



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

Lisa Evans _____ wegrowmicrogreens@gmail.com
 Name E-Mail Address
 10 Weld Street _____
 Mailing Address
 Roslindale _____ MA 02131
 City/Town State Zip Code
 617-792-5424 _____
 Phone Number Fax Number (if applicable)

2. Representative (if any):

 Firm

 Contact Name E-Mail Address

 Mailing Address

 City/Town State Zip Code

 Phone Number Fax Number (if applicable)

B. Determinations

1. I request the Boston _____ make the following determination(s). Check any that apply:
Conservation Commission

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

Name of Municipality

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



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C. Project Description

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

0 Morrison Streett (Behind 10 Weld Street)

Street Address

Roslindale

City/Town

Zoning Map 10A Book, Page: 33333, 333

Assessors Map/Plat Number

2005171000

Parcel/Lot Number

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

The 5,155 sq ft lot is a contiguous lot to our backyard On both our house lot and the adjacent lot we built a wildlife pond in 2004 that is 16 feet wide and three and a half feet deep. The pond is frequented by over fifty species of birds. In addition racoons, fisher cats, owls, skunks, cranes, hawks, deer and Mallard ducks have been seen frequenting the pond. The pond includes a recirculating stream that has ferns and mosses growing along side it. The pond hosts native lily pads and irises and other water loving plants. In addition, there is aquatic life such as frogs. The pond is shaded by large trees and rhodendrums providing a peaceful refuge for wildlife. See attached for a complete description.

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

Title

Annotated Existing Conditions, Sheet 3, p.137, Notice of Intent

Improvements to Roslindale Wetlands, Plan Set by Crowley Cottrell, LLC

Date

December 15, 2020

Date

Title

Date

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

The City of Boston's Conservation Commission and Parks Department have requested that we fill-in the pond and remove the stream because they believe the pond is on their property. Due to the amount of wildlife that frequent the pond and the native vegetation surrounding the pond, we feel that this request will destroy the habitat that has been in existence for over sixteen years. The filling of the pond would require the use of an excavator and bringing in soil. In order for the Excavator to access the pond, it would crush the native species that were planted behind the pond by volunteer efforts in collaboration with the City of Boston's Parks Department. See attached for a complete decription.



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C. Project Description (cont.)

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

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

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

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

Request for Determination of Applicability of Wetlands

By Lisa Evans and Tim Smith

10 Weld Street

Roslindale, MA 02131

617-792-5424

starslisa@gmail.com

Decription of Issue

The City of Boston's Conservation Commission and the Parks Department have requested in writing by a formal letter that we remove all of our personal belongings from a lot of land which is a contiguous lot to our home at 10 Weld Street, Roslindale, MA 02131. The lot is parcel number 2005171000. They have requested this because they believe our personal property is on their lot. Our personal property on the lot includes a wildlife pond with fish, rocks and a recirculating stream as well as native plant species and other plants. The pond is surrounded by a four foot fence. At an in person site visit in March of 2021 by Paul Sutton of the City of Boston's Parks Department and Nicholas Moreno of the City of Boston's Conservation Commission, we were told to fill-in the pond and recirculating stream because it is believed the pond and stream are on their property. In a site visit in the Fall of 2019 by Amelia Croteau of the City of Boston's Conservation Commission and Paul Sutton, and in an email on Feb 3, 2020, we were told we just needed to move the fence and not the pond. It was stated in the email from Amelia, "As discussed during the site visit, we will be asking you to remove your soil and fence from the Conservation land in anticipation of our Urban Wild restoration." We had a large pile of soil on the backside of the lot. It has been removed. Unfortunately, Amelia Croteau is no longer with the Commission. At the site visit in March of 2020, we were told by Paul and Nicholas that the Legal Department had told them that the pond and stream needed to be removed. The interest in the removal of our pond arose because the City has allocated \$500,000 in funds to make upgrades and improvements to a large area of land called the Roslindale Wetlands that theoretically incorporates lot number 2005171000. As part of the project, a survey was completed of the site, and it was established that approximately three fourths of our pond was on lot 2005171000. A second survey marker needs to be places on the otherside of our lot so that we can establish our lot line. Only one marker was placed on the right side of of our property.

Opposed to Filling in Pond

We are completely opposed to filling in the pond that is located paritally on our house lot and on lot number 2005171000 because it is a wetlands resource. Due to the amount of wildlife that frequent the pond, and the native vegetation and other plantings surrounding the pond and stream, we feel that this request will destroy the animal habitat that has been in existence for over seventeen years. The pond fills itself naturally with rain water. The pond is a wetland. We had two Mallard ducks land next to it on 4/5/2021, and this pair have been come for over ten years. The pond performs all of the important function of a wetland. We would like a wetlands determination done on it please. The filling of the pond would require the use of an excavator and bringing in soil. In order for the Excavator to access the pond, it would crush the native

species that were planted behind the pond by volunteer efforts in collaboration with the City of Boston's Parks Department as well as the plants next to the pond. This pond and stream are a functioning vibrant habitat. We would be destroying habitat for the very creatures that the Conservation Commission wants to protect. It is a thriving wetlands. Filling in the pond and stream would be counter productive.

How Pond Came to Be

Mr. John F. Hynes owned the house lot and lot behind the house from February 28, 1949 until 1984. The house was then sold to the Gomez and Varela Families, who owned the property from June 29, 1984 until June 27, 1986 date. But the lot behind the property remained in Mr. Hynes ownership. Brian Michaelan then owned the house from June 27, 1986 until June 11, 2003 when we acquired the home.

The prior owner to us, Brian Michaelan, in July, 1986 placed a fence that encroached on the vacant lot that was directly behind the house. I have the receipt for the installation of the fence which was given to me when I purchased the home. At the time he placed his fence, the lot was privately owned by John Hynes who was also the original owner and builder of the house. For reasons unknown to us, when Mr. Hynes sold the house to the next owner, Gomez and Varela, he held onto the lot in question. Despite Mr. Hynes still owning the lot, the new owners Gomez and Varela continued incorporating the lot into their landscaping of the backyard. We were told this by the owner prior to us, Brian Michaelan. In addition, neighbor Michael Glynn, told us that he was friends with Mr. Hynes. They were both from the same county in Ireland. He had spent time in Mr. Hynes' garden. He said that Mr. Hynes had maintained the landscaping beyond the existing fence as it was his property.

The City foreclosed on the lot on December 13th, 1994. On January 7th, 2004, The Boston Conservation Commission accepted twenty-two parcels of land of which the lot in question was part.

We assumed that Brian Michaelan and the prior owners, Gomez and Varela Families, had established adverse possession, by the time we purchased the home. Mr. Hynes had built the house and owned the lot directly behind it since 1949, so this meant that 54 years had passed since he built the house, and we purchased the home. Neighbor, Michael Glynn, told us that he remembered that Mr. Hynes passed away shortly before the house was sold to the Gomez and Varela Family. By the time we bought the house, the lot in question also had many years of tax delinquency.

Our Award Winning Garden with Pond

In 2004, with a shovel we dug the sixteen foot wide and three and a half foot deep fish pond with a recirculating stream that sits about three fourths of the way on the lot in question. The pond fills with rain water. We have enjoyed and maintained the yard, wildlife pond with fish and stream with native plant species. The Garden has won awards from former Mayor Thomas Menino and Mayor Walsh in the City's garden contests.

Background

In 2003 in collaboration, with a group of neighbors, I helped form the Roslindale Wetlands Task

Force which was a group of neighbors dedicated to preserving and protecting the Roslindale Wetlands. We succeeded in getting city law changed which had initially stated that a property owner always had the right to reclaim their land even if they had been delinquent on their taxes for many years. In turn the City was able to foreclose on the twenty two different lots and have them turned over to the Conservation Commission. One of the lots was lot 2005171000 the lot in question. The fence that Mr. Michaelan had installed on approximately half of the lot was never an issue. In collaboration with the Parks Department, myself, my partner and other volunteers planted native trees directly behind the fence. This group and myself and my partner have removed Japanese Knotweed, multiflower rose, garlic mustard and trash and debris from the Wetlands consistently for the last eighteen years as well as done advocacy work.

Wildlife and Plants

The Pond has attracted owls, fisher cats, racoons, skunks, hawks, blue herons, mallard ducks, squirrels, rabbits, toads, and over forty species of birds. A pair of Mallard ducks arrives at the pond and stays for a few days every year. I have documented photos of an owl, mallard duck, blue heron, squirrel and hawk that have visited the pond. In addition, the pond has hostas, bleeding heart, ferns, mosses, irises, and lilly pads. In the summer time when the nearby wetlands are dry, the pond is the only area that wildlife can use to access water. Around the edge of the wetland in the adjacent uplands which is where my property is located the Notice of Intent states, “We did find some amphibian life, observing eight red-backed salamanders (*Plethodon cinereus*). The red-backed salamander is a common woodland salamander. Although this species does not require water for a larval period, it does signify the soil is high enough quality to sustain amphibians in the upland. Additionally, a review of an online wildlife observation repository (iNaturalist.com) found other common amphibians have been documented in the area including American toad (*Anaxyrus americanus*) in the immediate vicinity of the Site.” (Hughes Environmental Consulting Project Narrative to Accompany a Notice of Intent For Roslindale Wetlands Urban Wild Boston December 15, 2020 p. 3). I have also noted the toads by the pond and salamanders just behind our fence under fallen trees. In order to fill the pond, excavation equipment would be needed and thus habitat would get crushed when it was brought in.

Deadline

On February 23, 2021, we received a letter that said, “The City requests that you acknowledge this letter by contacting the Conservation Commission in writing to confirm that the encroachment will be removed by June 1, 2021. If the City does not hear from you by January 31st, the City will take all necessary corrective action.” Our pond in no way affects the Roslindale Wetlands Restoration. The area of land behind my house is not included in any portion of the Notice of Intent. Its existence and the decision to have it removed is not mentioned in the Notice of Intent dated December 16th, 2020.

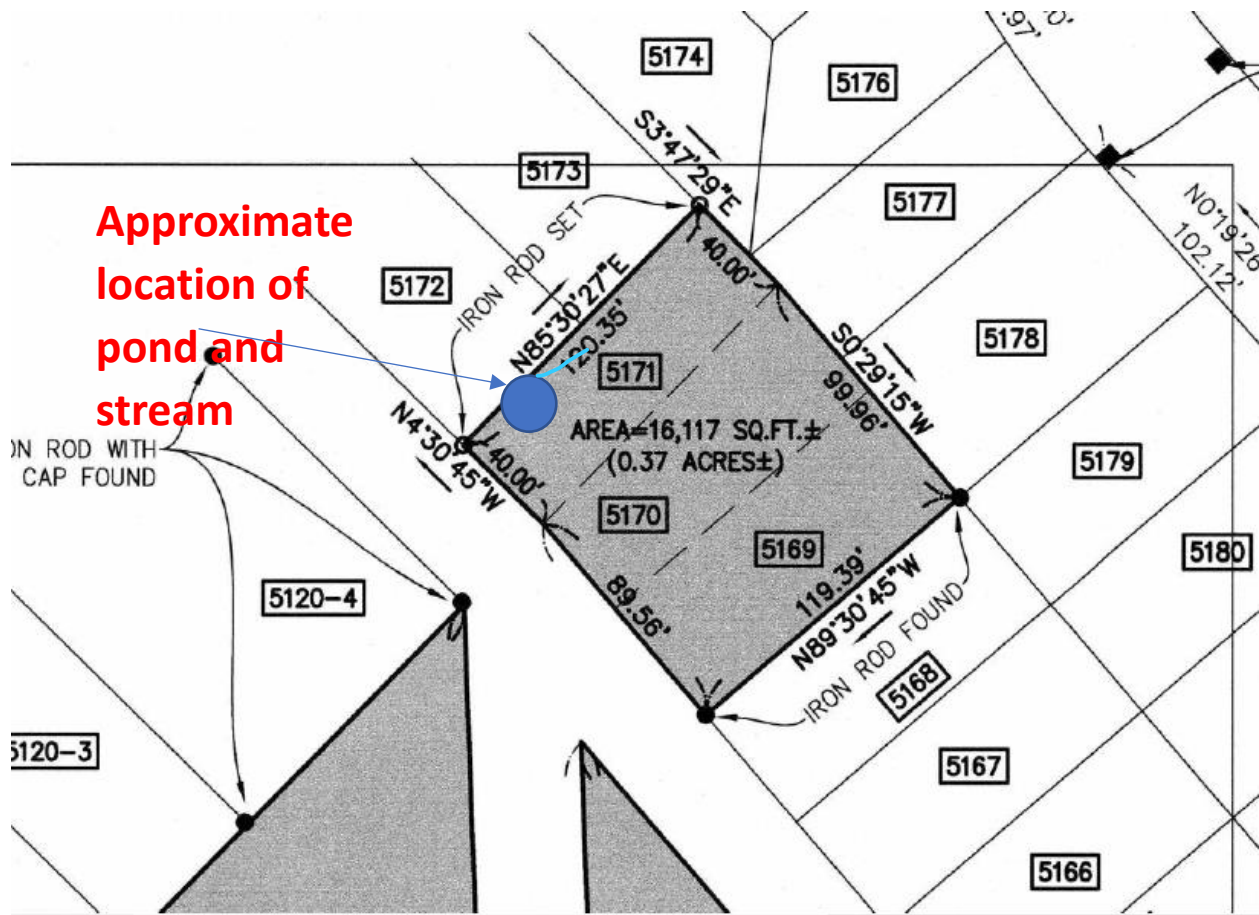
Questions

We would like to know what the Parks Department proposes to do on the lot in question. Will there be a fence running along our lot line? We have reviewed the Roslindale Wetlands NOI Update, and it makes no mention of any work being proposed behind our house lot. After a thorough reading of the NOI, it does not appear that the pond in anyway affects the project. Would it be possible to formally amend the order of conditions of with the work to be done? We

would like it to hopefully say there will be no filling of the pond. Can this please be formally written into the permit?

In Conclusion

We are in complete opposition to removing the pond and stream. It would destroy habitat for the very creatures we are trying to protect. It provides benefits to wildlife because it provides water, plant life and habitat. Our hope is that the City of Boston's Conservation Commission will recognize the value of the pond and stream as a wetland habitat and allow it to be preserved.



The Pond is a wetlands wild life habitat backing up to the Roslindale Wetlands



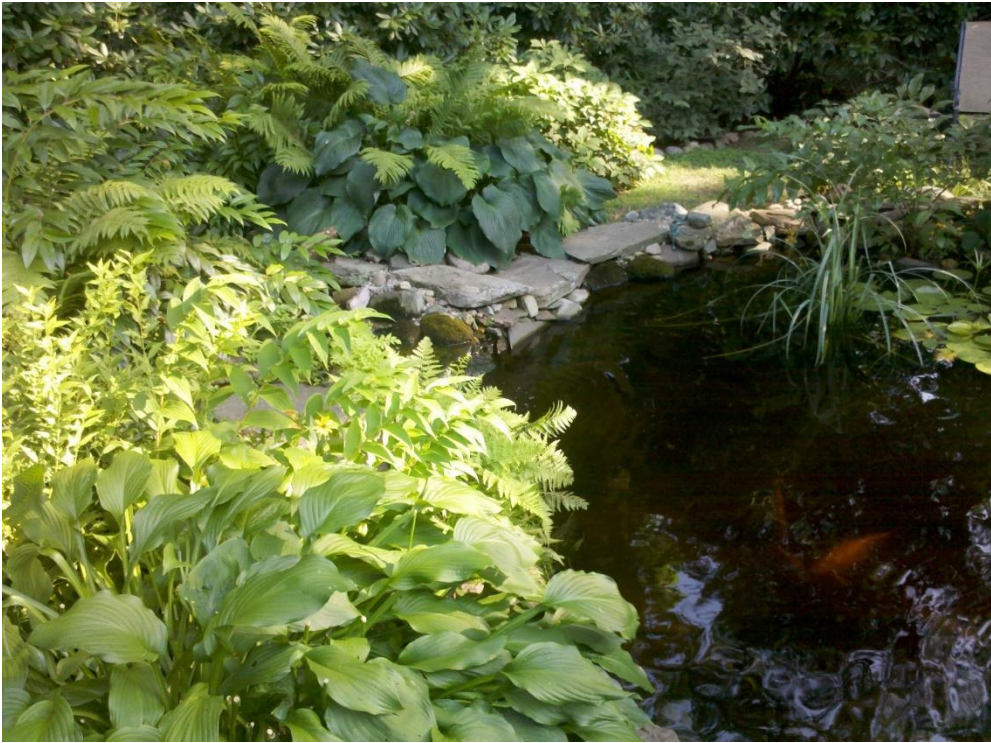
Lilly pads, iris



Blue Heron on small house next door with one of our fish in its mouth



Ferns, hosta, iris



Deer behind fence and thus pond



Bleeding heart and ferns next to stream



Coyote behind house next door



Hawk on tree besides the pond



Mallard Duck on rock border of pond below Chair.



Owl next to filter of pond. Maybe Bard Owl





Racoon, March 2021 at night



Racoon, March 2021 at night



A

The Garden with its beautiful pond were twice awarded recognition in the City's garden contest by both Mayor Menino and Mayor Walsh.





Class: 21-W

Entry# 4

PROPAGATION CLASSES

"Other plant, under one year old, propagated by exhibitor."

Agave americana variegata

Variegated American Agave

Division Potting Soil

Lisa Evans
Roslindale, MA

SECOND AWARD



AMATEUR
HORTICULTURE
COMPETITION



Class: 7-W

Entry# 1

GENERAL HORTICULTURE CLASSES

Fruiting plant (must have fruit).

Olea europaea

Olive Tree

03-11-13

Timothy K. Smith
Roslindale, MA

SECOND

AWARD



AMATEUR

HORTICULTURE

COMPETITION



MASSHORT MASSACHUSETTS
At the Flower Show HORTICULTURAL SOCIETY

Entry ID
201

Window

20 PROPAGATION CLASSES Grown from stem
cutting. Plant over one year old*.

Crassula ovata

Jade Tree

Tim

Smith

Roslindale

MA

SECOND AWARD



**AMATEUR
HORTICULTURE
COMPETITION**

NATIONAL
WILDLIFE
FEDERATION

CERTIFIED
WILDLIFE
Habitat™

This habitat is certified
in the National Wildlife Federation's
worldwide network of mini-refuges.
Because of the owner's
conscientious planning, landscaping
and sustainable gardening,
wildlife may find quality habitat—
food, water, cover, and places
to raise their young.

**This certificate recognizes the establishment and
maintenance of an official wildlife habitat.**

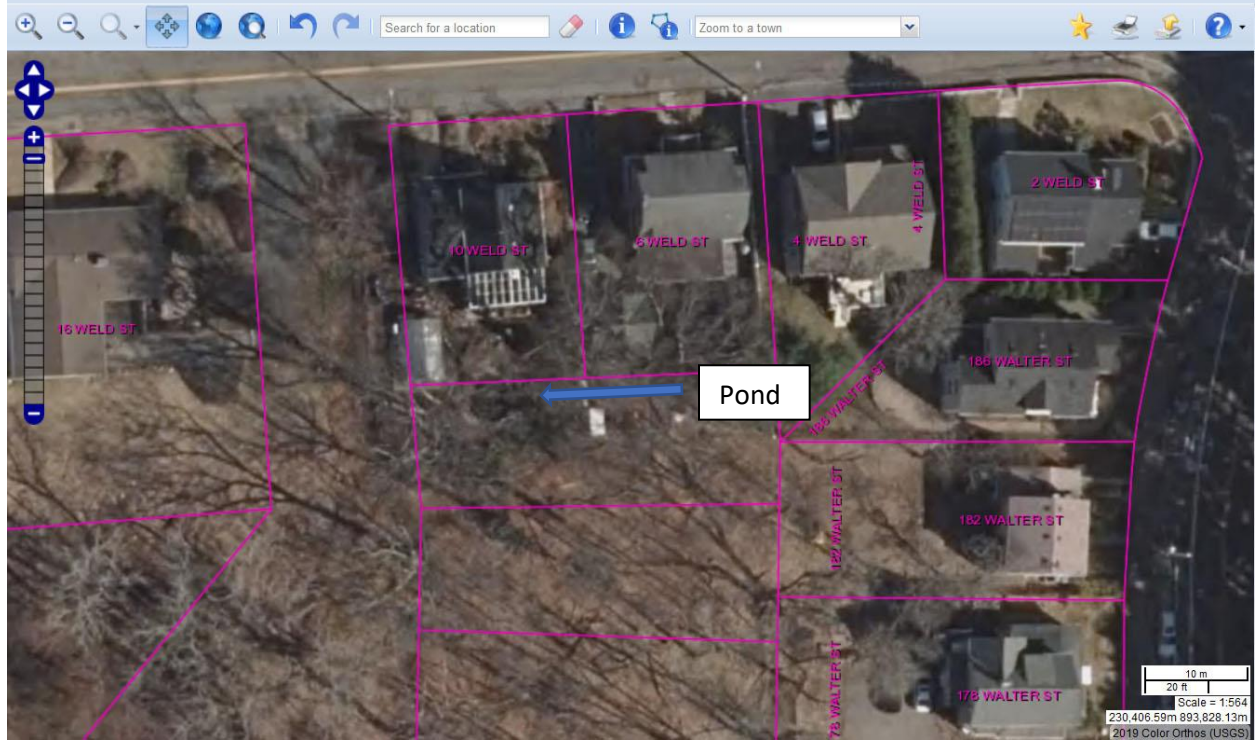
Lisa Evans & Tim Smith

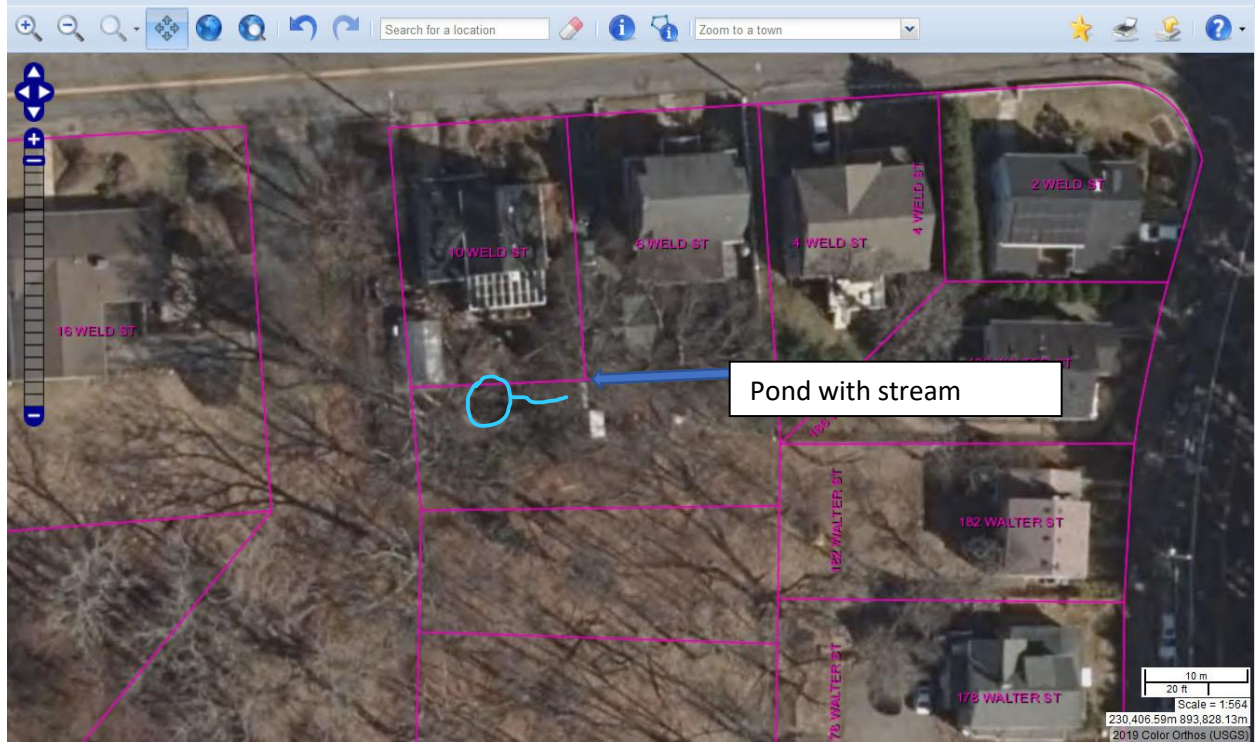
No. 76230

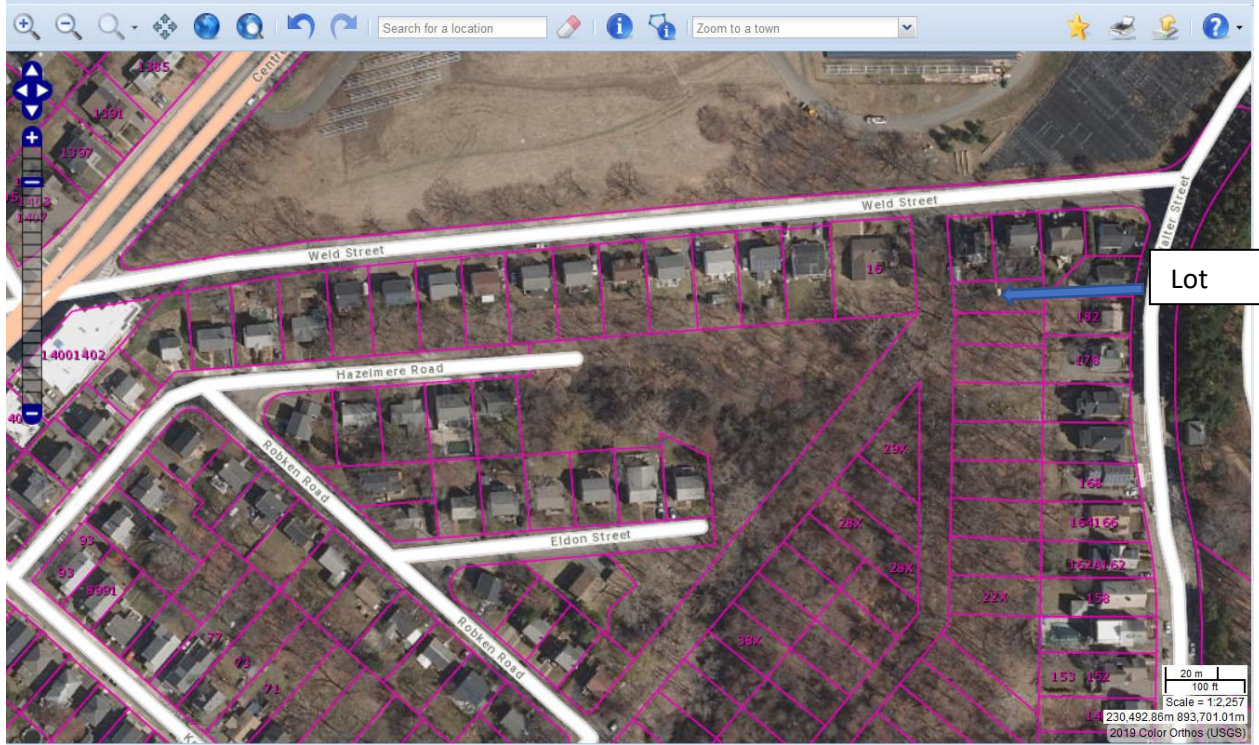
David Mizejewski

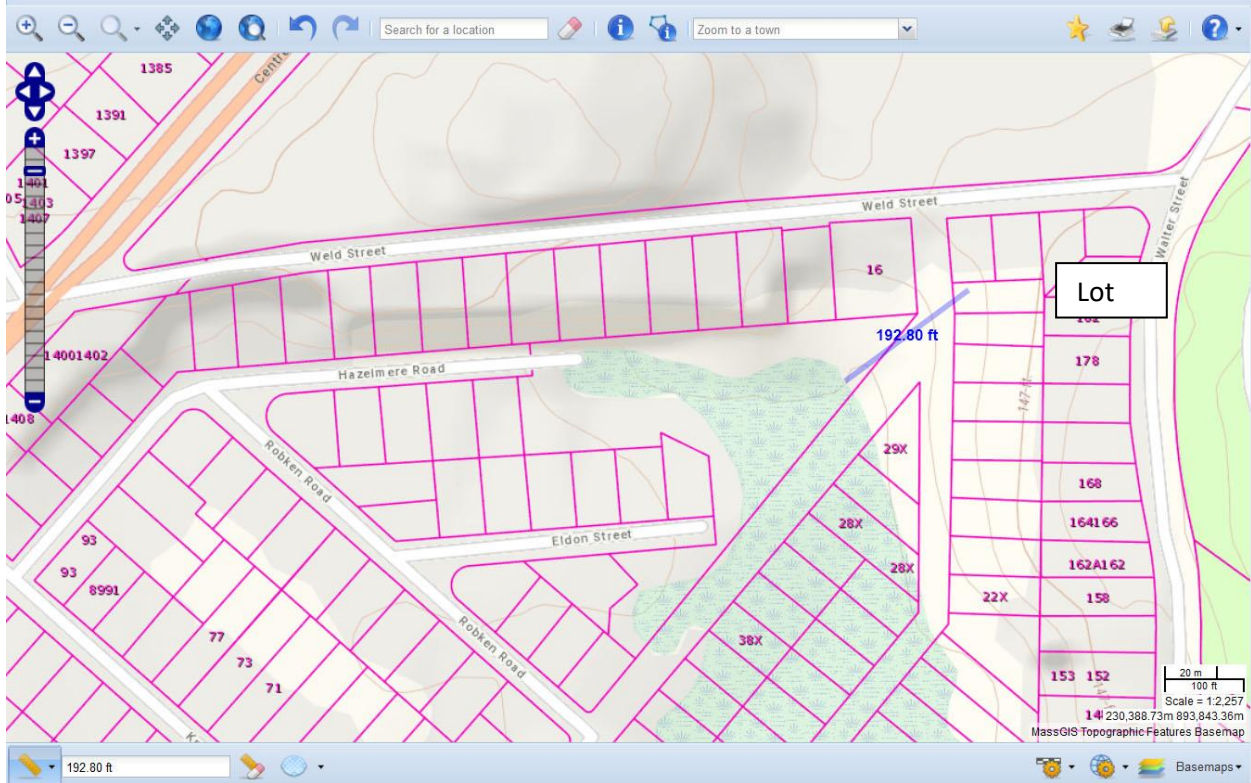
David Mizejewski
Naturalist, National Wildlife Federation
Host, BACKYARD HABITAT on Animal Planet™

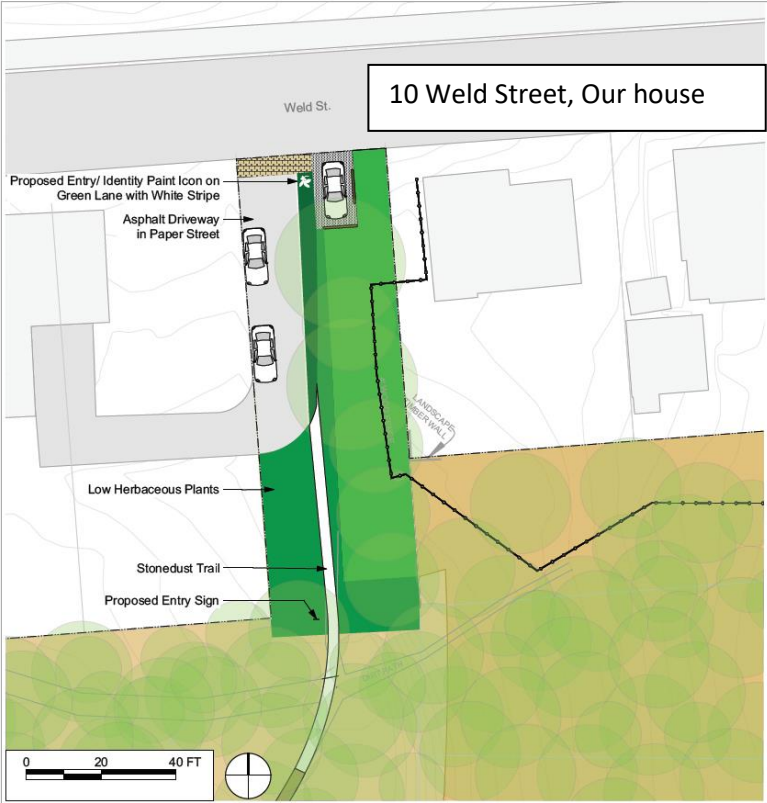












Weld Entrance



https://eesonline.eea.state.ma.us/Portal/#/wire/182099

Mass.gov | Executive Office of Energy & Environmental Affairs (EEA) An official application of the Commonwealth of Massachusetts

Energy & Environmental Affairs Data Portal

HOME DASHBOARDS SEARCH DATA ▾ HELP ▾

Wetlands NOI Project Information

Related links

There are no related links for displayed element.

NOI Number ⓘ
006-1764

Filing Date ⓘ
01/04/2021

Project Type
Other

Comments

Applicant Information
BOSTON PARKS AND RECREATION DEPT.

Filing Type ⓘ
NOI

Project Address
ROSLINDALE WETLANDS

Technical Comments

Inland Resource Areas

RESOURCE AREA ALTERED	PROPOSED ALTERATION	PROPOSED REPLACEMENT
LAND SUBJECT TO FLOODING ISOLATED	10 (square feet) 10 (cubic feet)	0 (square feet) 10 (cubic feet)

Coastal Resource Areas

RESOURCE AREA ALTERED	PROPOSED ALTERATION	PROPOSED REPLACEMENT

◀ PREVIOUS

SEARCH AGAIN

For a stamped site plan of the area in the Request detailing the wetland boundaries as delineated by a professional wetland scientist as well as the other site plan requirements as listed in the [Commission's Filing Guide](#) please reference the

HUGHES ENVIRONMENTAL CONSULTING

44 MERRIMAC STREET, NEWBURYPORT, MA 01950 PO BOX 392, CONCORD, MA 01742
 PHONE 978.465.5400 ● FAX 978.465.8100 PHONE/FAX 978.369.2100
 EMAIL THUGHES@HUGHESENV.R.COM

BRP WPA Form 3 – Notice of Intent

*(M.G.L. c. 131, §40 and Boston Wetlands Ordinance
 City of Boston Code, Ordinances, Chapter 7-1.4*

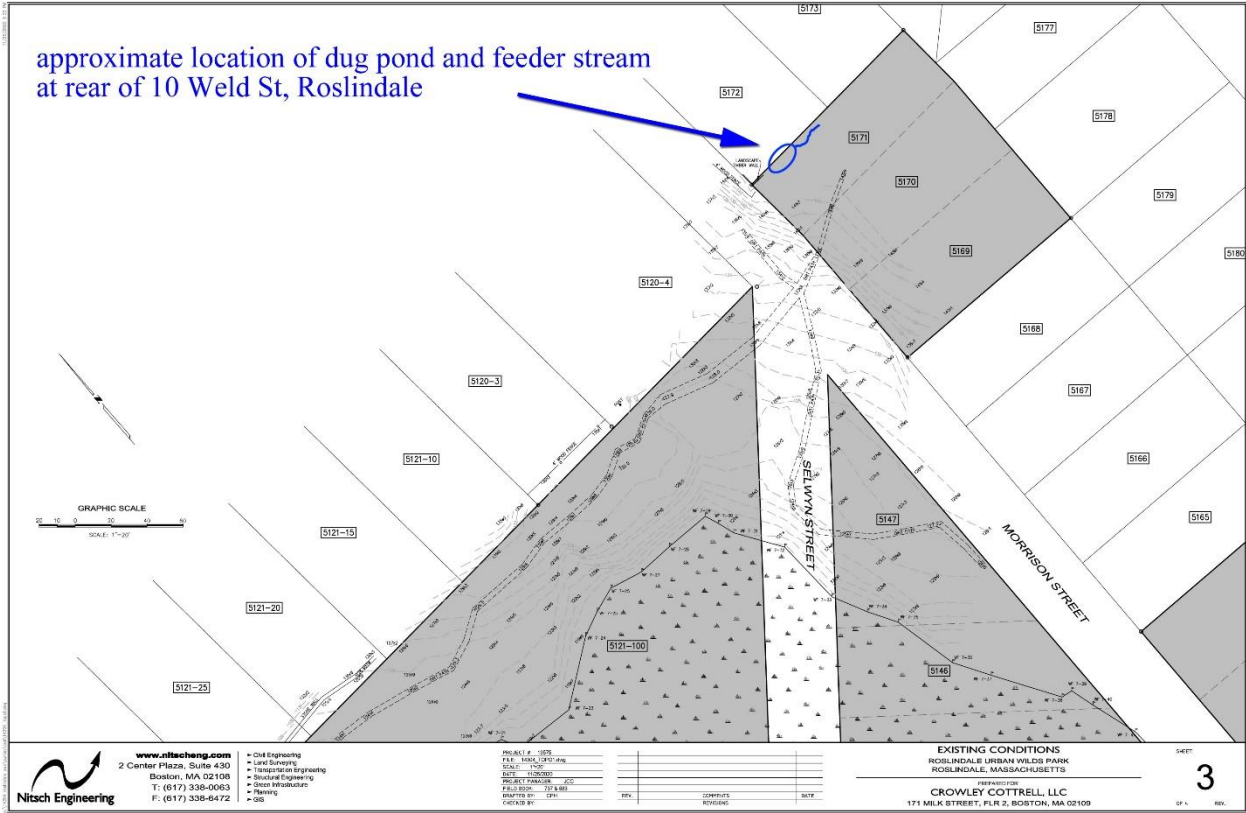
Roslindale Wetlands Urban Wild

Submitted to:

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

Submitted December 16, 2020

approximate location of dug pond and feeder stream
at rear of 10 Weld St, Roslindale



Nitsch Engineering
www.nitscheng.com
2 Center Plaza, Suite 430
Boston, MA 02108
T: (617) 338-0063
F: (617) 338-6472

- Civil Engineering
- Land Surveying
- Transportation Engineering
- Structural Engineering
- Storm Wastewater
- Planning
- GIS

PROJECT NO.	10072
FILE NO.	10072-01
SCALE	1"=20'
DATE	11/20/2010
PROJECT LOCATION	10072
PROJECT NO.	10072
DATE	11/20/2010
PROJECT NO.	10072
DATE	11/20/2010
PROJECT NO.	10072
DATE	11/20/2010
PROJECT NO.	10072
DATE	11/20/2010

EXISTING CONDITIONS
ROSLINDALE URBAN WILDS PARK
ROSLINDALE, MASSACHUSETTS
PREPARED FOR:
CROWLEY COTTRELL, LLC
171 MILK STREET, FLR 2, BOSTON, MA 02109

Sheet
3
REV.



**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. **Lisa Evans** has filed a Notice of Intent 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 **0 Morrison Street, Lote 2005171000**.
- C. The project involves **conserving pond and stream**.
- 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 **Lisa Evans, 617-792-5424, starslisa@gmail.com** between the hours of **9 to 7 pm Monday to Sunday**.
- 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 1-929-2056099, 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-notices 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. 1 CITY HALL SQUARE BOSTON, MA 02201-2021 | ROOM 709 | 617-635-3850 | ENVIRONMENT@BOSTON.GOV



City of Boston
Environment



City of Boston
Mayor Martin J. Walsh

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

De conformidad con la Ley de protección de los humedales de Massachusetts, 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 a cerca de un proyecto presentado ante la Comisión de Conservación de Boston.

- A. **Lisa Evans** 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.
- B. La dirección del lote donde se propone la actividad es **0 Morrison Street, Lote 2005171000**.
- C. El proyecto consiste en Conservar la laguna y el arroyo.
- D. Puede obtener copias del Aviso de Intención comunicándose con la Comisión de Conservación de Boston, yendo a: CC@boston.gov.
- E. Las copias de la notificación de intención pueden obtenerse con **Lisa Evans: 617-792-5242, starslisa@gmail.com** entre las **9:00 am y las 7:00 pm, de lunes a domingo**.
- 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 tiene acceso al Internet, puede llamar al 1-929-205-6099, ingresar la ID de la 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, yendo a: CC@boston.gov o llamando al: **(617) 635-4416** entre las **9:00 am y las 5:00pm, de lunes a viernes**.

NOTA: La notificación de la audiencia pública, incluida su fecha, hora y lugar, va a ser publicada en el **Boston Herald** con por lo 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 hacer 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 sobre la Ley de Protección de Humedales. Para comunicarse con el DEP, llame a la Región Noreste, al: (978) 694-3200.

CITY of BOSTON

1 CITY HALL SQUARE BOSTON, MA 02201-2021 | ROOM 709 | 617-635-3850 | ENVIRONMENT@BOSTON.GOV



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, yendo a: CC@boston.gov antes de las 12:00 pm del día anterior a la audiencia.

Affidavit of Translation

I, Gabriela Herrera, am fluent in English and Spanish. I hereby certify that I have verified the following document which is attached to this Affidavit: Abutter Notification for 0 Morrison Street, Lot number 2005171000, of one page, on April 22, 2021. I further certify that, to the best of my knowledge, the attached document written in Spanish is a true and accurate translation of the attached document written in English.



Signature of Verifier

Gabriela Herrera

Print Name