

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
EOEA No.: **13848**
MEPA Analyst: **B: GAGE**
Phone: 617-626-**X 1025**

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Site Restoration		
Street: 197 and 201 Marginal Street		
Municipality: Chelsea	Watershed: Boston Harbor	
Universal Tranverse Mercator Coordinates: N 4,694,786.9 E 332,235.3	Latitude: 42° 23' 10" N Longitude: -71° 01' 55" W	
Estimated commencement date: Fall 2006	Estimated completion date: Summer 2007	
Approximate cost: \$220,000	Status of project design: 100	%complete
Proponent: Walton Realty Trust/Walton Systems International, Inc.		
Street: 201 Marginal Street		
Municipality: Chelsea	State: MA	Zip Code: 02150
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Joseph Freeman		
Firm/Agency: Daylor Consulting Group	Street: 10 Forbes Road	
Municipality: Braintree	State: MA	Zip Code: 02184
Phone: (781) 849-7070	Fax: (781) 849-0096	E-mail: jfreeman@daylor.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): **NONE**

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: **Army Corps of Engineers**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

301 CMR 11.03(3)(b)1.a: Alteration of a Coastal Bank

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions * <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits (including Legislative Approvals) – Specify: * Settlement Agreement
Total site acreage	2.32 (Total) 0.67 (Upland)			
New acres of land altered		0		
Acres of impervious area		0		
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		DPA – 6,500 LSCSF – 6,500 Coastal Beach - 2,100** Coastal Bank - 420 LF		
Acres of new non-water dependent use of tidelands or waterways		0.67 – existing 0.58 – proposed ***		
STRUCTURES				
Gross square footage	4,200	0	4,200	
Number of housing units	0	0	0	
Maximum height (in feet)	25	0	25	
TRANSPORTATION				
Vehicle trips per day	50 (est)	20	70	
Parking spaces	10	0	10	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	~ 400	0	~ 400	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	~ 400	0	~ 400	
Length of water/sewer mains (in miles)	0	0	0	

** - restoration of 2,100 sf of tidal flat

*** - temporary non-water dependent use

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The project involves site restoration at 197 and 201 Marginal Street, located within the Chelsea Creek Designated Port Area on Chelsea Creek, in Chelsea, Massachusetts. Walton Realty Trust (through its Trustee, James F. Walton) owns and uses the 0.67-acres of upland and 1.66-acres of waterfront that comprise the 2.33-acre property. The site includes filled and flowed tidelands with 276 linear feet of frontage along the Chelsea River and timber pile-supported structures over the waters of the Chelsea River. Mr. Walton's marine contracting business, formerly located on Atlantic Avenue on the Boston waterfront, was relocated to this location by the Boston Redevelopment Authority in the late 1960s. This site has been used as Walton's place of business since 1967.

In 2001, the Commonwealth filed suit against James F. Walton, individually and as Trustee of the Walton Realty Trust, Walton Systems, Inc., and Walton Systems International, Inc. ("Walton") in the matter of Commonwealth v. James F. Walton et al., Suffolk Superior Court Civil Action No. 02-5204 (the "Litigation"). In the Litigation, the Commonwealth alleged violations of the Massachusetts Wetlands Protection Act, G.L. c. 131, §40, and the Massachusetts Waterways Act, G.L. c. 91 at the site.

In July 2006, Walton entered into a negotiated Settlement Agreement ("Agreement") and Final Judgment with the Commonwealth to resolve all of the matters in the Litigation alleging that Walton is in violation of G.L. c. 131 §40 and G.L. c. 91, and the regulations issued pursuant to those laws, for the filling and/or altering of wetlands and tidelands at the site. The Agreement and Final Judgment require Walton to come into compliance with the Wetlands Protection Act and Chapter 91 in accordance with the schedule and other requirements in the Agreement and Final Judgment. The Agreement and Final Judgment (see Attachment 5) require that Walton submit to the DEP an application and Final Compliance Plans for a new Chapter 91 license that addresses:

1. Fill and/or structures previously placed in a licensed area under previous Waterways Licenses;
2. Any new fill and/or structures to be placed in a licensed area, and
3. Proposed fill and/or structures to be placed outside of an originally licensed area, as part of performing the required remediation and restoration.

The Agreement and Final Judgment also require that Walton submit a complete Environmental Notification Form to address all fill and/or alteration proposed as part of the required remediation and restoration work. Under Conditions #22 of the Agreement and #20 of the Final Judgment, the Parties have acknowledged that the

Agreement will serve as a Wetlands Final Order and that no separate approval under the Wetlands Protection Act, and 310 CMR 10.00 is needed from the DEP or the Chelsea Conservation Commission to perform the required remediation and restoration.

Site Description and History The site is located within an industrialized waterfront area and bounded by Marginal Street on the north, tidal flats to the east, the former Coastal Oil petroleum tank facility to the west, and Chelsea Creek to the south. The southerly boundary of Marginal Street was originally constructed as a granite stone bulkhead and the original site development was constructed on authorized timber pile pier platforms dating back to 1918. The unauthorized filling of formerly flowed tidelands has occurred over approximately 83 years of site use (1918 to 2001). A two-story wood framed building on the site appears to have been constructed prior to 1950 on a portion of the pile-supported platform constructed in 1918 under the Commission on Waterways and Public Lands License (W&PL) #182.

The site was actively used for both water-dependent and non-water dependent uses from 1918 to the mid 1970s, providing a staging area for a previous marine contractor, for tugs and barges working around Boston Harbor, and later for Walton's marine contracting business. In the mid-1970s, site use evolved from marine contracting to specialty contracting, reflecting the general decline in the marine contracting business. Since the late 1970s, Walton has used the site for its vacuum excavation and environmental cleaning business.

Proposed Site Restoration Activities In the face of declining opportunities for water-dependent uses, existing fill slopes are currently unprotected and the pile-supported facilities have fallen in disrepair. The previously constructed timber pile supported piers have also fallen into disrepair and two wooden barges are grounded in the shallow waters at the site and need to be dismantled and removed. The site restoration activities included in the Settlement Agreement are limited to:

1. The removal of 1,477 cubic yards (cy) of unauthorized fill from approximately 5,500 sf of tidal flat (Coastal Beach). This is fill placed within and adjacent to the footprint of the pile-supported structure constructed under W & PL License # 218. All fill and any old piles in this 5,500 sf area will be removed. Approximately 662 cy of fill lies between the mean high water (MHW) and Mean Low Water (MLW) elevation and 815 cy of fill lies above MHW. All fill below MHW will be removed during low tide conditions – no dredging activities are proposed.
2. The demolition and removal from the site of two derelict barges – the barges will be broken up and removed to a proper offsite disposal area.
3. Obtaining authorization for 6,020-cy of previously placed, unauthorized fill, on tidal flat (Coastal Beach). Of the total volume of fill placed, 1,785 cy was fill within flowed tidelands below the MHW line. The remaining 4,235 cy was unauthorized fill placed above the mean high water line.
4. Obtaining authorization for the 30-foot by 70-foot two-story wood framed building constructed on the site before 1950.
5. Stabilization of the unauthorized fill identified in #3 above by means of the additional placement of 1,083-cy of fill and stone riprap on tidal flat. Approximately 463 cy of fill and stone will be placed in flowed tidelands below MHW; the remaining 620-cy of fill and stone will be placed above MHW. This fill and stone will provide the riprap stabilization and coastal bank protection on the site.
6. The removal of derelict wood piles from the unauthorized pier structure located along the western edge of the property.

The proponent is seeking authorization of the current use of the site as a temporary use within the Chelsea Creek DPA, consistent with the provisions of the Waterways Regulations mandating standards to protect water-dependent uses within DPAs (310 CMR 9.36(5)). The purpose of the site restoration is to remove fill and structures that are an impediment to water-dependent industrial use of the property and to prepare the site to accommodate future water-dependent industrial use(s). The goal is to attract a use or uses that are customarily associated with and necessary to accommodate a principal water-dependent use (310 CMR 9.12(3)) and/or allow the site to be available exclusively for water-dependent industrial use or temporary use (as defined at 310 CMR 9.02).