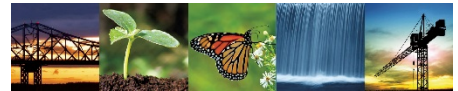




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144 Elm Street
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T: 781.278.4800
F: 978.834.6269
www.gza.com



February 3, 2021
File No. 18.0174177.00

Boston Conservation Commission
1 City Hall Square, Room 709
Boston, MA 02201

Re: Request for Amended Order of Conditions – BOS File No. 2020-032
Proposed Seawall Repair Project
Dorchester Yacht Club, 100 Playstead Road
Dorchester, Massachusetts

Dear Commission Members:

On behalf of the Dorchester Yacht Club (DYC), GZA GeoEnvironmental, Inc. is submitting the attached request to amend the Order of Conditions (OOC) that was issued to the DYC on September 3, 2020 for the above-referenced project. It should be noted that this request is being sought only under the Boston Wetlands Protection Ordinance pursuant to the BOS File Number.

The DYC is requesting that references to the property “Owner” or the Massachusetts Department of Conservation and Recreation (MassDCR) be removed from the conditions that were issued under the above-referenced OOC. The DYC filed a Request for a Superseding Order of Conditions (SOOC) with the Massachusetts Department of Environmental Protection (MassDEP) on September 10, 2020 requesting that the references to the “Owner” or MassDCR be removed from the conditions. MassDEP reviewed the files and provided a SOOC to the DYC with additional special conditions included, as well as a modification to Special Condition 20 to remove the term “Owner” from the Condition. As such, the DYC is requesting that the Boston Conservation Commission issue an Amended Order of Conditions to reflect the change in Special Condition 20.

The attached request includes a copy of the OOC that was issued as well as a discussion of the Conditions that are requested to be amended. Additionally, we have included the required abutter notification forms, a copy of the SOOC issued by MassDEP and a check in the amount of \$200 for the Amendment Request Fee. Should you have any questions or comments regarding this submittal, please contact our office at (781) 278-4808.

Sincerely,
GZA GEOENVIRONMENTAL, INC.

Joshua J. Zall
Assistant Project Manager

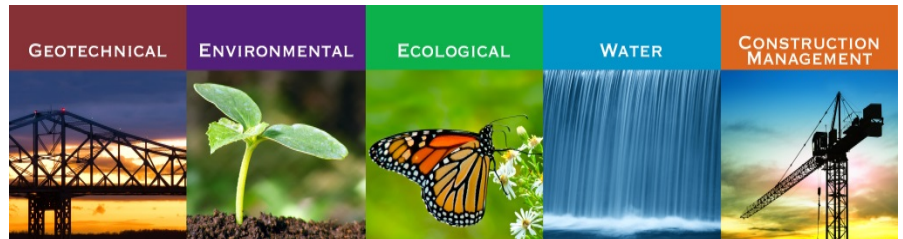
David Smith
Consultant/Reviewer

Anders B. Bjarngard, P.E.
Principal-in-Charge

Attachment: Request For Amended Order Of Conditions

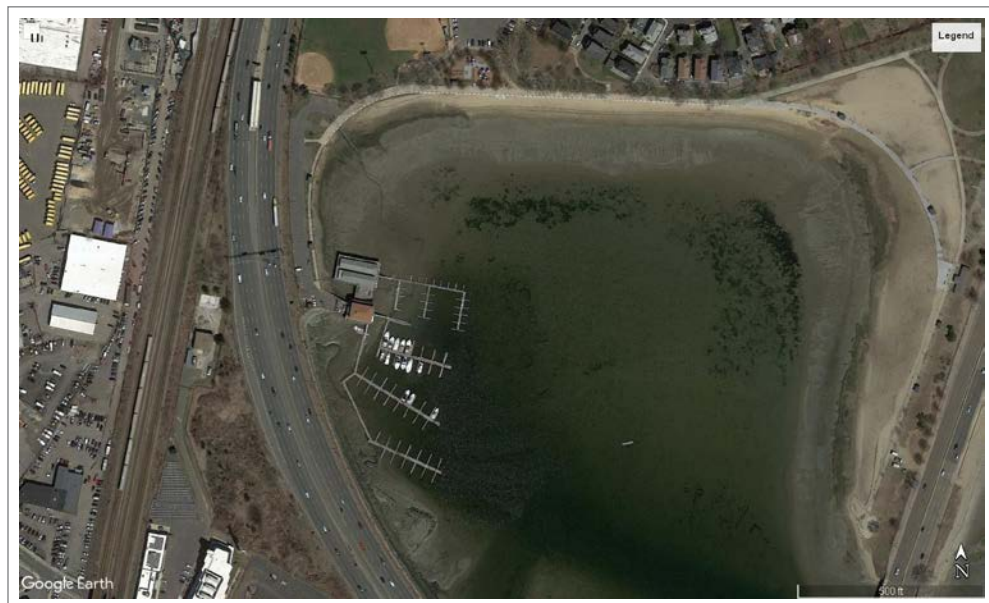


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REQUEST FOR AMENDED ORDER OF CONDITIONS BOS File No. 2020-032 SEAWALL REPAIR PROJECT DORCHESTER YACHT CLUB Dorchester, Massachusetts

February 2021
GZA File No. 18.0174177.00



PREPARED FOR:
Dorchester Yacht Club
100 Playstead Road
Dorchester, Massachusetts 02125

GZA GeoEnvironmental, Inc.
144 Elm Street | Amesbury, MA 01913
781-278-4800

31 Offices Nationwide
www.gza.com



COVER LETTER

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APPENDIX B	SUPERSEDING ORDER OF CONDITIONS ISSUED DECEMBER 18, 2020 DEP File No. 006-1749
APPENDIX C	ABUTTER INFORMATION



1.0 PROJECT NARRATIVE

A. INTRODUCTION

GZA GeoEnvironmental, Inc. (GZA), was retained by the Dorchester Yacht Club (DYC) to provide engineering and permitting services for the proposed repairs to the existing granite block and concrete seawall along the Dorchester Bay Basin. A Notice of Intent was filed and approved by the Boston Conservation Commission (BCC). An Order of Conditions (OOC) was issued by the BCC on September 3, 2020, however one condition, Condition 20, included references to the property owner, which is the Massachusetts Department of Conservation and Recreation (MassDCR). GZA and the DYC are hereby requesting that the references to the MassDCR and property owner be removed from the OOC such that all permit requirements and obligations are the responsibility of the DYC and not the MassDCR. It should be noted that this amendment is being sought only under the Boston Wetlands Protection Ordinance pursuant to the BOS File Number.

B. AMENDMENT REQUEST

The property where the proposed seawall repair work is to be performed is owned by MassDCR and leased by the DYC. The Applicant for the issued OOC referenced above was the DYC. GZA has been in communication with the MassDCR regarding orders which include references to the owner of the property. MassDCR has directed the DYC to request that any and all references to the property owner or MassDCR be removed from the OOC. It is our understanding that the MassDCR has had communications with the BCC regarding this issue with prior projects where the MassDCR is not listed as the applicant. The MassDCR as a state agency is not legally able to accept conditions issued on OOCs that are maintenance conditions and do not expire upon issuance of a Certificate of Compliance. As such, the DYC is requesting that the BCC amend the referenced OOC to remove any and all references to the property owner and MassDCR.

The DYC filed a Request for a Superseding Order of Conditions (SOOC) with the Massachusetts Department of Environmental Protection (MassDEP) on September 10, 2020 requesting that the reference to the "Owner" or MassDCR be removed from the conditions. MassDEP reviewed the OOC that was issued by the BCC and provided an SOOC. The SOOC affirmed the BCC's OOC, however they included revisions to the Special Conditions that were issued with the original OOC. These revisions include the removal of the term "Owner" from Condition 20, and the inclusion of MassDEP in Special Conditions 23, 25 and 37.

As such, the DYC is requesting that the OOC issued under the Boston Wetlands Protection Ordinance be revised to be consistent with the revisions to the Special Conditions that are included in the attached SOOC issued by MassDEP.



**Appendix A – Order of Conditions Issued September 3, 2020
DEP File No. 006-1749 & BOS File No. 2020-032**



City of Boston
Environment



City of Boston
Mayor Martin J. Walsh

September 3, 2020

Joshua Zall
GZA GeoEnvironmental Inc
144 Elm Street
Amesbury, MA 01913

CERTIFIED MAIL: 7015 1520 0002 7630 1235

RE: Notice of Intent for DEP File No. 006-1749 and BOS File No. 2020-032 from GZA GeoEnvironmental on behalf of Dorchester Yacht Club for the proposed seawall repairs located at 100 Playstead Rd, Dorchester, MA (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area, 100ft Buffer to Coastal Bank)

Dear Mr. Zall,

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

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

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

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

For the Commission,

Nicholas Moreno, Conservation Agent
Boston Conservation Commission

Enclosure: WPA Form 5

cc: DEP NERO

CITY of BOSTON



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **SMACARI**

Transaction ID: **1221110**

Document: **WPA Form 5 - OOC**

Size of File: **135.67K**

Status of Transaction: **In Process**

Date and Time Created: **9/3/2020:10:26:31 AM**

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

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

Provided by MassDEP:
 MassDEP File #:006-1749
 eDEP Transaction #:1221110
 City/Town:BOSTON

A. General Information

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

3. Applicant Details

a. First Name GREG b. Last Name BEDROSIAN
 c. Organization DORCHESTER YACHT CLUB
 d. Mailing Address 100 PLAYSTEAD ROAD
 e. City/Town DORCHESTER f. State MA g. Zip Code 02125

4. Property Owner

a. First Name PRISCILLA GEIGIS b. Last Name
 c. Organization MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION
 d. Mailing Address 251 CAUSEWAY STREET, SUITE 900
 e. City/Town BOSTON f. State MA g. Zip Code 02114

5. Project Location

a. Street Address 100 PLAYSTEAD ROAD
 b. City/Town BOSTON c. Zip Code 02125
 d. Assessors Map/Plat# 02238 e. Parcel/Lot# 022
 f. Latitude 42.30640N g. Longitude 71.05300W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SUFFOLK		579	80

7. Dates

a. Date NOI Filed : 6/16/2020 b. Date Public Hearing Closed: 7/22/2020 c. Date Of Issuance: 8/6/2020

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PROPOSED PLAN AND SECTIONS	GEZ GEOENVIRONMENTAL	ANDERS B BJARNGARD	06/2020	1=20

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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

Check all that apply:

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

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

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

Provided by MassDEP:
 MassDEP File #:006-1749
 eDEP Transaction #:1221110
 City/Town:BOSTON

Approved subject to:

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

Denied because:

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

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

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

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	a. total sq. feet	b. total sq. feet		
<input checked="" type="checkbox"/> Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	<u>3260</u> a. square feet	<u> </u> b. square feet	<u>0</u> c. c/y nourishment	<u> </u> d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	<u>326</u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	<u>3260</u> a. square feet	<u> </u> b. square feet	<u>0</u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>908</u> a. square feet	<u> </u> b. square feet		

22. Restoration/Enhancement (For Approvals Only)

Massachusetts Department of Environmental Protection

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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

" Massachusetts Department of Environmental Protection"

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

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[or 'MassDEP']

File Number : "006-1749"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per

Massachusetts Department of Environmental Protection

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- the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
 - d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
 - e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
 - f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
 - g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
 - h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
 - i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
 - j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
 - k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

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eDEP Transaction #:1221110

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defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

- 1) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED CONDITIONS

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

1. Municipal Ordinance or Bylaw BOSTON
WETLANDS
PROTECTION
ORDINANCE

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

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

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



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

Provided by MassDEP:
006-1749
MassDEP File #
8 1221110
eDEP Transaction #
Boston
City/Town

E. Signatures

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

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

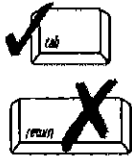
Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

August 6, 2020
1. Date of Issuance

5
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.



Signatures:

DocuSigned by:
Aldo Guerin
5DDB9A2F8ED0486...
DocuSigned by:
Alice Richmond
1CA22302A9984AE...
DocuSigned by:
Anne Herbst
5CC3D9B13BC94DE...

DocuSigned by:
John Sullivan
8D5AE0825974AD2...
DocuSigned by:
Michael O'Leary
DA6A2B41AC4349B...

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

September 3, 2020

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:006-1749

eDEP Transaction #:1221110

City/Town:BOSTON

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

G. Recording Information

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

BOSTON

Conservation Commission

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

To:

BOSTON

Conservation Commission

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

100 PLAYSTEAD ROAD

Project Location

006-1749

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner PRISCILLA GEIGIS

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

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

Provided by MassDEP:
MassDEP File #:006-1749
eDEP Transaction #:1221110
City/Town:BOSTON

Signature of Applicant

Rev. 4/1/2010

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing sewall, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)
DEP File No. 006-1749 / BOS File No. 2020-032

20. The term "Applicant" as used in this Order of Conditions refers to the applicant, owner, any successor in interest or successor in control of the property, or assigns referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Boston Conservation Commission (hereinafter "the Commission") must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
22. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
23. A member of the Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order.
24. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Massachusetts Wetlands Protection Act (hereinafter "the Act").
26. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, all site related activities impacting the water must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
27. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with these conditions and the Act. The Applicant will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
28. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
29. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas or 100-foot Buffer Zone (hereinafter "buffer zone") associated with those resource areas. Any equipment used in any wetland resource area or buffer zone that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be repaired outside of any wetland resource area or buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas or buffer zone. Equipment must not be re-fueled within any wetland resource areas.
30. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in the resource area, buffer zone or over the water. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watershed. The spent material should be containerized and disposed of properly.

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing sewall, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)

DEP File No. 006-1749 / BOS File No. 2020-032

31. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at 617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Nicholas Moreno, Conservation Agent: cc@boston.gov
32. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The fuel tanks must also have a leak detection system. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein, and will not expire upon issuance of a Certificate of Compliance.
33. Anti-degradation provisions of the Massachusetts Surface Water Quality Standards protect all waters including wetlands. The contractor must take all steps necessary to assure that the proposed activities will be conducted in a manner which will avoid violations of said standards.
34. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
35. All project related correspondence and submittals to the Commission regarding this Final Order must indicate the DEP File number: 006-1749 and BOS File number: 2020-032.

Prior to Construction

36. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
37. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.
38. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
39. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.
40. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing sewall, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)
DEP File No. 006-1749 / BOS File No. 2020-032

41. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw wattles or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.
42. The contractor must submit a construction materials and equipment staging plan along with the BPRD Construction Access License Agreement between the Applicant and the Boston Parks and Recreation Department, 7 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
43. The Applicant must submit a construction and post-construction snow management plan for Commission staff review and approval. Snow from landside areas may not be plowed or otherwise deposited into the waters of Dorchester Bay or adjacent coastal beaches or banks. Snow must be stockpiled on paved surfaces that direct melted snow water to catch basins. Deicing material and sand must be stored and contained in areas that will not allow for their migration into wetland resource areas. Prior to April 1st, all sand and salt from winter application must be removed from the site. The approved snow management plan will be a perpetual maintenance condition that will not expire upon issuance of a Certificate of Compliance.

During Construction

44. The Applicant must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.
45. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
46. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.
47. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
48. All practical best management practices must be implemented during in-water or waterside demolition/construction activities to minimize turbidity and other water quality impacts, including but not limited to a floating boom with an attached silt curtain to contain work areas. The silt curtain should be maintained in good operating condition, should rest on the mud line at all times, and should have adequate shore-line anchors, tie-downs or other mechanisms to ensure proper position and performance. Any visible plume of turbid water caused by project activity outside the area contained by the silt curtain will constitute inadequate performance and require immediate adjustment and/or repositioning of the curtain. Deployment of the curtain should occur in such a way that it will not interfere with water traffic. The boom may be removed when work directly requiring the use of a boom

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing sewall, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)
DEP File No. 006-1749 / BOS File No. 2020-032

has been completed. The contractor must also have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet.

49. All project-related materials must be contained from migration into wetland resource areas and all practical precautions must be used during any water-based demolition/construction work. The Applicant and/or their contractor will be responsible for the removal of any project-related debris, material, machinery or equipment lost, dumped, thrown into, or otherwise entering any wetland resource area, regardless of whether it is within or outside of the project limits. The proponent must seek Commission approval for any remedial action involving substantial impacts to wetland resource areas.
50. The contractor must have a boat available for the collection and removal of project related trash and debris within wetland resource areas and on the watersheet. The contractor will contain and collect all floating debris that results from the project and collect it along with solid waste including trash. The collected debris and trash will be placed into containers and periodically removed for proper disposal. The boat should also be used to check the boom.
51. All vessels working at this site must be maintained in seaworthy condition. Should any vessel or barge associated with the project sink the Commission must be informed immediately. The proposed work and placement of barges should be coordinated with vessels that navigate in the affected waterways. All vessels and floating equipment must be anchored or moored when not in use and have proper lighting per U.S. Coast Guard requirements. Barges must be anchored with spuds or tied off to a secure structure; under no circumstances should construction equipment on the barge be utilized for purposes of anchoring. Project related vessels may not rest upon tidal flats.
52. All deck gear and equipment stored on project-related vessels must be secured at the end of each workday and inspected for any leakage. All project-related vessels must have a spill kit containing sorbent materials on the vessel at all times. All material stored on project related vessels must be contained so as not to enter the resource area. Petroleum product and hydraulic fluids must be stored within leak-proof lockers secured to the deck of the vessel.
53. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.
54. The Applicant will ensure the cleanliness of all catch basins on the project site or affected by project related activity. Catch basins will be protected with hay bales and/ or silt sacks during the construction period. The proponent must inspect and, as necessary, clean all catch basins at least weekly during construction and more frequently after a significant rain event. Upon completion of the project, the inspection and cleaning of catch basins on the subject property must occur twice a year: once between March 1st and April 30th and once between November 1st and November 30th of each year, and more often if necessary. This **maintenance** condition is perpetual and will not expire upon issuance of a Certificate of Compliance.
55. The Applicant must provide the Commission with copies of the Operations and Maintenance Log for all stormwater BMP's on the subject site yearly. Copies must be provided for a minimum of three years after completion of construction and specify dates of inspections, repairs, replacement, maintenance and cleaning actions, and names of individuals or contractors conducting said maintenance.
56. All sheet flow from areas where vehicles drive or park must be directed toward catch basins that meet BWSC Specifications.
57. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing sewall, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)
DEP File No. 006-1749 / BOS File No. 2020-032

due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.

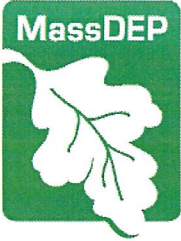
58. The contractor must have designated washout areas for concrete equipment that will be comprised of impermeable material and sized to contain project concrete wastes and wash water. Washout areas may not be located in the vicinity of storm drain inlets, stormwater conveyance, surface waters or wetlands.
59. Excavation equipment may access the inter-tidal area only during periods of low tide and utilize rubber-tired vehicles.
60. There may be no parking of contractor or laborer vehicles in any resource area or associated buffer zone without proper stormwater controls or best management practices installed.
61. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
62. There may be no overnight stockpiling or storage of construction material including unconsolidated material, piles, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the buffer zone, 25 feet of the coastal bank, or the 100-year flood plain. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within resource areas or the buffer zone. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.
63. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs, noting turbidity conditions, occurrence of fish kills, debris removal from resource areas and evaluations of measures employed to reduce turbidity and other impacts to the water and wetland resources. The condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.
64. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
65. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
66. All equipment and unconsolidated materials must be removed from areas subject to the 1% annual chance flood (100-year flood, Zone A) in advance of significant rainfall that will exceed the volume of a 2-year storm event.
67. All equipment and unconsolidated materials must be removed from the buffer zone and Land Subject to Coastal Storm Flowage (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood) in advance of any forecasted coastal flooding event.

Additional Conditions

68. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and signage details and any modifications or additions to the project, to Commission staff to determine if further Commission review is required.



**Appendix B – Superseding Order of Conditions Issued December 18, 2020
DEP File No. 006-1749**



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

December 18, 2020

Mr. Peter Walsh
c/o Dorchester Yacht Club
100 Playstead Road
Dorchester, MA 02125

RE: **WETLANDS/BOSTON**
DEP File #006-1749
100 Playstead Road
Superseding Order of Conditions

Dear Mr. Walsh:

Following an in-depth review of the file referenced above, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), is issuing the enclosed Superseding Order of Conditions (SOC) allowing the project by **affirming** the Boston Conservation Commission's (Commission) Order of Conditions (OOC), with revisions, based upon: 1) information and plans submitted; and 2) reasons the MassDEP has deemed necessary to protect the statutory interests identified in the Wetlands Protection Act (the "Act") and Regulations.

The project site is located at 100 Playstead Road in Dorchester, MA along the Dorchester Bay Basin. The facility located on the site is the Dorchester Yacht Club (DYC). The main building of the DYC is supported by a granite block and concrete seawall constructed around 1910. On June 16, 2020, the DYC filed a Notice of Intent (NOI) with the Commission to perform maintenance and repairs to the cracked and deteriorated concrete portions of the seawall, undermined areas, and sinkholes located landward of the seawall.

On September 3, 2020, the Commission issued an OOC approving the project. On September 10, 2020, you filed an appeal with MassDEP in response to the Commission's OOC based on your concern that the OOC references the "property owner." You state that the DYC is the lessee of the property from the Massachusetts Department of Conservation and Recreation (DCR). DYC has leased this property from DCR since the mid-1950s. You state that prior to the submission of the NOI, DCR indicated that in order to perform the work on the site DCR would require review of the project and permits prior to issuance of a Construction Access Permit (CAP). DCR stated that a CAP would not be issued if any permit authorizing the work

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

referenced the "property owner," as DCR "cannot guarantee or lawfully agree to permit obligations of the project proponent or third party." You request in your appeal that MassDEP issue a SOC and remove any references to the property owner.

MassDEP's review of the file confirms that the site contains the following Areas Subject to Protection Under the Act: Coastal Beach, Coastal Bank, Land Containing Shellfish, and Land Subject to Coastal Storm Flowage. These areas are significant to the statutory interests listed on the attached form. Work will take place on the Coastal Beach, Coastal Bank, Land Containing Shellfish and Land Subject to Coastal Storm Flowage. Only temporary impacts to these resource areas will occur during work to repair the seawall.

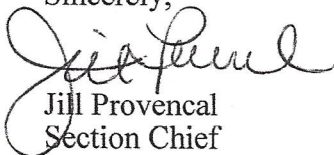
MassDEP has reviewed the OOC issued by the Commission and finds that the OOC has appropriately conditioned the work to meet the performance standards set forth in the Act and Regulations. However, Condition #20 states that, "The term "Applicant" as used in the Order of Conditions refers to the applicant, owner, any successor in interest or successor in control of the property. The term "Applicant" is used in several conditions in the OOC.

It is MassDEP's opinion that in order for DYC to obtain a CAP permit from DCR to conduct much needed repairs to the seawall, use of the term "owner" in Condition #20 is not necessary and can be removed.

Based on review of the NOI, associated documentation and plans, and the comprehensive conditions contained in the OOC, it is MassDEP's opinion that the enclosed SOC, affirming the OOC issued by the Commission, with modifications to Condition #20, serves to protect the interests of the Act and Regulations. Please be advised that it is MassDEP's responsibility to address only those interests identified in the Act. However, MassDEP reserves the right, should there be further proceedings in this case, to raise additional issues and present further evidence as may be appropriate. Should any party dispute these findings, please consult the language in the SOC that specifies your rights and procedures for appeal.

Should you have any questions, please contact me at (978) 694-3250 or at jill.provencal@mass.gov.

Sincerely,



Jill Provencal
Section Chief
Wetlands Program - NERO

cc: Boston Conservation Commission, Boston City Hall, Room 805, Boston, MA 02201



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands Program
Superseding Order of Conditions - Affirmation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #
006-1749

A. General Information

1. From: Northeast Regional Office
Massachusetts Department of Environmental Protection
2. This issuance is for: **Superseding Order of Conditions - Affirmation**
3. To: Applicant:
Greg Bedrosian
a. First Name, Last Name Dorchester Yacht Club b. Company
c. Organization
100 Playstead Road
d. Mailing Address Line 1
Dorchester MA 02125
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):
Priscilla Geigis
a. First Name b. Last Name
Massachusetts Department of Conservation and Recreation
c. Organization
251 Causeway Street, Suite 900
d. Mailing Address Line 1
Boston MA 02114
e. City/Town f. State g. Zip Code
5. Project Location:
100 Playstead Road Dorchester
a. Street Address b. City/Town
02238 022
c. Assessors Map/Plat Number d. Parcel/Lot Number
6. General Description of Approved Project:
Maintenance and repair of an existing seawall.
-



A. General Information (cont'd)

7. Final Approved Plans and Other Documents (if different from those listed in Order of Conditions):

a. Title _____ b. Date _____

c. Signed and Stamped by: _____

8. Date of Issuance: _____ Certified Mail # _____

B. Findings

The Department hereby finds that the project as proposed is **approved subject to the following conditions:**

In accordance with 310 CMR 10.05(7)(i), this Superseding Order of Conditions affirms the Order of Conditions issued by the Boston Conservation Commission on 09/03/2020. The Order of Conditions is attached and is incorporated by reference.

1. All work shall comply with the conditions contained in the attached Order of Conditions, subject to the following modifications:
 - a. The work shall comply with the plans referenced in this Superseding Order, if different from those listed in the Order of Conditions. Any change to the plans referenced herein shall require the applicant to inquire of the Department in writing whether the change is significant enough to require the filing of a new Notice of Intent.
 - b. The work authorized hereunder shall be completed within three years from the date of this Superseding Order unless otherwise specified below by the Department.
 - c. Requests for extensions in accordance with General Condition #5 shall be submitted to the Department.
 - d. **Proof of recording in accordance with General Condition #9 shall be submitted to the Department.**
 - e. Requests for a Certificate of Compliance in accordance with General Condition #12 shall be submitted to the Department, and wetland boundary flags shall remain in place pursuant to General Condition #16 until a Certificate of Compliance has been issued by the Department.
 - f. The Department makes no findings and imposes no conditions pursuant to a municipal bylaw or ordinance.
 - g. Other (specify): See attached list of Special Conditions.

C. Issuance

Issued by: **Massachusetts Department of Environmental Protection:**

Northeast
 MassDEP Regional Office

 Wetland Section Chief Signature
Jill Provencal

 Wetland Section Chief Printed Name

12-18-20

 Date



D. Appeal Rights and Time Limits

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other reviewable decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this reviewable decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this reviewable decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP – Northeast Region
Wetlands Program
205B Lowell Street (street address)
Willimington, MA, 01887 (city/town, state, zip)

In the event that a ten-resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this reviewable decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this reviewable decision;
- d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that lead to this reviewable decision and sufficient written facts to demonstrate status as a person aggrieved;
- e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;



F. Appeal Rights and Time Limits (cont.)

- f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's decision, and the relief sought, including any specific desired changes to the Department's decision;
- g) a copy of the Department's reviewable decision that is being appealed and a copy of the underlying Conservation Commission decision if the reviewable decision affirms the Conservation Commission decision;
- h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

SUPERSEDING ORDER OF CONDITIONS
DEP #006-1749
SPECIAL CONDITIONS

See the attached Order of Conditions containing General Conditions #1 – #19 and Special Conditions #21- #68 with all plan references and/or other attachments, issued by the Boston Conservation Commission on September 3, 2020, which is hereby affirmed and made part of this decision as modified by the following special conditions:

69. All submittals under the Order of Conditions shall be made to MassDEP and copied to the Boston Conservation Commission.

70. Special Condition #20 is modified to state that the term “applicant” shall refer to the applicant, any successor in interest or successor in control of the property or assigns referenced in the Notice of Intent, the Order of Conditions and the Superseding Order. The applicant shall notify MassDEP and the Boston Conservation Commission in writing within 30 days of all transfers of title of any portion of the property that takes place prior to the issuance of a Certificate of Compliance.

71. Special Condition #23 is modified to state that members and agents of MassDEP and the Boston Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions contained in this Superseding Order and may require the submittal of any data deemed necessary by MassDEP for that evaluation.

72. Special Condition #25 is modified to state that MassDEP and the Boston Conservation Commission reserve the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Massachusetts Wetlands Protection Act and Regulations.

73. Special Condition #37 is modified to require that prior to the start of work, except for the installation of erosion controls, the applicant shall schedule a pre-construction meeting between the project supervisor, the contractor responsible for the work, the project engineer, a representative from MassDEP and the Boston Conservation Commission to ensure that the requirements of the Superseding Order are understood. Arrangement for the meeting shall be made at least two (2) weeks prior to any activity.



City of Boston
Environment



City of Boston
Mayor Martin J. Walsh

September 3, 2020

Joshua Zall
GZA GeoEnvironmental Inc
144 Elm Street
Amesbury, MA 01913

RECEIVED

SEP 16 2020

Mass DEP NERO

CERTIFIED MAIL: 7015 1520 0002 7630 1235

RE: Notice of Intent for DEP File No. 006-1749 and BOS File No. 2020-032 from GZA GeoEnvironmental on behalf of Dorchester Yacht Club for the proposed seawall repairs located at 100 Playstead Rd, Dorchester, MA (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area, 100ft Buffer to Coastal Bank)

Dear Mr. Zall,

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

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

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

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

For the Commission,

Nicholas Moreno, Conservation Agent
Boston Conservation Commission

Enclosure: WPA Form 5

cc: DEP NERO

CITY of BOSTON



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

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

Username: **SMACARI**

Transaction ID: **1221110**

Document: **WPA Form 5 - OOC**

Size of File: **135.67K**

Status of Transaction: **In Process**

Date and Time Created: **9/3/2020:10:26:31 AM**

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

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

Provided by MassDEP:
 MassDEP File #:006-1749
 eDEP Transaction #:1221110
 City/Town:BOSTON

A. General Information

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

3. Applicant Details

a. First Name GREG b. Last Name BEDROSIAN
 c. Organization DORCHESTER YACHT CLUB
 d. Mailing Address 100 PLAYSTEAD ROAD
 e. City/Town DORCHESTER f. State MA g. Zip Code 02125

4. Property Owner

a. First Name PRISCILLA GEIGIS b. Last Name
 c. Organization MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION
 d. Mailing Address 251 CAUSEWAY STREET, SUITE 900
 e. City/Town BOSTON f. State MA g. Zip Code 02114

5. Project Location

a. Street Address 100 PLAYSTEAD ROAD
 b. City/Town BOSTON c. Zip Code 02125
 d. Assessors 02238 e. Parcel/Lot# 022
 Map/Plat#
 f. Latitude 42.30640N g. Longitude 71.05300W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SUFFOLK		579	80

7. Dates

a. Date NOI Filed : 6/16/2020 b. Date Public Hearing Closed: 7/22/2020 c. Date Of Issuance: 8/6/2020

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PROPOSED PLAN GEZ AND SECTIONS	GEOENVIRONMENTAL	ANDERS B BJARNGARD	06/2020	1=20

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

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

Check all that apply:

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

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

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Approved subject to:

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

Denied because:

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

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

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

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	a. total sq. feet	b. total sq. feet		
<input type="checkbox"/> Sq ft within 100 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	c. square feet	d. square feet	e. square feet	f. square feet
<input type="checkbox"/> Sq ft between 100-200 ft	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

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

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

11. Land Under the Ocean

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

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

13. Coastal Beaches

<u>3260</u>	<u>0</u>		
a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment

14. Coastal Dunes

15. Coastal Banks

<u> </u>	<u> </u>	<u> </u>	<u> </u>
a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
<u>326</u>			
a. linear feet	b. linear feet		

16. Rocky Intertidal Shores

17. Salt Marshes

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

18. Land Under Salt Ponds

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

19. Land Containing Shellfish

<u>3260</u>	<u>0</u>		
a. square feet	b. square feet	c. square feet	d. square feet

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

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

21. Land Subject to Coastal Storm Flowage

<u>908</u>	
a. square feet	b. square feet

22. Restoration/Enhancement (For Approvals Only)

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

a. square feet of BVW

b. square feet of Salt Marsh

23.

Streams Crossing(s)

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

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

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

" Massachusetts Department of Environmental Protection"

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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[or "MassDEP"]

File Number : "006-1749"

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

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per

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Protection**

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the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as

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defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

- 1) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED CONDITIONS

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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eDEP Transaction #:1221110
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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

1. Municipal Ordinance or Bylaw _____

2. Citation _____

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

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

1. Municipal Ordinance or Bylaw BOSTON
WETLANDS
PROTECTION
ORDINANCE

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

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

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



Massachusetts Department of Environmental Protection
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E. Signatures

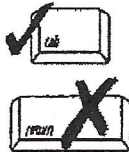
Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

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

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

August 6, 2020
1. Date of Issuance
5
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.



Signatures:

DocuSigned by:
Aldo Guerin

D0E8A9E250744D2...
DocuSigned by:
Alice Richmond

1CA22302A9884E...
DocuSigned by:
Anne Herbst

SCC3D819BC84E...

DocuSigned by:
John Sullivan

D0E8A9E250744D2...
DocuSigned by:
Michael O'Leary

D88A2541AC4348E...

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

September 3, 2020

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

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

Provided by MassDEP:

MassDEP File #:006-1749

eDEP Transaction #:1221110

City/Town:BOSTON

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

G. Recording Information

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

BOSTON

Conservation Commission

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

To:

BOSTON

Conservation Commission

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

100 PLAYSTEAD ROAD

Project Location

006-1749

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner PRISCILLA GEIGIS

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

Book

Page

In accordance with the Order of Conditions issued on:

Date

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

Instrument Number

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

Document Number

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

Provided by MassDEP:
MassDEP File #:006-1749
eDEP Transaction #:1221110
City/Town:BOSTON

Signature of Applicant

Rev. 4/1/2010

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing sewall, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)
DEP File No. 006-1749 / BOS File No. 2020-032

20. The term "Applicant" as used in this Order of Conditions refers to the applicant, owner, any successor in interest or successor in control of the property, or assigns referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Boston Conservation Commission (hereinafter "the Commission") must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
22. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
23. A member of the Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order.
24. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on-site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Massachusetts Wetlands Protection Act (hereinafter "the Act").
26. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, all site related activities impacting the water must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Commission.
27. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with these conditions and the Act. The Applicant will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
28. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
29. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas or 100-foot Buffer Zone (hereinafter "buffer zone") associated with those resource areas. Any equipment used in any wetland resource area or buffer zone that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be repaired outside of any wetland resource area or buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas or buffer zone. Equipment must not be re-fueled within any wetland resource areas.
30. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in the resource area, buffer zone or over the water. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet. The spent material should be containerized and disposed of properly.

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing seaway, 100 Playstead Road
Dorchester, Dorchester Bay (Coastal Bank, Coastal Beach, LSCSF, Waterfront Area)
DEP File No. 006-1749 / BOS File No. 2020-032

31. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at 617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Nicholas Moreno, Conservation Agent: cc@boston.gov
32. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The fuel tanks must also have a leak detection system. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein, and will not expire upon issuance of a Certificate of Compliance.
33. Anti-degradation provisions of the Massachusetts Surface Water Quality Standards protect all waters including wetlands. The contractor must take all steps necessary to assure that the proposed activities will be conducted in a manner which will avoid violations of said standards.
34. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
35. All project related correspondence and submittals to the Commission regarding this Final Order must indicate the DEP File number: 006-1749 and BOS File number: 2020-032.

Prior to Construction

36. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
37. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.
38. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
39. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.
40. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.

July 8, 2020

Attachment – Special Conditions

Dorchester Yacht Club, Repairs to the existing seaway, 100 Playstead Road
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41. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw watties or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.
42. The contractor must submit a construction materials and equipment staging plan along with the BPRD Construction Access License Agreement between the Applicant and the Boston Parks and Recreation Department, 7 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
43. The Applicant must submit a construction and post-construction snow management plan for Commission staff review and approval. Snow from landside areas may not be plowed or otherwise deposited into the waters of Dorchester Bay or adjacent coastal beaches or banks. Snow must be stockpiled on paved surfaces that direct melted snow water to catch basins. Deicing material and sand must be stored and contained in areas that will not allow for their migration into wetland resource areas. Prior to April 1st, all sand and salt from winter application must be removed from the site. The approved snow management plan will be a perpetual maintenance condition that will not expire upon issuance of a Certificate of Compliance.

During Construction

44. The Applicant must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual maintenance condition that will not expire upon issuance of a Certificate of Compliance.
45. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
46. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.
47. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
48. All practical best management practices must be implemented during in-water or waterside demolition/construction activities to minimize turbidity and other water quality impacts, including but not limited to a floating boom with an attached silt curtain to contain work areas. The silt curtain should be maintained in good operating condition, should rest on the mud line at all times, and should have adequate shore-line anchors, tie-downs or other mechanisms to ensure proper position and performance. Any visible plume of turbid water caused by project activity outside the area contained by the silt curtain will constitute inadequate performance and require immediate adjustment and/or repositioning of the curtain. Deployment of the curtain should occur in such a way that it will not interfere with water traffic. The boom may be removed when work directly requiring the use of a boom

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has been completed. The contractor must also have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet.

49. All project-related materials must be contained from migration into wetland resource areas and all practical precautions must be used during any water-based demolition/construction work. The Applicant and/or their contractor will be responsible for the removal of any project-related debris, material, machinery or equipment lost, dumped, thrown into, or otherwise entering any wetland resource area, regardless of whether it is within or outside of the project limits. The proponent must seek Commission approval for any remedial action involving substantial impacts to wetland resource areas.
50. The contractor must have a boat available for the collection and removal of project related trash and debris within wetland resource areas and on the watersheet. The contractor will contain and collect all floating debris that results from the project and collect it along with solid waste including trash. The collected debris and trash will be placed into containers and periodically removed for proper disposal. The boat should also be used to check the boom.
51. All vessels working at this site must be maintained in seaworthy condition. Should any vessel or barge associated with the project sink the Commission must be informed immediately. The proposed work and placement of barges should be coordinated with vessels that navigate in the affected waterways. All vessels and floating equipment must be anchored or moored when not in use and have proper lighting per U.S. Coast Guard requirements. Barges must be anchored with spuds or tied off to a secure structure; under no circumstances should construction equipment on the barge be utilized for purposes of anchoring. Project related vessels may not rest upon tidal flats.
52. All deck gear and equipment stored on project-related vessels must be secured at the end of each workday and inspected for any leakage. All project-related vessels must have a spill kit containing sorbent materials on the vessel at all times. All material stored on project related vessels must be contained so as not to enter the resource area. Petroleum product and hydraulic fluids must be stored within leak-proof lockers secured to the deck of the vessel.
53. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.
54. The Applicant will ensure the cleanliness of all catch basins on the project site or affected by project related activity. Catch basins will be protected with hay bales and/ or silt sacks during the construction period. The proponent must inspect and, as necessary, clean all catch basins at least weekly during construction and more frequently after a significant rain event. Upon completion of the project, the inspection and cleaning of catch basins on the subject property must occur twice a year: once between March 1st and April 30th and once between November 1st and November 30th of each year, and more often if necessary. This **maintenance** condition is perpetual and will not expire upon issuance of a Certificate of Compliance.
55. The Applicant must provide the Commission with copies of the Operations and Maintenance Log for all stormwater BMP's on the subject site yearly. Copies must be provided for a minimum of three years after completion of construction and specify dates of inspections, repairs, replacement, maintenance and cleaning actions, and names of individuals or contractors conducting said maintenance.
56. All sheet flow from areas where vehicles drive or park must be directed toward catch basins that meet BWSC Specifications.
57. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires

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due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.

58. The contractor must have designated washout areas for concrete equipment that will be comprised of impermeable material and sized to contain project concrete wastes and wash water. Washout areas may not be located in the vicinity of storm drain inlets; stormwater conveyance, surface waters or wetlands.
59. Excavation equipment may access the inter-tidal area only during periods of low tide and utilize rubber-tired vehicles.
60. There may be no parking of contractor or laborer vehicles in any resource area or associated buffer zone without proper stormwater controls or best management practices installed.
61. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
62. There may be no overnight stockpiling or storage of construction material including unconsolidated material, piles, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the buffer zone, 25 feet of the coastal bank, or the 100-year flood plain. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within resource areas or the buffer zone. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.
63. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs, noting turbidity conditions, occurrence of fish kills, debris removal from resource areas and evaluations of measures employed to reduce turbidity and other impacts to the water and wetland resources. The condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.
64. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
65. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
66. All equipment and unconsolidated materials must be removed from areas subject to the 1% annual chance flood (100-year flood, Zone A) in advance of significant rainfall that will exceed the volume of a 2-year storm event.
67. All equipment and unconsolidated materials must be removed from the buffer zone and Land Subject to Coastal Storm Flowage (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood) in advance of any forecasted coastal flooding event.

Additional Conditions

68. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and signage details and any modifications or additions to the project, to Commission staff to determine if further Commission review is required.



Appendix C – Abutter Information



**NOTIFICATION TO ABUTTERS
BOSTON CONSERVATION COMMISSION**

In accordance with the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40, and the Boston Wetlands Ordinance, you are hereby notified as an abutter to a project filed with the Boston Conservation Commission.

A. **Dorchester Yacht Club** has filed a request to Amend and Order of Conditions with the Boston Conservation Commission seeking permission to alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, section 40) and Boston Wetlands Ordinance.

B. The address of the lot where the activity is proposed is **100 Playstead Road, Dorchester, MA.**

C. The project involves **repairs to the existing deteriorated concrete portion of the existing seawall at the site and filling of minor sinkholes behind the seawall.**

D. Copies of the Notice of Intent may be obtained by contacting the Boston Conservation Commission at CC@boston.gov.

E. Copies of the Notice of Intent may be obtained from **GZA GeoEnvironmental, Inc.** by **emailing Joshua Zall at joshu.zall@gza.com or by calling 781-278-4808** between the hours of 8:00 am to 4:00 pm, Monday through Friday.

F. In accordance with the Commonwealth of Massachusetts Executive Order Suspending Certain Provisions of the Open Meeting Law, the public hearing will take place **virtually** at <https://zoom.us/j/6864582044>. If you are unable to access the internet, you can call 1-929-205-6099, enter Meeting ID 686 458 2044 # and use # as your participant ID.

G. Information regarding the date and time of the public hearing may be obtained from the **Boston Conservation Commission** by emailing CC@boston.gov or calling **(617) 635-3850** between the hours of **9 AM to 5 PM, Monday through Friday.**

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

NOTE: Notice of the public hearing, including its date, time, and place, will be posted on www.boston.gov/public-notice and in Boston City Hall not less than forty-eight (48) hours in advance.

NOTE: If you would like to provide comments, you may attend the public hearing or send written comments to CC@boston.gov or Boston City Hall, Environment Department, Room 709, 1 City Hall Square, Boston, MA 02201

NOTE: You also may contact the Boston Conservation Commission or the Department of Environmental Protection Northeast Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: the Northeast Region: (978) 694-3200.



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**NOTIFICACIÓN PARA PROPIETARIOS Y/O VECINOS COLINDANTES
COMISIÓN DE CONSERVACIÓN DE BOSTON**

De conformidad con la Ley de protección de los humedales de Massachusetts, el Capítulo 131, Sección 40 de las Leyes Generales de Massachusetts y la Ordenanza sobre los humedales de Boston, por la presente queda usted notificado como propietario o vecino colindante de un proyecto presentado ante la Comisión de Conservación de Boston.

Dorchester Yacht Club

A. **NAME OF APPLICANT** ha presentado una solicitud a la Comisión de Conservación de Boston pidiendo permiso para modificar una zona sujeta a protección en virtud de la Ley de protección de los humedales (Leyes generales, capítulo 131, sección 40) y la Ordenanza sobre los humedales de Boston.

100 Playstead Road, Dorchester, MA

B. La dirección del lote donde se propone la actividad es **ADDRESS OF PROJECT LOCATION**.

C. El proyecto consiste en **PROJECT DESCRIPTION**. Reparación de la parte de hormigón actualmente deteriorada del malecón existente en el sitio, y relleno de los pequeños hundimientos (dolinas) detrás del malecón.

D. Se pueden obtener copias del Aviso de Intención comunicándose con la Comisión de Conservación de Boston en CC@boston.gov.

GZA GeoEnvironmental, Inc.

E. Las copias de la notificación de intención pueden obtenerse en **APPLICANT OR REPRESENTATIVE & CONTACT INFORMATION** entre las **HOURS, DAYS**.
joshua.zall@gza.com 781-278-4808 8:00 - 4:00

F. De acuerdo con el Decreto Ejecutivo de la Mancomunidad de Massachusetts que suspende ciertas disposiciones de la Ley de reuniones abiertas, la audiencia pública se llevará a cabo virtualmente en <https://zoom.us/j/6864582044>. Si no puede acceder a Internet, puede llamar al 1-929-205-6099, ingresar ID de reunión 686 458 2044 # y usar # como su ID de participante.

G. La información relativa a la fecha y hora de la audiencia pública puede solicitarse a la **Comisión de Conservación de Boston** por correo electrónico a CC@boston.gov o llamando al (617) 635-4416 entre las 9 AM y las 5 PM, de lunes a viernes.

NOTA: La notificación de la audiencia pública, incluida su fecha, hora y lugar, se publicará en el **Boston Herald** con al menos cinco (5) días de antelación.

NOTA: La notificación de la audiencia pública, incluida su fecha, hora y lugar, se publicará en www.boston.gov/public-notices y en el Ayuntamiento de Boston con no menos de cuarenta y ocho (48) horas de antelación. Si desea formular comentarios, puede asistir a la audiencia pública o enviarlos por escrito a CC@boston.gov o al Ayuntamiento de Boston, Departamento de Medio Ambiente, Sala 709, 1 City Hall Square, Boston, MA 02201.

NOTA: También puede comunicarse con la Comisión de Conservación de Boston o con la Oficina Regional del Noreste del Departamento de Protección Ambiental para obtener más información sobre esta solicitud o la Ley de Protección de Humedales. Para comunicarse con el DEP, llame a la Región Noreste: (978) 694-3200.



City of Boston
Environment



City of Boston
Mayor Martin J. Walsh

NOTA: si tiene previsto asistir a la audiencia pública y necesita servicios de interpretación, sírvase informar al personal en CC@boston.gov antes de las 12 PM del día anterior a la audiencia.



BABEL NOTICE

English:

IMPORTANT! This document or application contains **important information** about your rights, responsibilities and/or benefits. It is crucial that you understand the information in this document and/or application, and we will provide the information in your preferred language at no cost to you. If you need them, please contact us at cc@boston.gov or 617-635-3850.

Spanish:

¡IMPORTANTE! Este documento o solicitud contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es fundamental que usted entienda la información contenida en este documento y/o solicitud, y le proporcionaremos la información en su idioma preferido sin costo alguno para usted. Si los necesita, póngase en contacto con nosotros en el correo electrónico cc@boston.gov o llamando al 617-635-3850.

Haitian Creole:

AVI ENPÒTAN! Dokiman oubyen aplikasyon sa genyen **enfòmasyon ki enpòtan** konsènan dwa, responsablite, ak/oswa benefis ou yo. Li enpòtan ke ou konprann enfòmasyon ki nan dokiman ak/oubyen aplikasyon sa, e n ap bay enfòmasyon an nan lang ou prefere a, san ou pa peye anyen. Si w bezwen yo, tanpri kontakte nou nan cc@boston.gov oswa 617-635-3850.

Traditional Chinese:

非常重要！這份文件或是申請表格包含關於您的權利，責任，和／或福利的重要信息。請您務必完全理解這份文件或申請表格的全部信息，這對我們來說十分重要。我們會免費給您提供翻譯服務。如果您有需要請聯系我們的郵箱 cc@boston.gov 電話# 617-635-3850..

Vietnamese:

QUAN TRỌNG! Tài liệu hoặc đơn yêu cầu này chứa **thông tin quan trọng** về các quyền, trách nhiệm và/hoặc lợi ích của bạn. Việc bạn hiểu rõ thông tin trong tài liệu và/hoặc đơn yêu cầu này rất quan trọng, và chúng tôi sẽ cung cấp thông tin bằng ngôn ngữ bạn muốn mà không tính phí. Nếu quý vị cần những dịch vụ này, vui lòng liên lạc với chúng tôi theo địa chỉ cc@boston.gov hoặc số điện thoại 617-635-3850.

Simplified Chinese:

非常重要！这份文件或是申请表格包含关于您的权利，责任，和／或福利的重要信息。请您务必完全理解这份文件或申请表格的全部信息，这对我们来说十分重要。我们会免费给您提供翻译服务。如果您有需要请联联系我们的邮箱 cc@boston.gov 电话# 617-635-3850.

Cape Verdean Creole:

INPURTANTI! Es dukumentu ó aplikason ten **informason inpur tanti** sobri bu direitus, rasponsabilidadi i/ó benefisius. Ê krusial ki bu intendi informason na es dukumentu i/ó aplikason ó nu ta da informason na língua di bu preferênsia sen ninhun kustu pa bó. Si bu prisiza del, kontata-nu na cc@boston.gov ó 617-635-3850.

Arabic:

مهم! يحتوي هذا المستند أو التطبيق على معلومات مهمة حول حقوقك ومسؤولياتك أو فوائدك. من الأهمية أن تفهم المعلومات الواردة في هذا المستند أو التطبيق. سوف نقدم المعلومات بلغتك المفضلة دون أي تكلفة عليك. إذا كنت في حاجة إليها، يرجى الاتصال بنا على cc@boston.gov أو 617-635-3850.

Russian:

ВАЖНО! В этом документе или заявлении содержится **важная информация** о ваших правах, обязанностях и/или льготах. Для нас очень важно, чтобы вы понимали приведенную в этом документе и/или заявлении информацию, и мы готовы бесплатно предоставить вам информацию на предпочитаемом вами языке. Если Вам они нужны, просьба связаться с нами по адресу электронной почты cc@boston.gov, либо по телефону 617-635-3850.

Portuguese:

IMPORTANTE! Este documento ou aplicativo contém **Informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É importante que você compreenda as informações contidas neste documento e/ou aplicativo, e nós iremos fornecer as informações em seu idioma de preferência sem nenhum custo para você. Se precisar deles, fale conosco: cc@boston.gov ou 617-635-3850.

French:

IMPORTANT ! Ce document ou cette demande contient des **informations importantes** concernant vos droits, responsabilités et/ou avantages. Il est essentiel que vous compreniez les informations contenues dans ce document et/ou cette demande, que nous pouvons vous communiquer gratuitement dans la langue de votre choix. Si vous en avez besoin, veuillez nous contacter à cc@boston.gov ou au 617-635-3850.



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(617) 874-0241

February 4, 2021

STATEMENT OF TRANSLATION ACCURACY

I hereby swear that I am fluent in English and Spanish, and that, to the best of my knowledge and belief, my Spanish translation of the Public Notice shown below is accurate and complete.

Translation requested by:

Joshua J. Zall

Assistant Project Manager | Marine & Waterfront Engineering

GZA | 144 Elm Street | Amesbury, MA 01913

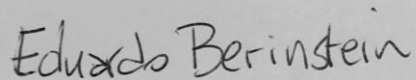
o: 781.278.4808 | c: 978.518.5743 | joshua.zall@gza.com | www.gza.com | [LinkedIn](#)
978.518.5743.

Public Notice (English):

Repairs to the existing deteriorated concrete portion of the existing seawall at the site and filling of minor sinkholes behind the seawall

Public Notice (Spanish):

Reparación de la parte de hormigón actualmente deteriorada del malecón existente en el sitio, y rellenado de los pequeños hundimientos (dolinas) detrás del malecón



Eduardo Berinstein
English-Spanish Translator and Interpreter
Certified by the American Translators Association
Federally Certified Court Interpreter



Verify at www.atanet.org/verify

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

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

I, Joshua Zall, hereby certify under the pains and penalties of perjury that on February 3, 2021, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, in connection with the following matter:

A Request for an Amended Order of Conditions filed under the Massachusetts Wetlands Protection Act by the Dorchester Yacht Club (Applicant) with the Boston Conservation Commission on February 3, 2021, for property located at 100 Playstead Road, Dorchester, MA in Boston.

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



February 3, 2021

Signature & Title

Date

Dorchester Yacht Club Seawall Repair Project
Abutters List and Map

January 2021

Map ID	Property ID	Owner	Property Address	Owner Mailing Address
1	1302220000	Comm. Of Massachusetts, MA Dept. of Transportation (District 6)	Savin Hill Ave., Dorchester, MA 02125	185 Kneeland St., Boston, MA 02111
2	1302238000	City of Boston Parks and Recreation Department	Springdale St., Dorchester, MA 02125	1010 Massachusetts Ave., 3rd Floor, Boston, MA 02118
3	1302238001	Comm. Of Massachusetts, Dept. of Conservation and Recreation	Springdale St., Dorchester, MA 02125	251 Causeway Street, Boston, MA 02114
4	1302238002	Dor Yacht Club Lessee	Springdale St., Dorchester, MA 02125	100 Playstead Rd., Dorchester, MA 02125
5	1302239000	Dorchester Yacht Club, Inc.	Springdale St., Dorchester, MA 02125	100 Playstead Rd., Dorchester, MA 02125
6	1302240000	City of Boston	Railroad St., Dorchester, MA 02125	1 City Hall Square, Boston, MA 02201
7	1503090000	Mass Bay Transit Authority	Freeport St. Dorchester, MA 02125	10 Park Plaza, Suite 5610, Boston, MA 02116
8	1503091000	Peter Junkovic	150 Freeport St., Dorchester, MA 02125	150 Freeport St., Dorchester, MA 02125
9	1600002000	Comm. Of Massachusetts, MA Dept. of Transportation (District 6)	WM T Morrissey Blvd., Dorchester, MA 02125	185 Kneeland St., Boston, MA 02111
10	1600008001	City of Boston, by FCL (City of Boston Department of Neighborhood Development)	Freeport St. Dorchester, MA 02125	26 Court Street, #9, Boston, MA, 02108
11	1600008002	Comm. Of Massachusetts DPW	Freeport St. Dorchester, MA 02125	10 Park Plaza, Boston, MA 02116
12	1600008010	Local 103 IBEW Educational	Freeport St. Dorchester, MA 02125	256 Freeport St., Dorchester, MA 02125





GZA GeoEnvironmental, Inc.