

APPROVED 2/6/13

City of Boston Conservation Commission
Public Hearing Meeting Minutes
Boston City Hall, Hearing Room 801
Boston, Massachusetts, 02201

January 23, 2013

Commissioners Present: Charles Button- Chairman, Stephen Kunian, John Lewis, Vivien Li, John Sullivan
Commissioners Not Present: Jeanne McHallam, Antonia Pollak
Staff Present: Stephanie Krueel, Executive Secretary

6:10 PM

Notice of Intent for **DEP File No. 006-1329** from the University of Massachusetts, Boston for proposed utility corridor and roadway realignment and improvements at 100 Morrissey Boulevard, Dorchester, Dorchester Bay (Land Subject to Coastal Storm Flowage, 100 foot Buffer to Coastal Bank)

Representatives: Dorothy Renaghan & Zehra, Schneider Graham, UMass Boston; Jim Veleman, BVH Integrated Services; Daniel Padien, VHB, Inc.

V. Li stated that UMass Boston, VHB Inc., Sasaki Associates, Inc., and Nitsch Engineering are dues-paying members of her organization, The Boston Harbor Association.

S. Krueel read into the record a letter from Corcoran-Jennison (representing the Harbor Points Apartment Company) dated January 23, 2013.

D. Renaghan provided background on UMass's 25 year Master Plan, which was created in response to deterioration and deferred maintenance of several buildings, and to accommodate expected growth. The Utility Corridor and Roadway Realignment project (UCRR) is intended to decentralize the utilities. Ms. Renaghan described the numerous public participation activities undertaken as part of the planning process. She noted that Sea Level Rise (SLR) had been taken into consideration regarding building design (i.e. elevation and mechanicals).

Z. Schneider Graham described the lengthy and complex permitting process being undertaken to implement the Master Plan, beginning with the MEPA process in 2010, continuing with the DEP Waterways Consolidated Written Determination of 2012, and the DEP 21 E Regulations process related to site-by-site soil management.

J. Veleman provided a project overview. The portion before the Commission tonight consists of installing utility manhole boxes and storm drainage infrastructure in strategic locations in conjunction with the General Academic Building #1 project (DEP File No. 006-1330). Currently 10 outfalls discharge untreated stormwater directly into Savin Cove and Dorchester Bay with very little infiltration or detention. This project will provide a vast water quality improvement by directing water through deep sump catch basins into water quality swales and then into bioretention areas prior to discharge via the existing outfalls. In the few instances where stormwater cannot be captured in this way, hydrodynamic separators will be utilized upstream of the outfalls. No in-water work will be undertaken, and all work will take place 30 feet landward of the waterline. A floating silt curtain will be installed in the water as a precaution.

D. Padien pointed out that the actual work in jurisdictional lands is very small. The proponent is asking the Commission to 1) confirm the boundaries of the resource areas, including an isolated federal wetland, 2) confirm the boundaries of areas of work in the 100-foot buffer to Coastal Bank and LSCSF; 2) to permit the project. Mr. Padien indicated that although the field survey differs from FEMA's delineation of the 100-year flood plain, the proponent chose not to seek a map amendment at this time. He discussed the work that would specifically take place in the resource and buffer areas, and highlighted the fact that no work would take place seaward of the existing revetment. He then described the planned erosion and sediment control

measures. The Isolated Federal Wetland previously received a negative determination by the Commission; however, that determination expired 1 year ago and the proponent is seeking reconfirmation.

C. Button noted that there was no profile view in the submitted plans for the 48" pipe. He is concerned about hydraulic issues related to its connection to an existing 36" pipe. Mr. Veleman explained that they are trying not to disturb the outfall. The system was analyzed for a 10 year storm (rather than a 25 year storm) as well as SLR. It is designed to hold ponding water 3 to 9 feet below the manhole covers. Backed up water will not create an impact.

Ms. Li asked when the Temporary surface parking approved by the commission in the past would be returned to open space. She expressed interest in learning more about the open space already created rather than the planned open space. She noted that while the Science building is near completion, not much open space has been created.

Ms. Renaghan utilized maps to illustrate the current temporary surface parking at lots known as B, C & D. Lots C & B are to be taken out of service as part of the UCRR project. Lot B is to become a soil screening area prior to its return to open space until further development. Lot D will remain as parking until the planned residence hall is developed. Since 195,000 tons of soil needs to be accommodated at various points to complete the campus, many lots will be utilized as temporary stockpiling areas. Two parking garages are to be developed to alleviate the need for surface parking. The only open space currently developed is in front of the ISC building, where there is a native meadow with a terraced amphitheater. As far as future open space is concerned, additional open space will be developed in the circular area in front of the student center, which will also be regarded to allow ADA access to the Harborwalk. Such access will also be created in two additional places.

Ms. Li inquired about project cost (\$150 million for the UCRR), and then inquired about the status of the Harborwalk and its anticipated completion date. Ms. Renaghan indicated that an NOI for the Harborwalk would be filed with the Commission this Spring. The preferred option has been selected and is currently being designed by Bourne Engineering. Construction is scheduled to begin in August, depending on permitting. The Harborwalk is anticipated to open in 2014. Ms. Li expressed frustration at the lengthy process. She noted that buildings were being built, but the \$5 million Harborwalk was not done, indicating that it was not a priority to UMass. She voiced her intention to condition the project to require completion of the Harborwalk.

J. Sullivan asked if the parking garages would be built soon. The proponent explained that construction on Parking Garage West would begin after the road has been relocated. Mr. Sullivan also inquired about antifloatation issues related to the hot water utility vault during super high tides. Mr. Veleman noted that he would look at the buoyancy issue and ensure that the vaults stay in the ground. Mr. Sullivan asked that a final SWPPP be submitted prior to construction.

Ms. Li asked for clarification about land ownership. UMass owns the land under the E.M. Kennedy Institute, which has a ground lease. The EMK foundation controls construction at that site, and BWSC is already working with the contractor.

Mr. Button asked for clarification regarding the return of temporary parking to open space. University Drive West will be relocated in Spring 2015, lots B and C will be filled and returned to green space. Parking lot S will be closed and used short term for construction staging and then potentially a sports field.

Mr. Sullivan noted that the 48" pipe will be subject to a daily wash as the stormceptor gets hit during daily high tides. The proponent needs to ensure that it doesn't re-suspend fine sediment, and the flood valve may need to be evaluated.

S. Kunian asked for clarification regarding the plan for the Harborwalk. Ms. Renaghan reiterated that there is an existing conceptual plan, and a preferred option had been selected and is in development. Bourne will be presenting the plan to the proponent on January 31, 2013. Mr. Kunian requested that the plan as well as a specific framework for approval be submitted to the Commission prior to issuance of the OOC. He confirmed that UMass has available funds to complete the Harborwalk.

Ms. Li insisted on requiring an NOI for the Harborwalk to be filed within one month (by February 22, 2013). She asked the proponent if a Chapter 91 license would be required.

Ms. Schneider Graham and Mr. Padien confirmed that a Chapter 91 license application would be filed, and could be done concurrently with the filing of an NOI. Ms. Renaghan noted that construction for the UCRR is slated to begin in March 2013. Mr. Kunian called for conditioning the UCRR project so that construction commencement is contingent on the submittal of a Harborwalk NOI, which must be filed no later than March 31, 2013.

Mr. Button wondered if it was appropriate to require an NOI rather than a schedule for the Harborwalk.

Ms. Schneider Graham reiterated that the proponent is in the midst of a DEP Consolidated Written Determination Process, which sets the parameters for the Chapter 91 license for the Harborwalk, as well as all the other Chapter 91 license projects on Campus going forward. It is an ongoing negotiation without a clear timeframe, as it is in DEP's hands. She asserted that it is unfair to tie the UCRR project to the Harborwalk project since it is a separate process with a separate agency.

Ms. Li noted that the Harborwalk has been in discussion since 2010 and only has a pricetag of \$5 million. She is perplexed that projects costing \$150 million are being completed prior to the Harborwalk. She also noted that with all the soil stockpiling the project is starting to feel like The Big Dig. She wants to know how inconveniences to the public would be mitigated.

Mr. Button noted that these projects are entirely on their own property as opposed to public property, with no impacts on other property, so it may not be appropriate to require mitigation.

Ms. Schneider Graham noted that the students are the "public" in this case, and education and involvement in the process of campus transformation has been their equivalent of the mitigation process.

Ms. Li noted that there are in fact several immediate abutters. She acknowledged that public notice for this hearing was given, but could not speculate on whether the abutters knew about the meeting or not. She held that there are impacts to abutters beyond the University's students. She noted the large non-English speaking population at Harbor Point Apartments.

Ms. Renahan described the close, involved relationship of the students and the University with the Harbor Point Community and the neighboring public school. She believes it is the University's duty and privilege to work with these groups.

Mr. Button reiterated that in order for the University to get the work done, they want to start in March. He confirmed that the Commission wanted to hold it up for a detailed plan of the Harborwalk, rather than for a schedule.

Ms. Renahan noted that the design to be submitted to UMass next week consists of progress on a conceptual drawing. The engineer will not have completed final design plans by March. They would, however, be able to provide a schedule and a conceptual drawing.

Ms. Li insisted on requiring an NOI for the Harborwalk filed by 3/31/13 or prior to the start of construction.

Mr. Kunian noted that if there is a legitimate reason for delay, the proponent could request an amendment to the Order of Conditions.

Ms. Renahan asserted that the Harborwalk is a very important project to the University, and she does not want to rush its design in order to be able to start construction on the UCRR project. She expects to have to request an amendment to the OOC because she needs to start UCRR construction.

Mr. Button confirmed that the proponents have read and understood the Special Conditions.

Mr. Sullivan wondered how the proponent would submit an NOI without final plans. Mr. Button wondered if this course of action was realistic.

Ms. Renahan explained that a Construction Management methodology, as opposed to a Contractor methodology, would be used for all project bidding processes. Mr. Veleman discussed the timeline for bidding different packages. Construction for the UCRR would begin at the end of March/beginning of April for the manholes and large storm drains.

Mr. Kunian does not think that requiring a Harborwalk NOI would delay construction.

A motion was made to require that an NOI for the Harborwalk be filed by 3/31/13 or prior to the start of construction.

- **Motion made by V. Li and seconded by S. Kunian to issue the Order of Conditions as amended (5/0/0 7:15 PM)**

Mr. Button requested a timeline for the complex bidding process for the UCRR.

7:20 PM

Notice of Intent DEP File No. 006-1330 from the University of Massachusetts, Boston for construction of a 5-story general academic building and associated site work at 100 Morrissey Boulevard, Dorchester, Dorchester Bay (Land Subject to Coastal Storm Flowage)

Representatives: Dorothy Renaghan & Zehra, Schneider Graham, UMass Boston; Jim Veleman, BVH; Andrew Chagnon, Pare Corporation

V. Li stated that UMass Boston is a dues-paying member of her organization, The Boston Harbor Association.

A. Chagnon discussed the site location and plan. A 5 story general academic building with a 49,000 sf footprint is proposed. Much of the site is within FEMA's mapped 100 year floodplain (LSCSF). The elevation of the area within the AE zone is 25.5 Boston City Base, and a field survey confirms that the site is not in fact in a floodplain. However, the project is moving forward permitting-wise as if it is rather than seek a FEMA map amendment. All access to the building will be at least 3.5 feet above the 25.5 BCB level. Upon project completion there will be a .6 acre reduction in impervious coverage. New drainage lines with hydrodynamic separators are proposed. They will be tied into the larger system once it's complete.

Ms. Li asked if the building would have a green roof. Due to the exhaust system for the Chemistry labs, a green roof was not possible. However, a white roof will be installed.

J. Sullivan inquired about the connectivity of the buildings. D. Renaghan explained that the University has been quite devoted to the catwalk system to accommodate the microclimate on the commuter campus, and there will be at-grade enclosed connections among the buildings being designed.

Ms. Li asked about design accommodation for expected SLR. Mr. Chagnon explained how the team reviewed The Boston Harbor Association SLR maps (which do not show flooding at the project site) and designed building elevations to accommodate flooding.

Mr. Button noted that the Commission has encouraged other proponents to raise buildings by 4 feet, and he acknowledged that UMass is on-point with this building design. Mr. Button asked why no list of abutters was included in the NOI. This project site is surrounded entirely by Commonwealth land. He also asked for consistency regarding the size of the campus (177 or 199 acres?). He then confirmed with Mr. Sullivan that, as indicated on sheet C1.06, a 2-foot minimum coverage over drainage pipes is sufficient for private utilities. BWSC has already reviewed the proposed water and sewer systems.

Ms. Li inquired about the cost and start date of the project. The \$113 M project is scheduled to break ground on February 27, 2013. Ms. Renaghan explained that enabling work must take place first, including parking lot

and garage closures. Construction should take approximately 2 years, with substantial completion being reached by May 2015.

Mr. Sullivan inquired about the curvy architectural design. Ms. Renaghan explained due to the large volumetric spaces within the buildings, they could not be arranged in a straight row, so a curvilinear design was selected.

Ms. Li stated that the condition requiring an NOI for the Harborwalk that was included for 006-1329 would be added to this project as well. Ms. Li noted that since Ms. Renaghan would be supervising projects costing over \$200 M, she is concerned that the Harborwalk project would get lost. Ms. Renaghan explained that different teams are working on each individual project, and the Harborwalk project has its own team, so it is unlikely that the project would get lost. The UMass Building Authority is overseeing all projects, and she is effectively the owner's representative. Ms. Li stated that the property owner should be present at the hearing. In the interest of not holding up the work, Ms. Li wants to move forward with the approval, with the added Harborwalk condition.

A motion was made to approve the project with the added requirement that an NOI for the Harborwalk be filed by 3/31/13 or prior to the start of construction.

- **Motion made by V. Li and seconded by S. Kunian to issue the Order of Conditions as amended (5/0/0 7:40 PM)**

7:40 PM Updates and General Business

- Request for Certificate of Compliance for **DEP File No. 006-1212**, Repairs to the Walter Baker Pedestrian Bridge, Dorchester, Neponset River

Ms. Kruel described the project and confirmed on a site visit on 1/15/13 that all conditions were met. A signed and stamped letter of confirmation from the engineer was received.

- **Motion made by V. Li and seconded by S. Kunian to issue the Certificate of Compliance (5/0/0 7:41 PM)**

- Request for Certificate of Compliance for **DEP File No. 006-1295**, Runway 33L Approach Light Pier Replacement Project, Logan International Airport, East Boston, Boston Harbor

Ms. Kruel visited the site on 11/5/2012. The Eelgrass working group is still meeting to finalize the mitigation plan since the eelgrass seeding did not work. The group is evaluating the feasibility of eco moorings in existing eelgrass beds in Manchester-by-the-Sea and Beverly. They will discuss the results at their February 5th meeting. Both Ms. Kruel and Ms. Li will be attending that meeting. A signed and stamped letter of confirmation from the engineer was received.

Ms. Kruel pointed out that the mitigation requirements were not part of the OOC, therefore the COC can be issued even though mitigation compliance has not yet been achieved. Ms. Li requested that the cover letter issued with the COC indicate that the Commission understands the Eelgrass Working Group's efforts and timeline, and that staff and a Commissioner will be attending the 2/5/13 meeting.

- **Motion made by V. Li and seconded by J. Lewis to issue the Certificate of Compliance as amended (5/0/0 7:45 PM)**
- Emergency Certification issued on 1/17/13 to the New England Aquarium for pile replacement at the north floating dock. Site visit by staff on 12/12/12.
- Review of minutes of the January 9, 2013 public meeting.
 - **Motion made by V. Li and seconded by S. Kunian to adopt the minutes as amended (5/0/0 7:47 PM)**
- Review of minutes of the May 2, 2012 public meeting.

- **Motion made by S. Kunian and seconded V. Li by to adopt the minutes as amended (5/0/0 7:50 PM)**
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- **Motion made by and seconded by to adjourn the meeting (7:50 pm)**

Respectfully submitted,

Stephanie Kruel

Executive Secretary