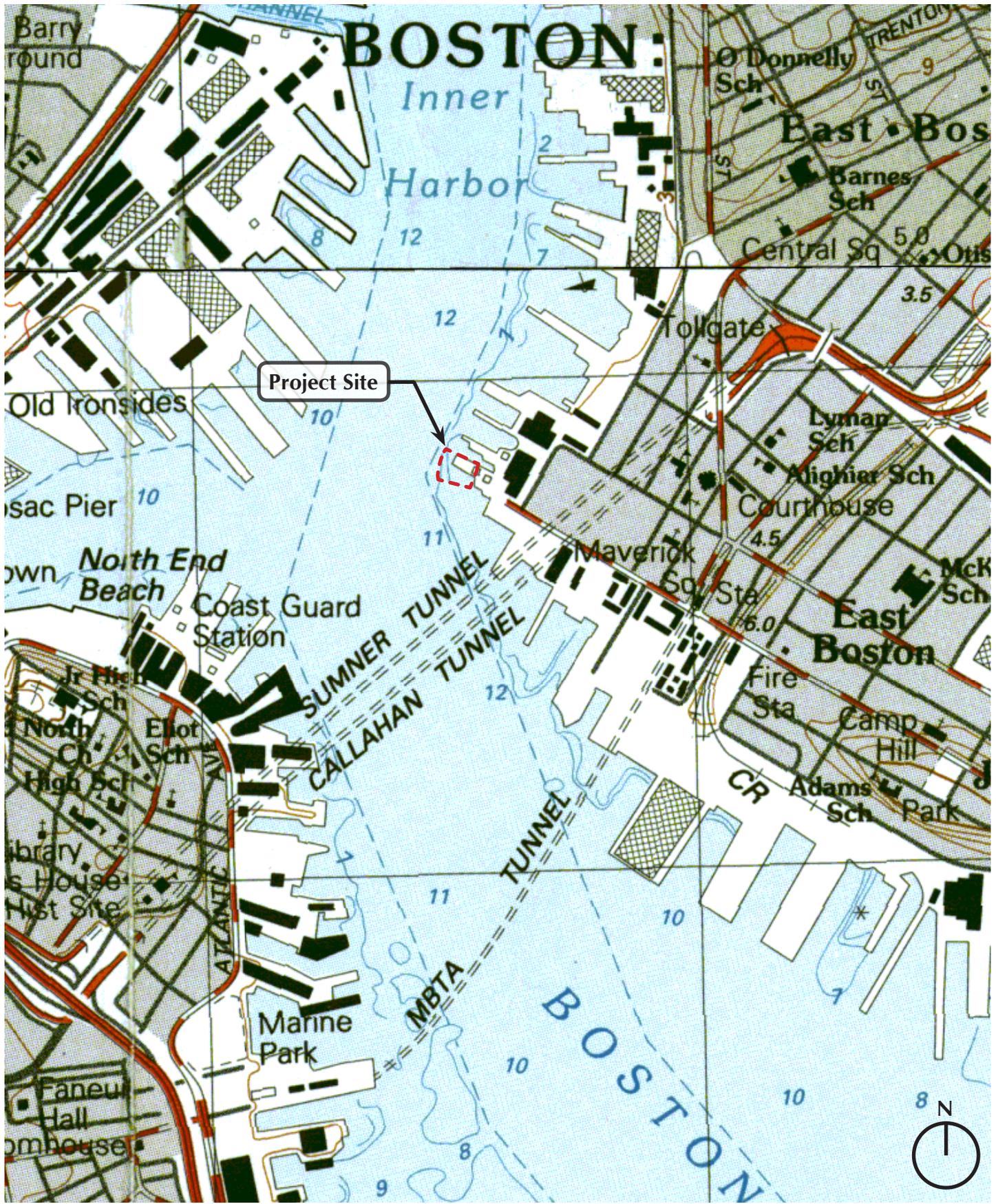
1.6.1 SEA LEVEL RISE

The pile heights shown on the boat landing plan are based on the EL 11 NAVD88 velocity zone elevation as shown on the FEMA FIRM effective March 2016 (see Figure 4: FEMA Flood Insurance Rate Map). The Project has taken appropriate measures to minimize impacts caused by flooding to the extent practicable. Piles are to be cut off at an elevation of 16 feet NAVD88 to reflect the FIRM's upper limit of the base flood elevations of +11 feet plus two feet freeboard. An additional three feet of height has been provided in anticipation of rising sea level. This design will be adequate to prevent the floats from releasing from the top of the piles during a 100-year storm.

The structure was designed by a Registered Professional Engineer and will not pose an unreasonable threat to navigation, public health and safety, or adjacent buildings and structures if damaged or destroyed in a storm.

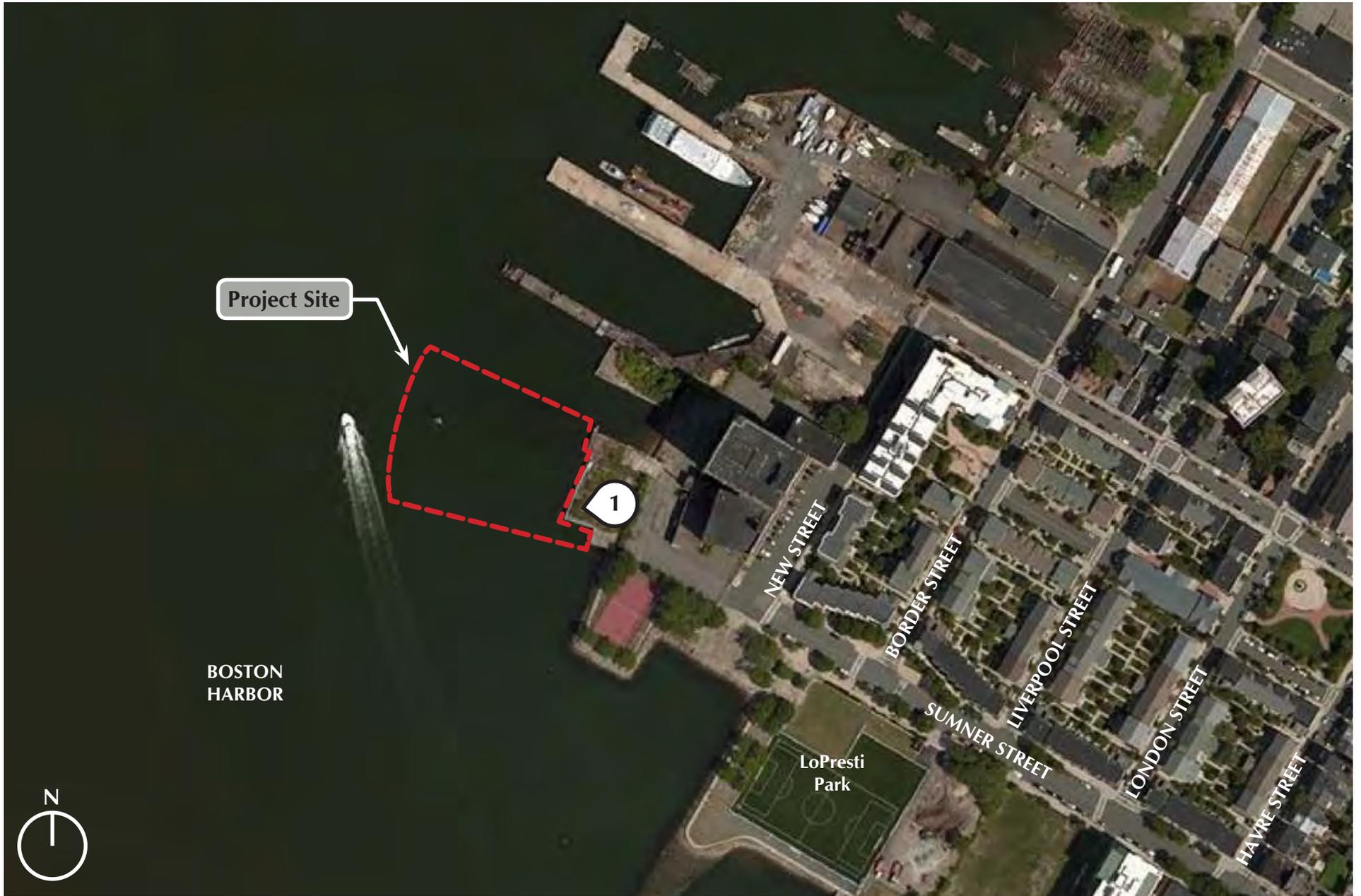
1.7 NOI PLAN LIST

Title	Scale	Date	Signed and Stamped
Existing Conditions Plan	1" = 20'	2/2/2018	Daniel J. Kennedy
Proposed Dock Expansion Plan	1" = 20'	2/2/2018	Daniel J. Kennedy
Proposed Dock Expansion Section	1" = 8'	2/2/2018	Daniel J. Kennedy



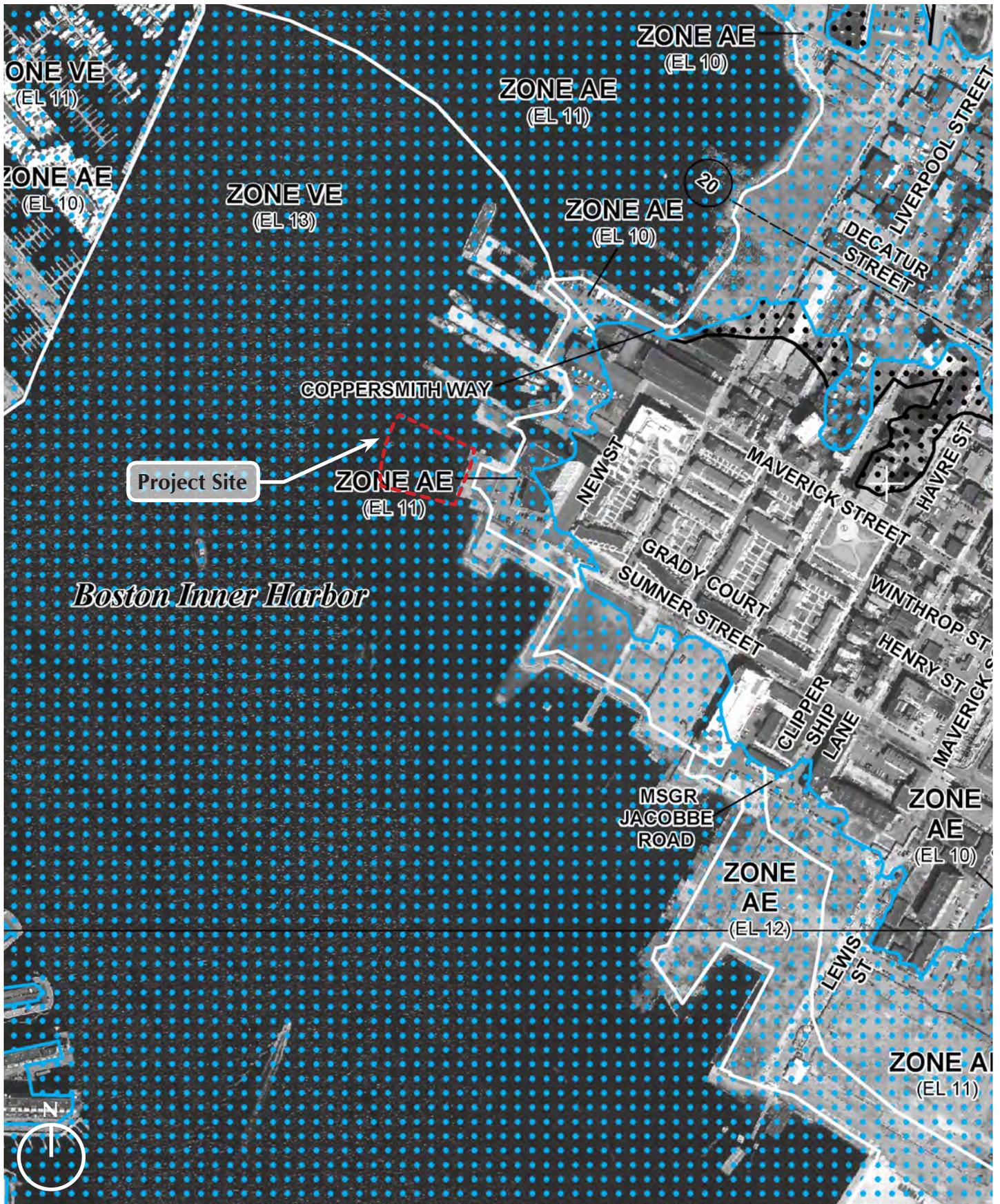
East Boston, Massachusetts

Figure 1
Locus Map
Source: USGS, 2017





1. View looking west from Project Site.



Attachment B

NOTIFICATION INFORMATION

ATTACHMENT B: NOTIFICATION INFORMATION

The following table outlines abutters of the Project within 100 feet of the property line as gathered from the City of Boston Assessing Department.

Property	Owner Name	Owner Address	Parcel ID
LoPresti Park	City of Boston	c/o Boston Parks and Recreation 1010 Massachusetts Avenue 3 rd Floor Boston, MA 02118	105404000
3 New Street	Maverick Revitalization Corp	c/o Trinity Financial 75 Federal Street 4 th Floor Boston, MA 02109	105609010

**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 **Navy Yard Hospitality Group**. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of **Boston** 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 **10 New Street, East Boston, Massachusetts 02128**.

C. Copies of the notice of Intent may be examined at **Boston City Hall** between the hours of **9 AM and 5 PM** on the following days of the weeks: **Monday through Friday**. For more information, call Boston City Hall at **(617) 635-4500**.

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: **(617) 635-3850** between the hours of and on the following days of the week: **9 AM to 5 PM, Monday through Friday**

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

NOTE: Notice of the public hearing, including its date, time, and place, will be posted 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) 694-3200.

Attachment C

NOI PLANS

For Review

02/03/2018 12:12:30 PM

NOTES:

1. THE BATHYMETRY DEPICTED ON THIS DRAWING REPRESENTS THE RESULTS OF A SURVEY PERFORMED BY SEAVISION UNDERWATER SOLUTIONS INC ON OCT. 19 2017 AND CAN ONLY BE CONSIDERED TO INDICATE THE GENERAL CONDITION AT THAT TIME.
2. HORIZONTAL POSITIONING REFERENCES THE NORTH AMERICAN DATUM OF 1983 (NAD83) MASSACHUSETTS MAINLAND - MAINLAND ZONE STATE PLANE COORDINATES.
3. VERTICAL ELEVATIONS REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), WHICH HAS AN ELEVATION OF 5.16 FEET RELATIVE TO MEAN LOW WATER (MLW) AT NOAA TIDE STATION 8443970 (BOSTON MA).
4. FEMA ZONES REFERENCED FROM FLOOD INSURANCE RATE MAP NUMBER 25025C0081J DATED MARCH 16, 2016.
5. PROPERTY LINE AND OWNERSHIP DATA REFERENCED FROM MASS GIS INTERACTIVE PROPERTY MAP AS OF 1/4/2018.
6. FEDERAL PROJECT BOUNDARIES SHOWN WERE OBTAINED FROM COORDINATES PROVIDED BY THE U.S ARMY CORP. OF ENGINEERS FOR BOSTON HARBOR, MA IN NAD83 MASSACHUSETTS STATE PLANE COORDINATES.
7. LOCATION OF THE EXISTING DOCK IS REFERENCED FROM THE DRAWING "AS-BUILTS OF PRECAST WALLS AND MARINE PILES" PREPARED BY J.F. WHITE CONTRACTING CO., DATED 8/20/2016.
8. 40 FOOT MAINSHIP CHANNEL REFERS TO MEAN LOWER LOW WATER (MLLW) DATUM.
9. TO DETERMINE ELEVATIONS IN BOSTON CITY BASE DATUM, ADD 6.46 FEET TO NAVD88 ELEVATION.

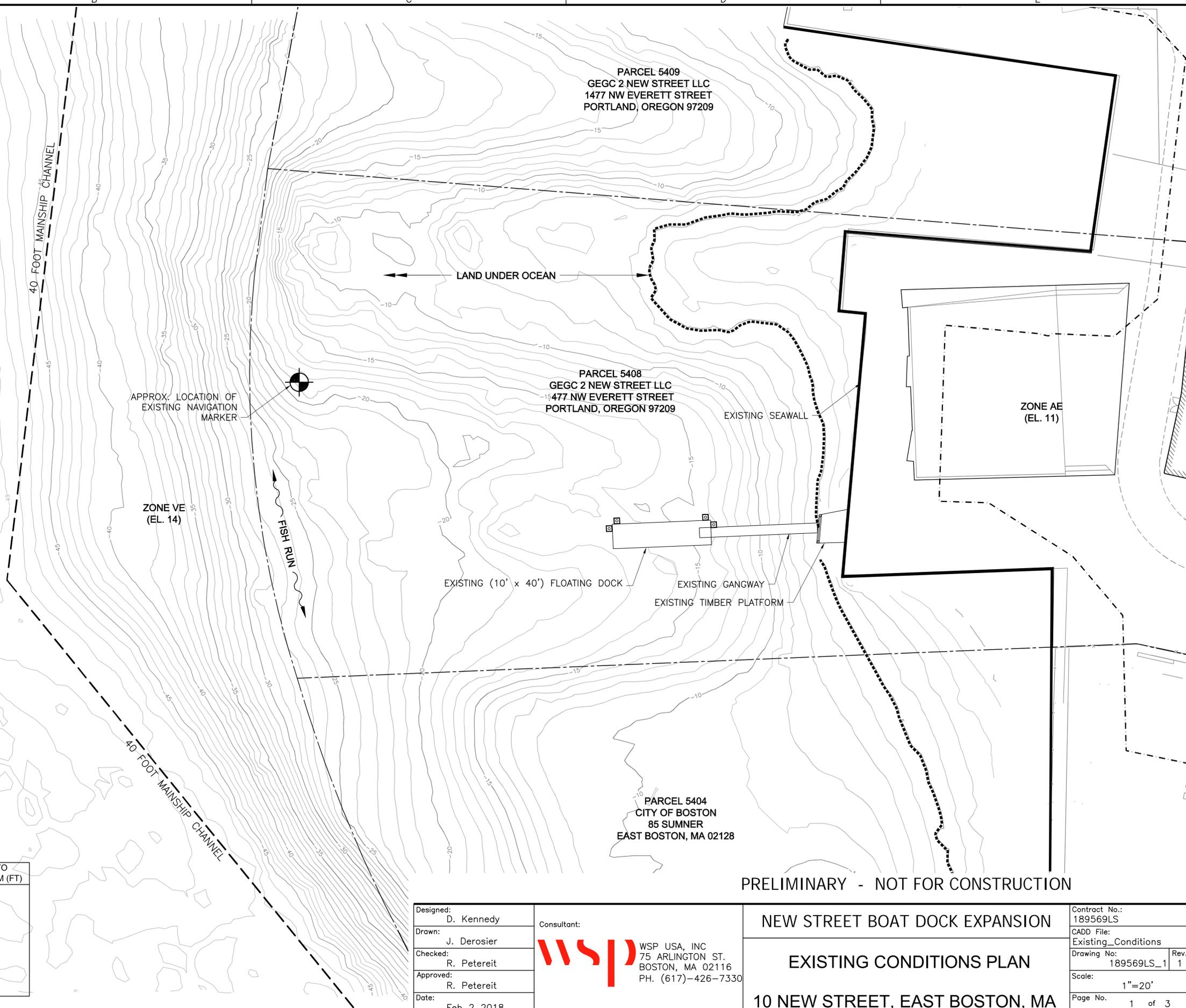
LEGEND:

- FEDERAL CHANNEL LINE
- PROPERTY LINE
- MEAN LOW WATER (MLW)
- FEMA ZONE VE/AE BOUDARY
- MEAN HIGH WATER (MHW)



TIDE TABLE PER NOAA TIDE STATION 8443970 BOSTON, MA

LEVEL	RELATIVE TO MLW DATUM (FT)	RELATIVE TO NAVD88 DATUM (FT)
MEAN HIGHER-HIGH WATER (MHHW)	9.93	4.77
MEAN HIGH WATER (MHW)	9.49	4.33
MEAN SEA LEVEL (MSL)	4.86	-0.30
MEAN LOW WATER (MLW)	0.00	-5.16
MEAN LOWER-LOW WATER (MLLW)	-0.35	-5.51
NORTH AMERICAN DATUM 1988 (NAVD88)	5.16	0.00
HIGHEST OBSERVED WATER LEVEL (Maximum)	14.75	9.59
LOWEST OBSERVED WATER LEVEL (Minimum)	-4.07	-9.23
HIGHEST ASTRONOMICAL TIDE (HAT)	12.08	6.92
LOWEST ASTRONOMICAL TIDE (LAT)	-2.62	-7.78



PRELIMINARY - NOT FOR CONSTRUCTION

Designed: D. Kennedy
 Drawn: J. Derosier
 Checked: R. Petereit
 Approved: R. Petereit
 Date: Feb 2 2018

Consultant:
 WSP USA, INC
 75 ARLINGTON ST.
 BOSTON, MA 02116
 PH. (617)-426-7330

NEW STREET BOAT DOCK EXPANSION
EXISTING CONDITIONS PLAN
 10 NEW STREET, EAST BOSTON, MA

Contract No.: 189569LS
 CADD File: Existing_Conditions
 Drawing No: 189569LS_1 Rev. 1
 Scale: 1"=20'
 Page No. 1 of 3

For Review

02/03/2018 12:12:19 PM

NOTES:

1. THE BATHYMETRY DEPICTED ON THIS DRAWING REPRESENTS THE RESULTS OF A SURVEY PERFORMED BY SEAVISION UNDERWATER SOLUTIONS INC ON OCT. 19, 2017 AND CAN ONLY BE CONSIDERED TO INDICATE THE GENERAL CONDITION AT THAT TIME.
2. HORIZONTAL POSITIONING REFERENCES THE NORTH AMERICAN DATUM OF 1983 (NAD83) MASSACHUSETTS MAINLAND - MAINLAND ZONE STATE PLANE COORDINATES.
3. VERTICAL ELEVATIONS REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), WHICH HAS AN ELEVATION OF 5.16 FEET RELATIVE TO MEAN LOW WATER (MLW) AT NOAA TIDE STATION 8443970 (BOSTON MA).
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7. LOCATION OF THE EXISTING DOCK IS REFERENCED FROM THE DRAWING "AS-BUILTS OF PRECAST WALLS AND MARINE PILES" PREPARED BY J.F. WHITE CONTRACTING CO., DATED 8/20/2016.
8. 40 FOOT MAINSHIP CHANNEL REFERS TO MEAN LOWER LOW WATER (MLLW) DATUM.
9. THE PRELIMINARY FLOAT LAYOUT IS INTENDED TO ILLUSTRATE THE PROPOSED TOTAL FLOAT AREA AND IS SUBJECT TO MODIFICATION DURING FINAL DESIGN WITHIN THE LIMITS OF THE TOTAL AREA SHOWN.

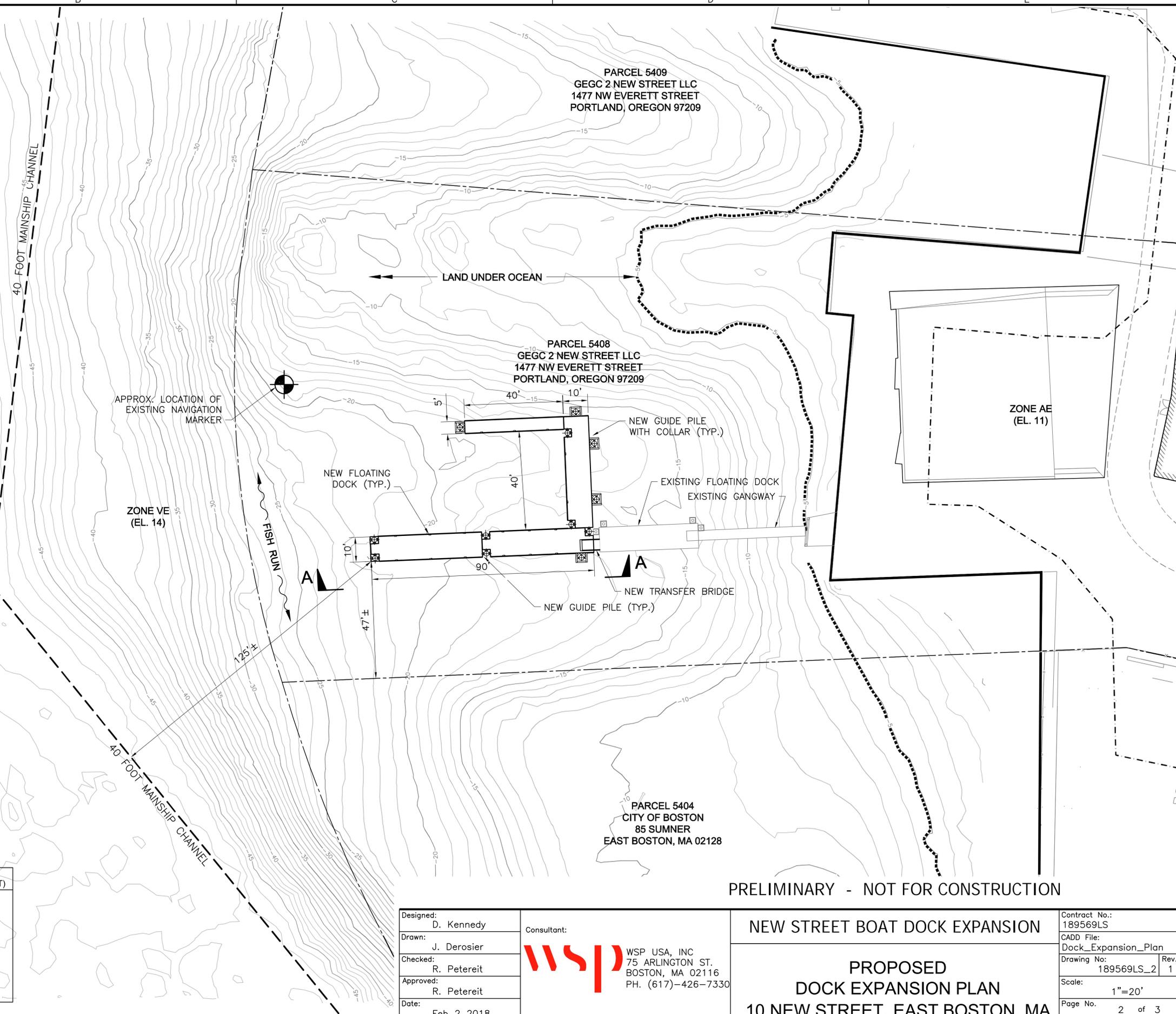
LEGEND:

- FEDERAL CHANNEL LINE
- PROPERTY LINE
- MEAN LOW WATER (MLW)
- FEMA ZONE VE/AE BOUDARY
- MEAN HIGH WATER (MHW)



TIDE TABLE PER NOAA TIDE STATION 8443970 BOSTON, MA

LEVEL	RELATIVE TO MLW DATUM (FT)	RELATIVE TO NAVD88 DATUM (FT)
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LOWEST ASTRONOMICAL TIDE (LAT)	-2.62	-7.78



PRELIMINARY - NOT FOR CONSTRUCTION

Designed:
D. Kennedy

Drawn:
J. Derosier

Checked:
R. Petereit

Approved:
R. Petereit

Date:
Feb 2 2018

Consultant:

WSP USA, INC
75 ARLINGTON ST.
BOSTON, MA 02116
PH. (617)-426-7330

NEW STREET BOAT DOCK EXPANSION

PROPOSED DOCK EXPANSION PLAN

10 NEW STREET, EAST BOSTON, MA

Contract No.:
189569LS

CADD File:
Dock_Expansion_Plan

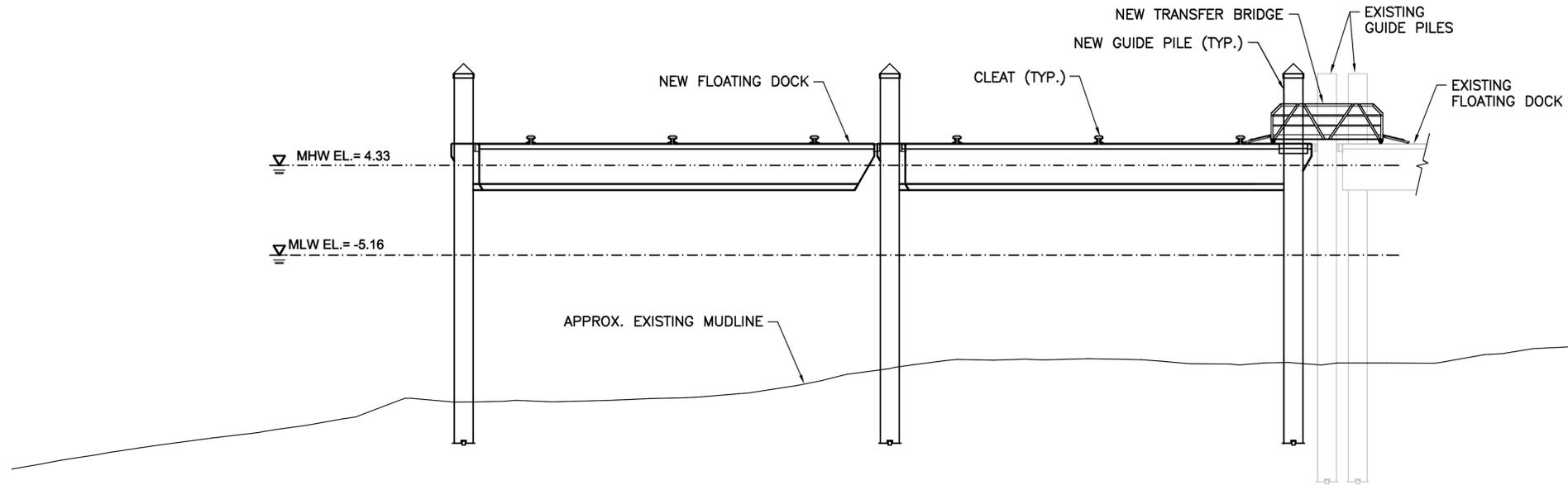
Drawing No: 189569LS_2
Rev. 1

Scale:
1"=20'

Page No.
2 of 3

For Review

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SECTION A-A

PRELIMINARY - NOT FOR CONSTRUCTION



Designed:	D. Kennedy
Drawn:	J. Derosier
Checked:	R. Petereit
Approved:	R. Petereit
Date:	Feb 2 2018

Consultant:



WSP USA, INC
 75 ARLINGTON ST.
 BOSTON, MA 02116
 PH. (617)-426-7330

NEW STREET BOAT DOCK EXPANSION

**PROPOSED
 DOCK EXPANSION SECTION
 10 NEW STREET, EAST BOSTON, MA**

Contract No.: 189569LS	
CADD File: Dock_Expansion_Elevation	
Drawing No: 189569LS_3	Rev. 1
Scale: 1"=8'	
Page No. 3	of 3

2018-02-02 4:00 PM T:\189569LS New Street Development Floats\Sheets\Notice_of_Intent\Dock_Expansion_Elevation.dwg