

**City of Boston Conservation Commission
Public Meeting Minutes**

Boston City Hall, Hearing Room 801
Boston, Massachusetts, 02201

August 17, 2011

Commissioners Present: Charles Button - Chairman, Vivien Li, Antonia Pollak, John Sullivan, John Lewis

Commissioners Not Present: Stephen Kunian, Jeanne McHallam

Staff Present: Chris Busch, Executive Director

6:10 PM Notice of Intent from the University of Massachusetts Marine Operations for the replacement of deteriorated floats, relocation of existing piles and installation of new piles, at 100 Morrissey Blvd, Dorchester, Savin Hill Cove (Land Under Ocean, Land Containing Shellfish, Fish Run).

Owner: University of Massachusetts

Representatives: Chris Sweeney, UMass Boston; Carlos Pena, CLE Engineering

Documents: Project plans and details as provided in the project Notice of Intent.

V. Li – For the record the University of Massachusetts is a dues paying member of my employer, The Boston Harbor Association.

C. Button – Any initial staff comments?

C. Busch – I would ask that the proponent first cover the work that was conducted under the Emergency Certificate that was issued by the Commission a few months ago.

C. Pena – We requested an Emergency Certificate to replace some failing floats including the central float. The University was able to find some floats on Georges Island and was allowed by the DCR to use the structures. We will replace some of the existing floats which will provide ADA access and six new piles will be driven to support the float system.

V. Li – Will there be ferry service from the docks?

C. Pena – At this point nothing has materialized at the site.

C. Sweeney – Do you mean the on-call water taxi service?

V. Li – Yes.

C. Sweeney – Yes, we do allow space for the water taxi, however, we do not have a designated dock, but we do have space for transient dockage.

V. Li – You currently run the city's pump-out boat, correct? And all UMass vessels utilize the boat?

C. Sweeney – Yes, that is correct.

V. Li – Dorchester has a number of yacht clubs; do they utilize the pump-out boat?

C. Sweeney – No, the boat was built for servicing commercial vessels. There are some commercial vessels at Marina Bay that we service. Often we will get stopped by recreational boaters and we will service them and provide them with information on locations for recreational pump-out.

V. Li – Does UMass still provide free boat trips and if so what is the ridership?

C. Sweeney – On Mondays we do provide trips to students, faculty, staff and local residents. The vessel is typically filled; we take 110 passengers and will turn away 30-40 people on a popular summer day.

J. Sullivan – I went to the site today to conduct a site visit and was prevented from parking my vehicle by a parking clerk, so I will vote no on this matter as I was unable to observe the project location.

C. Sweeney – If we know ahead of time parking passes can be issued.

C. Button – Any questions or comments from the public? – No comments received

C. Button – Are there any comments on the draft Order of Conditions?

C. Pena – Condition 35, states that a boom and silt screen is required, which is probably more appropriate for dredging.

C. Busch – There are only six piles being installed?

C. Pena – Yes, only the six.

C. Busch – I agree that the boom and curtain are not necessary due to the limited amount of turbidity associated with the proposed work.

V. Li – How many Harborwalk signs are on the property?

C. Sweeney – There are approximately three signs.

V. Li – I will make a motion to move the draft Order of Conditions with a condition for an additional Harborwalk sign.

T. Pollak – Second.

- **Motion made by V. Li and seconded by T. Pollak to issue an Order of Conditions for the project and close the hearing (voted 4/1/0)**

6:20 PM

Notice of Intent from the Emerald Necklace Conservancy for the removal of invasive non-native Japanese knotweed within a portion of Olmsted Park, Jamaica Plain, Ward's Pond, (Bordering Vegetated Wetland, Bordering Land Subject to Flooding, 100-foot Buffer Zone).

Owner: Boston Parks and Recreation Department

Representatives: Margaret Dyson, BPRD; Ray Oladapo-Johnson, Emerald Necklace Conservancy; D. Edwards, Polatin Ecological Services

Documents: Project plans and details as provided in the project Notice of Intent.

T. Pollak – I will recuse myself from this matter as the Parks Department owns the property.

C. Button – I might say also that I have recently changed employers and the company I currently work for has done, and is currently involved in, work for the Parks Department. I am also a dues paying member of the Emerald Necklace Conservancy.

J. Sullivan – I am also a director ex-officio of the Conservancy.

M. Dyson – To summarize the project is to occur on Parks Department property as well as within the Town of Brookline. This is a gift from the Conservancy to the park.

D. Edwards – We are proposing to manage Japanese knotweed around Wards Pond, within the Emerald Necklace, with stem injection of glyphosate which is approved for use within wetland resource areas. The NOI includes a management plan for application. We would like to begin the work soon as it is an opportune time in the growing season and life cycle of the knotweed for application. As part of the project we will also have volunteers installing new plantings in areas that are cleared of knotweed.

V. Li – The removal will be done by certified applicators?

D. Edwards – Yes, those that will be applying herbicides will be certified.

V. Li – Regarding follow up, volunteers will be applying a seed mix to affected areas. Will the volunteer work be supervised and plantings coordinated with the Parks Department?

R. Oladapo-Johnson – I will be involved with the oversight of the volunteers.

M. Dyson – There has been close coordination with Ray and he does have a horticultural background. The Parks Department has reviewed the seed mix that is being proposed. Much of the planting area is outside of the BVW.

C. Button – Herbicides will be applied using stem injection and cutting – there will be no spray or foliar application?

D. Edwards – That is correct. We will be conducting two follow up applications and will stem injection and cut and drip methods depending upon stem size.

J. Lewis – What will be done in a few years if the knotweed comes back?

D. Edwards – We will need to work that out with the Conservancy. It might be up to them for long term management. We hope with the first year to have 80 percent coverage and then 95 to 99 percent coverage with the follow up applications.

M. Dyson – We are looking at this as a pilot project. Dependent upon how successful the application is we may utilize similar control methodologies in other areas of the park.

C. Button – It would be helpful to have a yearly report on the program.

D. Edwards – That is part of the management plan and we will provide the Commission with copies of the yearly reports.

C. Button – Further questions and comments? Questions from the public? – No public comment.

C. Button – Do we have a motion?

J. Lewis – I move the draft Order of Conditions.

V. Li - Second

- **Motion made by J. Lewis and seconded by V. Li to issue an Order of Conditions for the project and close the hearing (voted 5/0/0)**

6:30 PM Notice of Intent from the Boston Trailer Park Tenants Association, Inc., for upgrades to water, sewer and drainage facilities, and structural upgrades to unpaved surfaces, 1515 VFW Parkway, West Roxbury, Charles River (Riverfront Area, Bordering Land Subject to Flooding).

Owner: Boston Trailer Park Tenants Association, Inc.

Representatives: Andrew Stack, Coughlin Environmental Services; Pauline McLaughlin, BTPTA; John Ford, BTPTA

Documents: Project plans and details as provided in the project Notice of Intent.

A. Stack – The project is a water, sewer, drainage and roadway improvement project. The existing sewer system has had substantial sagging and infiltration in the pipes; the existing water system has low pressure throughout the park. There are also some drainage improvements proposed in three areas of the park where we are proposing infiltration chambers. The chambers will connect into existing catch basins and out existing outfalls to the Charles River. The roadway improvements involve scrapping off the existing roadway surface and replacing with dense pack material. There will be slight widening of the roadway in some locations, however, not along the Charles River. Hay bales and silt fence will be installed along the extent of the Charles River and silt sacks will be placed within catch basins.

V. Li – How many tenants live at the trailer park?

P. McLaughlin – There are 104 sites, and they are not all occupied.

V. Li – How long will it take to complete construction?

A. Stack – It will take about a year and we plan to begin work this fall.

T. Pollak – How old is the sewer system?

P. McLaughlin – The water and sewer system have been in place since the park opened in 1947.

J. Sullivan – My only concern is the bolting down of gas and oil tanks within the flood plain. Are you bolting down the trailers?

P. McLaughlin – All new sites have homes that are tied down. Everything on site is up to code.

J. Sullivan – I would like provisions to secure all the units within the flood zone. If the units are pulled off their foundations flood waters will inundate the sewer system.

C. Button – Not a requirement but you may want to consider going with a 6" sewer pipe rather than a 4" pipe. The 6" pipe is much easier to maintain and may cost you less in the long run.

C. Button – Have you looked at the draft permit conditions?

A. Stack – Yes, and we have no issues.

C. Button – Further questions and comments? Questions from the public? – No public comment.

C. Button – Do we have a motion?

T. Pollak – I move the draft Order of Conditions with the inclusion that all trailers in the flood zone be secured.

V. Li – Second

- **Motion made by T. Pollak and seconded by V. Li to issue an Order of Conditions for the project, as amended, and close the hearing (voted 5/0/0)**

6:45 PM Notice of Intent from the Massachusetts Port Authority for the construction of a temporary gravel parking lot at 1267 Saratoga Street, East Boston, Belle Isle Inlet (100-foot Buffer Zone to Coastal Bank, Land Subject to Coastal Storm Flowage).

Owner: Massachusetts Port Authority

Representatives: James Stolecki, Massport

Documents: Project plans and details as provided in the project Notice of Intent.

V. Li – The Massachusetts Port Authority is a dues paying member of my employer The Boston Harbor Association.

C. Button – Any initial comments from staff?

C. Busch – The Commission may recall we had an RDA from Massport a few months ago for a construction staging area and access road at this location. During a recent site inspection I noticed a parking lot had been constructed at the subject location, which was not reviewed by the Commission. After speaking with Massport representatives about this issue they determined they would file an NOI for the temporary parking lot, which is to serve an adjacent restaurant.

T. Pollak – When was the lot constructed?

J. Stolecki – It was built in mid-July. The contractor moved into the area to establish the laydown area and placed gravel within the staging area and the area where parking is now occurring.

J. Sullivan – How long with the parking lot be in place?

J. Stolecki – It is anticipated the lot will remain for the next two years while construction on the Belle Isle Inlet Bridge is active. The temporary lot was established for the Belle Isle Seafood Restaurant, which had parking along the adjacent roadway and bridge. The RDA in June included an accessway behind the restaurant, however, that configuration only allowed for the parking of approximately three vehicles. Massport was contacted by the restaurant owner regarding the lack of parking and the contractor was asked to establish a larger area for parking behind the restaurant. This occurred after the RDA and was our mistake.

V. Li – What is the legal occupancy of the restaurant?

J. Stolecki – I do not know the seating capacity, but it has a healthy take-out business.

V. Li – I'm having trouble understanding the scale and the size of the parking area relative to the capacity of the restaurant.

J. Stolecki – When we were out there this afternoon there were about ten vehicles behind the restaurant. Before construction started I would observe a number of vehicles along the bridge. I believe the capacity of the temporary area is about ten or twelve, and there are approximately 10 to 15 tables in the restaurant.

T. Pollak – What happens when the area is no longer used for parking?

J. Stolecki – The area will be restored to original grades and loamed and seeded.

V. Li – Will it be landscaped with trees and bushes?

J. Stolecki – No trees were proposed for the site, only loam and seed.

T. Pollak – I would suggest a two year permit with the caveat that Massport provide an update in a year to discuss restoration of the property.

J. Lewis – When the work is complete will people proceed to park on the road and bridge again?

J. Stolecki – They will be able to park on the road; I am uncertain as to whether they will be able to park on the bridge.

J. Lewis – I move the draft Order of Conditions with the addition that we issue a two year permit and Massport provide an update on the site landscaping within a year.

V. Li – Second.

- **Motion made by J. Lewis and seconded by V. Li to issue an Order of Conditions for the project, as amended, and close the hearing (voted 5/0/0)**

7:00 PM Request from City of Boston and the Massachusetts Department of Transportation for the Commission to review modifications to the Chelsea Street Bridge Replacement Project, subject to Order of Conditions DEP File No. 006-0888, involving the removal of a section of existing seawall and the creation of coastal beach, Chelsea Street, East Boston, Chelsea River.

Owner: City of Boston

Representatives: Jessica Kenny, MassDOT; Joe Bretton, HNTB; Robert East; MassDOT; Ryan Solinski, MassDOT

Documents: Project plans and details as provided in filing.

V. Li – For the record J.F. White and HNTB are dues paying members of my employer The Boston Harbor Association.

C. Button – Any initial staff comments?

C. Busch – I conducted a site visit yesterday and the original bridge has been removed. The site is well contained given the level is disturbance on the project site. This is a request for minor design change to the project; typically we review these as amendment requests. I have reviewed the original Order and the conditions do adequately cover the proposed work in the modification request.

R. Solinski – We are proposing a few minor changes to the project. The Army Corps will be dredging the channel in the early part of 2012, and steel bulkheads will be installed to maintain the structural integrity of the river bank. The bulkheads were permitted through the Commission earlier this year. On the Boston side of the bridge a section of seawall under the landside abutment collapsed. We are proposing to not rebuild the seawall, which is not structurally needed, and have the collapsed section removed with the dredge work. Secondly, there is sheeting around the bridge foundation and we would like to leave the sheeting in place as the bulkheads will attach to the sheeting. The original proposal was to have the sheeting removed. Thirdly we propose to reconstruct a section of granite seawall at the southern portion of the landside abutment.

J. Lewis – Where will the dredge material be dumped?

J. Bretton – contaminated material will go into a CAD cell and the clean material will go to Mass Bays disposal site.

C. Button – Has the proponent reviewed the project conditions?

C. Busch – I have only one additional condition, which is to require the installation of geotextile fabric behind the reconstituted granite seawall.

C. Button – Anyone care to make a motion?

T. Pollak – I move the additional condition to install filter fabric behind the seawall.

J. Lewis – Second.

- **Motion made by T. Pollak and seconded by J. Lewis to add a condition to the Order of Conditions for the project and close the hearing (voted 5/0/0)**

7:15 PM Request for Determination of Applicability from Hellenic College to determine whether a man-made stormwater detention basin and down gradient stream are areas subject to jurisdiction under the Wetlands Protection Act, Prince Street, Jamaica Plain.

Owner: Hellenic College

Representatives: Alyssa Jacobs, Epsilon Associates

Documents: Project plans and details as provided in the project Determination Request.

V. Li – For the record Epsilon Associates is a dues paying member of my employer The Boston Harbor Association.

C. Button – Any initial staff comments?

C. Busch – I met on site with Ms. Jacobs some months ago to review the project site and agree with the findings referenced in the submittal. The RDA we are reviewing is to determine whether jurisdictional wetland resources are present at the project site; we are not reviewing a specific project.

A. Jacobs – The basin in question is at the end of a playing field area and receives runoff from catch basins and a swale along the extent of the playing fields. There are two 12" drainage pipes going into the basin and one pipe existing the basin. The basin holds approximately 3,000 s.f. of water so it does not meet the definition of pond. There was no fringe of hydrophytic vegetation present. The whole of the drainage system is manmade and there is very little natural hydrology. The drainage swale and the discharge area from the basin do not constitute perennial or intermittent streams. We are looking for a determination that none of the areas on the site meet the definition of jurisdictional resource areas.

J. Sullivan – What is planned at the project site.

A. Jacobs – The college is looking to modify and extend the playing field areas, which will impact the basin.

J. Sullivan – When you modify drainage systems now it is subject to certain requirements due to phosphorus loading in the Charles River. Will there be any additional stormwater infiltration or treatment systems as part of the project?

A. Jacobs – I believe they will be burying much of the new system and it will be able to handle the same stormwater capacity as the existing system.

J. Sullivan – You should take it back to the owners that they may be subject to EPA phosphorus standards.

C. Button – Anyone care to make a motion on the filing?

V. Li – I move a negative determination.

T. Pollak – Second.

- **Motion made by V. Li and seconded by T. Pollak to issue a Negative Determination of Applicability and close the hearing (voted 5/0/0)**

7:30 PM Request for Certificate of Compliance for Order of Conditions DEP File No. 006-1161 from ConocoPhillips for maintenance and repairs to marine structures, at 580 Chelsea Street, Chelsea River, East Boston.

Staff noted that a completed Request for Certificate of Compliance was submitted with an engineer's attestation and based upon a site visit the project area is stable and the work complete.

- **Motion made by V. Li and seconded by J. Lewis to issue a Certificate of Compliance (voted 5/0/0)**

Request for Certificate of Compliance for Order of Conditions DEP File No. 006-1011 from Boston Trailer Tenants Association, Inc. for improvements to an existing mobile home park, 1515 VFW Parkway, West Roxbury, Charles River

Staff noted that a completed Request for Certificate of Compliance was submitted with as-builts and based upon a site visit the project area is stable and the work complete. The proponent needed to provide additional flood storage area which was provided for and certified by an engineer.

- **Motion made by V. Li and seconded by J. Lewis to issue a Certificate of Compliance (voted 5/0/0)**
- **Motion made by V. Li and seconded by J. Lewis to approve the May 4, 2011 public hearing meeting minutes as amended (voted 5/0/0)**

Motion made by J. Lewis and seconded by V. Li to adjourn the public meeting.