



Sent via email and USPS Mail

October 7, 2021

Nicholas Moreno, Executive Director
Boston Conservation Commission
Boston City Hall, Room 709
Boston, MA 02201

Re: Response to Commission's Request for Additional Information
Hazardous Tree Removal, Charles River Reservation, RDA
Department of Conservation and Recreation

Dear Mr. Moreno and Members of the Boston Conservation Commission:

On behalf of the Department of Conservation and Recreation, please accept this letter as a response to the Commission's requests for additional information for DCR's Hazardous Tree Removal, Charles River Reservation, RDA filing submitted to the Conservation Commission via email on September 21, 2021 (copies hand delivered on September 22, 2021). The following items were requested as additional information by the Conservation Commission on September 23, 2021. DCR's response follows each request:

- The RDA does not provide any information as to why no abutters have been noticed as part of the request. Please provide a supplemental response regarding abutter notices

On September 14, 2021, in preparation for the RDA filing, DCR emailed the Conservation Commission requesting permission to limit the abutter notification to those abutters residing within 100 feet from each of the hazardous trees. DCR cited the Wetland's Protection Act (WPA) and prior Commission interpretation of the Charles River Reservation and its individual parcels as a basis for the limited abutter notification filing. Mr. Moreno agreed with the request to limit the abutter notification. On September 15, 2021, he indicated that, "the Commission has viewed the Charles River Reservation as a single property even though it is broken up into multiple parcels. You may limit notice to within 100ft of each tree." As indicated in the RDA Cover Letter/Narrative, there are no abutters located within 100 feet of each of the hazardous trees to be removed.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

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Charles D. Baker

Governor

Karyn E. Polito

Kathleen A. Theoharides, Secretary, Executive
Office of Energy & Environmental Affairs

Jim Montgomery, Commissioner
Department of Conservation & Recreation

- The Commission typically requires formal site plans be provided detailing the resource areas and work that is to be conducted.

DCR has provided Project Figures which, as required under the WPA, show the estimated wetland resource areas and buffers¹ and locally regulated wetland resources with respect to the hazardous tree removal locations. In addition, a representative photo of each tree and its surrounding habitat has also been attached to the filing. Although the WPA RDA form states that *“the issuing authority also may require that supporting materials (plans and calculations) be prepared by professionals including, but not limited to, a registered engineer, registered architect, registered landscape architect, registered land surveyor, registered sanitarian biologist, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise”* DCR respectfully requests that the Commission accept the submitted plans as sufficient information to complete the RDA review. The proposed Project activities are limited in scope and consist of straight forward hazardous tree removal activities (no specialized activities, construction, engineered structures, changes in stormwater flow, etc.).

Please do not hesitate to contact me if you have any questions. We look forward to presenting this information at the October 6, 2021 (rescheduled for October 20, 2021) Conservation Commission Hearing. Note that Eric Seaborn will be presenting the RDA on behalf of DCR on October 20th.

Sincerely,



Ale Echandi
Inland Ecologist
Department of Conservation and Recreation

Cc. MassDEP Northeast Region
Jeff Enochs, DCR Arborist

¹ As provided on Mass DEP's most recent publicly available MassGIS Wetlands Data Layer.



September 22, 2021

Nicholas Moreno, Executive Director
Boston Conservation Commission
Boston City Hall, Room 709
Boston, MA 02201
Via email: nicholas.moreno@mass.gov

Re: Request for Determination of Applicability
Hazardous Tree Removal, Charles River Reservation

Dear Mr. Moreno and Members of the Conservation Commission,

On behalf of the Massachusetts Department of Conservation and Recreation (DCR), I am pleased to submit this Request for Determination of Applicability for the removal of seven (7) trees deemed hazardous by the DCR Arborist during a site visit in September of 2021. The tree hazard risk determination was based upon the International Society of Arboriculture (ISA) Level II risk assessment protocol as the industry standard. Four (4) of the trees are located along the Bank of the Charles River, one (1) is located in the Riverfront Area and two (2) are located in the 100-foot buffer zone to Bank. One of the buffer zone trees is also located within Boston's locally regulated Waterfront Area. This RDA is being submitted in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch.131, S.40) (WPA) its implementing regulations (310 CMR 10.00), and the City of Boston's Wetlands Protection Ordinance (City of Boston Code, Chapter VII, section 7) and its implementing Regulations. Project area maps and existing conditions photographs have been attached to this letter. Additional project details are provided below.

Hazardous tree removal will be completed using bucket trucks, chipper, log trucks, pole saws and chainsaws. Bucket and log trucks will be staged along the at grade portions of the Reservation, specifically on existing turf grass, trails or the paved multi-use path. Trees located along the edge of the Bank (Trees A through D) and Riverfront Area (Tree E) will be cut as flush to the ground as possible, stumps will remain. Trees located within the 100 foot buffer zone (Trees F and G) and Waterfront Area (Tree G) will be cut flush to the ground and their stumps will be ground using a stump grinder. The purpose of stump grinding is to remove trip hazards within actively used recreational areas. Remaining stump holes will be loamed and seeded.

Care will be used when completing the tree removal along the Bank and Riverfront area to ensure that the bank and any existing understory vegetation is protected- no dragging of woody material or scarification of the Bank or Riverfront Area will occur since we are using log trucks that can pick up the woody material. Mats will be used in areas where the turf is soft to minimize ruts. All woody debris will be removed from the site and disposed of appropriately. Any ruts or indentations resulting from the equipment traveling along the Reservation or from the stump grinding will be graded to pre-existing conditions, seeded with grass seed and stabilized. Future tree replacement will be dependent on post hazard tree removal

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Department of Conservation & Recreation

conditions/remaining canopy coverage and ecosystems needs at each site and accessible budget for future implementation of the Charles River Vegetation Management Plan (CRVMP).

Hazardous Tree Removal Details:

Tree ID (as reflected on the attached Project Maps)	Tree Species	DBH (inches)	General Location	Condition	Resource Area	Extent of Removal
A	Black Cherry (<i>Prunus serotina</i>)	11	West of the Herter Park Lagoon	Dead	Bank	Cut flush, stump to remain
B	Red Maple (<i>Acer rubrum</i>)	17	West of the Herter Park Lagoon	Poor	Bank	Cut flush, stump to remain
C	Red Maple (<i>Acer rubrum</i>)	18	East of the Herter Park Lagoon	Poor	Bank	Cut flush, stump to remain
D	Green Ash (<i>Fraxinus pennsylvanica.</i>)	14	South of the Eliot Street Bridge	Dead	Bank	Cut flush, stump to remain
E	Japanese Zelkova (<i>Zelkova serrata</i>)	14	North of the Eliot Street Bridge	Poor	Riverfront Area	Cut flush, stump to remain
F	Kwanzan Cherry (<i>Prunus serrulata</i> 'Kwanzan'.)	19	East of the Weeks Footbridge	Poor	100-foot Buffer Zone	Cut flush, grind the stump, restore.
G	Littleleaf Linden (<i>Tilia cordata</i>)	14	East of the Weeks Footbridge	Poor	100-foot Buffer Zone/Waterfront Area	Cut flush, grind the stump, restore.

DCR is mindful that this narrative does not address climate impacts mitigation; the resource area is not improved by the project with respect to climate impacts mitigation but neither are the hazardous tree removal activities diminishing the climate resilience of the riparian zone. As noted in previous communications with the Commission, DCR plans to submit a Notice of Intent for approval of the CRVMP, inclusive of a tree risk assessment and an implementation plan for future management needs, in the coming months. We look forward to working with the Commission to implement the CRVMP and, with each

subsequent year, address the challenges and opportunities of habitat restoration, water quality improvement, climate resilience and access to public open space as we enhance shared stewardship of the Charles River Reservation.

DCR respectfully requests the Boston Conservation Commission find this proposal adequately protective of the public interests identified by the WPA and the local bylaw and issue a Negative Determination for the proposed hazardous tree removal. A copy of this application has also been sent to the Northeast Regional Office of the Department of Environmental Protection. If you have any questions regarding the enclosed information, please contact me at 617-850-2398 or via e-mail at ale.echandi@mass.gov. Thank you for your consideration in this matter. Please note that there are no abutters located within 100 feet of each of the hazardous trees proposed for removal.

Truly yours,



Alexandra Echandi
Ecological Scientist

Cc. MassDEP Northeast Region
Jeff Enochs, DCR Arborist

Encl. Environmental Resources and USGS Maps, Project Location
WPA Form 1



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:

Name _____		E-Mail Address _____	
Mailing Address _____			
City/Town _____		State _____	Zip Code _____
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 _____ 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).



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

Street Address

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

See enclosed cover letter.

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

Title

Date

Title

Date

Title

Date

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

See enclosed cover letter.



WPA Form 1- Request for Determination of Applicability

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

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).
n/a

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.)

Hazardous trees are located on various parcels owned and managed by the Commonwealth of Massachusetts, Department of Conservation and Recreation since 1910.



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Name

Mailing Address

City/Town

State

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Alchandi

Signature of Applicant

Date

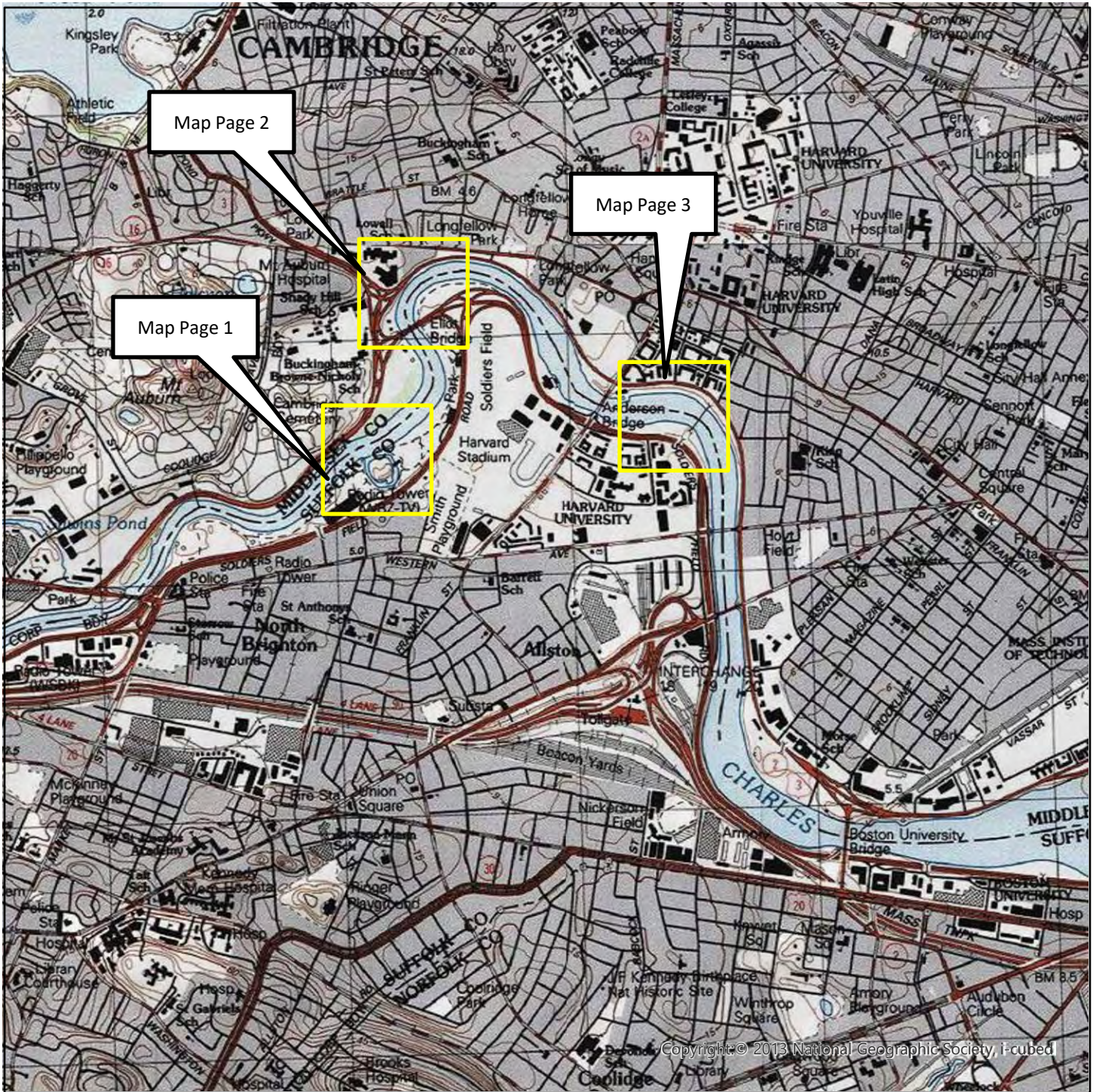
Signature of Representative (if any)

Date

Request for Determination of Applicability
Boston Conservation Commission
Hazardous Tree Removal
September 2021

Appendix A- Project Area Maps and Figures

USGS Topo Map
Wetland Resource Areas and Hazardous Tree Locations

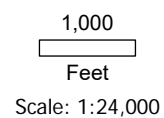


Charles River Reservation· Boston, MA ·

Locus Map

Hazardous Tree Removal

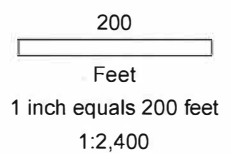
9/10/2021





Herter Park · Page 1 of 3

Charles River Reservation · Boston, MA · Hazardous Tree Removal



8/31/2021



Buffer Lines (Boston)

- 25-ft Riverfront Area
- 50-ft Waterfront Area (Boston)
- 100-ft Buffer to Bank
- Riverbank (from DEP Wetlands)

FEMA National Flood Hazard Layer

Flood Zone Designations [A and AE only]

- A: 1% Annual Chance of Flooding, no BFE (none in study area)
- AE: 1% Annual Chance of Flooding, with BFE
- AE: Regulatory Floodway (none in study area)

FEMA AE Flood Zone (outline)

Note: some of the data on this map is not intended to be shown at this large scale. In particular, the FEMA NFHL data is intended to be displayed at a scale of 1:12,000.

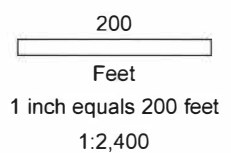
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Massachusetts





Mount Auburn West · Page 2 of 3

Charles River Reservation · Boston, MA · Hazardous Tree Removal



8/31/2021



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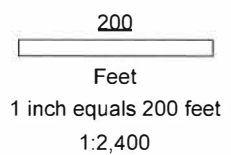
dcr
Massachusetts





Weeks Footbridge · Page 3 of 3

Charles River Reservation · Boston, MA · Hazardous Tree Removal



8/31/2021



Buffer Lines (Boston)

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- 100-ft Buffer to Bank
- Riverbank (DEP Wetlands)

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Massachusetts



Request for Determination of Applicability
Boston Conservation Commission
Hazardous Tree Removal
September 2021

Appendix B- Representative Photos



Photo #1: View of hazardous tree “A,” a dead black cherry located at the top of Bank.



Photo #2: View of hazardous tree “B,” a red maple in poor health located at the top of Bank.



Photo #3: View of hazardous tree “C,” a red maple in poor health located at the top of Bank.



Photo #4: View of hazardous tree “D,” a dead green ash located at the top of Bank.



Photo #5: View of hazardous tree “E,” a Japanese Zelkova in poor health located in the 25-foot Riverfront Area.



Photo #6: View of hazardous tree “F,” a Kanzan Cherry in poor health located in the 100 foot buffer to Bank.



Photo #7: View of hazardous tree “G,” a Littleleaf Linden in poor health located in the locally regulated Waterfront Area and 100 foot buffer to Bank.