

APPROVED 2/19/14

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

February 5, 2014

Commissioners Present: Jacob Kritzer, Stephen Kunian, Vivien Li, Antonia Pollak, Michael Wilson

Commissioners Not Present: Charles Button, John Sullivan

Staff Present: Stephanie Krueel, Executive Secretary

6:05 PM Notice of Intent for **DEP File No. 006-1371** from City of Boston Public Works for Fender Repairs for the Northern Ave Bridge, Fort Point Channel (Land Under Ocean) *Postponed from January 1/22/14*

Representatives: Para Jayasinghe, DPW; Evan Lowell, TranSystems Corp

- **Motion made by A. Pollak and seconded by J. Kritzer to appoint Vivien Li as the acting chair (4/0/0 6:05 PM).**

P. Jayasinghe described the project. The Coast Guard has asked the City of Boston to make improvements to the aging fender system at the Northern Avenue Bridge to prevent hazards to navigation. Mr. Jayasinghe has designed the project to avoid impedance to navigation during construction, and to avoid being a nuisance or source of annoyance to abutters. The project cost is \$100,000, and it will take 1-2 months to complete once the weather breaks.

V. Li asked if boats would be able to navigate Fort Point Channel during construction. Mr. Jayasinghe replied that they would. All equipment would be staged on the Harbor side.

A. Pollak asked if the piles would be removed, and if paint removal is part of the project. Mr. Jayasinghe replied that the piles would be removed entirely by pulling, and there will be no paint removal.

M. Wilson asked if the desire to keep noise to a minimum was a courtesy to abutters. Mr. Jayasinghe responded that he does not want the project to interrupt the courthouse proceedings or restaurant business.

S. Kunian, who arrived late, noted that he represents the trust owning James Hook, and recommended that the proponent notify James Hook and the Barking Crab. He then recused himself from the remainder of the proceedings.

Ms. Li requested an update on the overall bridge repair schedule. Mr. Jayasinghe explained that the replacement bridge is in the pre-design phase. He wants to ensure that the design is fundable by the Federal Government. It is a \$60 M project requiring historic preservation, and he needs to demonstrate that the bridge is needed as a transportation link. The Section 106 environmental review process is in progress.

- **Motion made by A. Pollak and seconded by J. Kritzer to issue the Order of Conditions as written (4/0/1 6:14 PM).**
-

6:15 PM Notice of Intent for **DEP File No. 006-1374** from Boston Autoport for Seawall Repair, 100 Terminal Street, Charlestown, Boston Harbor/Mouth of Mystic River (Coastal Bank, Designated Port Area, Land Under Ocean) *Continued from 1/8/14*

S. Krueel stated that the proponent requested a continuance due to inclement weather.

- **Motion made by A. Pollak and seconded by M. Wilson to continue the hearing to February 19, 2014 (5/0/0 6:15 PM).**
-

6:16 PM *Updates and General Business*

- *COC request* **DEP File No. 006-1333 Pier 4 Fender Repairs:** S. Krueel stated that there has been compliance with all conditions and recommended issuance of the COC.
 - **Motion made by J. Kritzer and seconded by M. Wilson to issue the Certificate of Compliance (5/0/0 6:20 PM).**

- *COC request DEP File No. 006-1328 12 Fairmount Court Demolition:* S. Krueel described the project and noted that she had made several visits to the site. She confirmed that there has been compliance with all conditions and recommended issuance of the COC.
 - **Motion made by M. Wilson and seconded by J. Kritzer to issue the Certificate of Compliance (5/0/0 6:21 PM).**
- *DEP File No. 006-1279 COC – Administrative Amendment:* S. Krueel noted that the original certificate issued in January contained a clerical error regarding recording information, and requested that the Commissioners sign a new COC with the correct recording information.
- *Emergency Certification Lewis Street Floating Dock Removal, Massport:* S. Krueel issued an EC for this project on January 24, 2014. She provided a photo of the half-submerged floating dock and described the proposed work.

V. Li noted that the water transportation dock used to be at this location. She asked if the float will be reused. Ms. Krueel replied that it will be dismantled at Boston Shipyard.

J. Kritzer asked how it would be removed. Ms. Krueel replied that the dock would be hauled by tugboat and the piles would be pulled and transported over land to Boston Shipyard.

S. Kunian wondered why it was an emergency, and asked how long it had been in this state. Ms. Krueel stated that the dock began to sink in December. If it were to sink, additional regulations would be triggered.

Mr. Kritzer noted that the emergency seemed to be the sinking dock, and wondered if pile removal should not be considered an emergency. He asked Ms. Krueel if there would be any issues of concern related to pulling the piles. Ms. Krueel replied that the EC was conditioned to require a siltation curtain.

M. Wilson commented that they might need to pull the piles out in order to get the dock out. Ms. Krueel replied that it might be attached, but noted that the piles should be removed regardless if they are no longer serving a function.

Ms. Li asked if the work has been done yet. Ms. Krueel replied that she didn't know, and that the Commission could ask Jim Stolecki from Massport, who would be attending the meeting later on this evening. The EC is valid for 30 days.

- **Motion made by S. Kunian and seconded by A. Pollak to ratify the Emergency Certificate (5/0/0 6:24 PM).**
- *Emergency Certification Thompson Island Pile Replacement, Thompson Island Outward Bound:* S. Krueel issued an EC on February 3, 2014. She explained that winter storms had caused damage to two piles securing a floating dock at Thompson Island. This dock is currently being used to deliver supplies necessary to complete work under an open Order of Conditions issued in 2013.
 - **Motion made by A. Pollak and seconded by S. Kunian to ratify the Emergency Certificate (5/0/0 6:27 PM).**

J. Kritzer identified a potential conflict of interest and recused himself from the discussion.

6:30 PM *Notice of Intent for DEP File No. 006-1375 from Boston Autoport for Paving at Medford Street Terminal, Charlestown, Mystic River (Buffer to River Bank, Designated Port Area) Continued from 1/8/14*

S. Krueel stated that the proponent requested a continuance due to inclement weather.

- **Motion made by A. Pollak and seconded by J. Kritzer to continue the hearing to February 19, 2014 (5/0/0 6:30 PM).**

6:31 PM *Updates and General Business*

- *Review Sierra Club letter:* V. Li recalled that the Commission had requested that S. Krueel draft a letter to the Massachusetts Chapter of the *Sierra Club* in recognition of John Lewis's service. Suggested edits were provided.
- *Review Minutes: 1/8/14:* V. Li provided a marked-up copy of the minutes noting typos.

- **Motion made by A. Pollak and seconded by S. Kunian to adopt the minutes as amended (5/0/0 6:44 PM).**
- *Other Business:*
 - **Motion made by A. Pollak and seconded by S. Kunian to draft a letter of commendation to Jeanne McHallam (5/0/0 6:49PM)**
 - Jim Stolecki of Massport stated that the work approved by the 1/24/14 Emergency Certification at Lewis Wharf is not complete. A new contractor had to be brought in because the first contractor did not have the necessary equipment. Half of the piles have been removed. The float dock has sunk to the Harbor bottom. Divers have been assessing the situation, and necessary steps are being determined. It seems that they may be able to pump air into the float to raise it to the surface, and then remove it as planned. Mr. Stolecki believes the work will be completed in the coming week.

6:50 PM Notice of Intent for **DEP File No. 006-1372** from Charlestown Maritime Center, LLC for Docks and Boat Launch, 333 Terminal Street, Charlestown, Mystic River (Riverfront Area, Designated Port Area, Land Under Ocean) *Postponed from 1/22/14*

Representatives: Jamy Madeja, Buchanan & Associates; Richard Salvo, Engineering Alliance

V. Li stated that Buchanan & Associates, Massport, & Boston Boat Works are dues-paying members of her employer, The Boston Harbor Association.

S. Krueel explained the revision to the project narrative.

J. Madeja clarified the site location and explained that the landside work was approved, the Chapter 91 license was issued, and construction is underway. In water work is the subject of the current proposal. Docks will be provided for the Travelift for marine industrial activity. This will not be a recreational boating facility. The comment letter from Massport dated 2/5/14 was addressed. The proponent agrees with the issues brought forth, and considers them to be unrelated to issues under the Commission's jurisdiction.

S. Kunian asked if Massport is the property owner. Ms. Madeja replied that two-thirds of the property is owned outright, and one-third is leased from Massport. There is no work proposed on the Massport-owned property. J. Stolecki added that Massport is an abutter. Ms. Madeja said that no approval is needed from Massport: However, there is a dispute regarding ownership of land at the water's edge. Massport believes it is the owner, but has not yet surveyed the location. Ms. Madeja believes the proponent owns the land.

R. Salvo described the site, referring to an aerial, a cross section, and a plan view of the project. The existing seawall is at an elevation of 8'-9', and the beach is at 0'-1'. The end of the dock is 40' above mean low water. Utilization of existing abutments minimizes disturbance of LUO. A full-reclamation washing system is proposed. The proponent is aware that FEMA preliminary maps show a BFE of 12', while the current BFE is just 9' NAVD88. An aluminum ramp system will connect to the pile supported floating docks. Piles will be driven from the waterside. The total impact of the project is 27 sf on LUO. The seawall is considered Coastal Bank. The Channel is 50' from the floating docks. Mr. Salvo noted the bar scale was incorrect on the original plans, and has provided revised plans to Commission staff.

A. Pollak noted that adaptive reuse of the abutments is good. She wondered why they hadn't been removed when the original bridge was removed. Ms. Madeja speculated that in the past the granite blocks weren't valued, and it was common to leave building materials behind. She also suggested it could be a Chapter 91 issue.

M. Wilson asked for clarification regarding the height of the abutments. He noted that one abutment is to be taken down to MLW, while the other is to be taken down to the mud line. Mr. Salvo stated that on the revised drawing both are to be taken down to the mud line. Mr. Wilson asked if anything would be salvageable. Ms. Madeja assured him that everything will be reused, on-site if possible.

J. Kritzer pointed out that "Fish Run" was not checked off on the DEP application form. Ms. Madeja replied that that was an error. The application was in fact sent to the Division of Marine Fisheries for their review. Ms. Krueel noted that draft condition #57 addressed the Time of Year restriction in the fish run. Ms. Madeja noted that DMF treats shellfish beds more generally, and fish runs with more specificity. Mr. Kritzer replied that that approach makes sense, since fish runs are more predictable, while shellfish beds are more ephemeral. He

wondered, since some species found in Boston Harbor were recently considered for the endangered species list, if DMF might soon be changing their approach.

Ms. Li asked if the Massport letter was in the record. Mr. Stolecki and Ms. Krueel replied in the affirmative.

M. Wilson asked about the spot elevations on the plan. The leader line to the trench drain appears to be higher than the elevation of the seawall. Mr. Salvo replied that the boat wash facility would be set at a lower elevation to ensure that all the wash water remained within the closed system.

Ms. Li noted three items in the Massport letter that should be incorporated into the Order of Conditions. Ms. Madeja noted that copies of the updated drawings have already been provided, and that her client agrees to comply with the other two conditions, even though they are not necessarily within the Conservation Commission's jurisdiction.

- **Motion made by A. Pollak and seconded by J. Kritzer to issue the Order of Conditions with the following amendments (5/0/0 7:14 PM):**
 - **The applicant shall use best efforts to work with Massport to ensure that the proposed structures and associated activities do not in any way hinder existing or future maritime industrial use of Massport's Pier 50.**
 - **The applicant shall assess the seawall near the project on an annual basis to ensure that the proposed vessel activities near the wall have not caused accelerated deterioration of the seawall and its foundations, in which case the applicant shall be required to address any identified impacts.**

7:15 PM Notice of Intent for DEP File No. 006-1373 from Charlestown Maritime Center, LLC for Building Construction & Relocation, 200 Terminal Street, Charlestown, Mystic River (Riverfront Area, Designated Port Area, Land Subject to Coastal Storm Flowage) *Postponed from 1/22/14*

Representatives: Jamy Madeja, Buchanan & Associates; Richard Salvo, Engineering Alliance

V. Li stated that Buchanan & Associates, Massport, & Boston Boat Works are dues-paying members of her employer, The Boston Harbor Association.

J. Madeja explained that there is an open OOC for seawall repair at this location. She then described the proposed project. A Barge will take the organics from the facility to the MWRA to avoid overland transportation.

A. Pollak asked if the small building would be for storage. Ms. Madeja replied that it will be used for storage for a water-dependent use, not for the organics building due to its small size.

Ms. Pollak asked if there is an odor control plan to prevent seagulls from congregating at the site. Ms. Madeja replied in the affirmative.

Ms. Li asked if there would be any leachate or other runoff from the facility. R. Salvo replied that a special capture system would be utilized to prevent all runoff.

M. Wilson noted that the finished floor elevation is 18' and asked if the datum was Boston City Base. Mr. Salvo replied in the affirmative.

Jim Stolecki remarked that Massport had expressed concerns about odors to the proposed tenant. Ms. Madeja replied that the building may utilize negative airflow in to the building, or may address odor issues in other ways. In any case, the controls will comply with all City requirements.

Ms. Pollak asked if the barges would be open or covered. Ms. Madeja did not know, as the barges are currently being designed.

- **Motion made by M. Wilson and seconded by J. Kritzer to issue the Order of Conditions with the following amendments (5/0/0 7:22 PM):**
 - **The applicant must ensure that the organics facility controls odors and adopts an odor management plan that incorporates proactive management techniques.**

- **The proposed organics facility shall comply with the City of Boston's Regulations for the Control of Atmospheric Pollution, adopted under the provisions of Section 31C, Chapter 111, General Laws, Adopted December 17, 1976.**

7:22 PM Notice of Intent for **DEP File No. 006-1377** from Massachusetts Department of Conservation & Recreation for the Neponset River Greenway Trail – Blue Hill Avenue to Ryan Playground, Mattapan, Neponset River (Riverfront Area)

Representatives: Sean Hale, Epsilon Associates; Deneen Crosby, Crosby Schlesinger Smallridge, LLC; Cathy Garnett, DCR; Peter Reed, BSC Group; Cullen Meves, CSS; Rick Devanna, AECOM

V. Li stated that Epsilon Associates, Crosby Schlesinger Smallridge, LLC, BSC Group, DCR and AECOM are dues-paying members of her employer, The Boston Harbor Association.

C. Garnett explained that the proposed project is an important link in the Neponset Greenway Trail. The section to the east was approved by the Commission last year.

D. Crosby described the project as including a canopy walk over the railroad tracks to the building next to the MBTA station. She described the course of the paths and the different pathway treatments. A cantilevered boardwalk made of lpe with a steel & wood railing would be supported over riprap bank with helical piles. A paved pathway would have an infiltration trench on the river side.

S. Hale described the impacts to the resource areas. The proposal complies with limited project standards for footpaths and the Riverfront Area to the maximum extent practicable. All activities are outside of bordering land subject to flooding. Scuppers and splashpads will be provided for stormwater runoff from the canopy walk. During construction, erosion & sediment controls will be placed on the river side. P. Reed stated that leaching basins will be provided at trial low points.

Ms. Li asked how maintenance is going on the rest of the trail. Ms. Garnett explained that there really aren't any issues, and everything is holding up well. Early sections of the trail are now ten years old, and the bituminous pavement is generally holding up well. A portion of the trail that had utilized stabilizers is in need of repair.

M. Wilson asked if bicyclists may ride off the paved path and damage the infiltration basins by plugging the system with sediment. Ms. Crosby said that while it is possible, the infiltration area is seeded on top and the width of the path allows cyclists to stay on the path. Ms. Garnett noted that the path is kept at a consistent width, which helps keep traffic on the paths. Mr. Hale noted that the dense vegetation off the path does not provide maneuvering room off the trail.

J. Kritzer asked if there are any desire paths to access the trail. Ms. Crosby noted that the three access locations seem to be sufficient. Ms. Garnett noted that early on there were safety concerns about the trail, but it has turned out to be one of the safest trails in Boston and Milton.

M. Kritzer noted that there seems to be a fair amount of tree removal. Ms. Crosby replied that this is, after all, a path through a wooded area. Of the 247 trees to be removed, 157 are between 6-8", 15 are under 6" and the rest are over 8" in caliper. There is no count of total existing trees. They are mostly smaller in caliper due to the area's history as a floodplain. The existing footpath has been kept clear by BNAN for many years.

A. Pollak asked if the existing trees had been planted or if they are mainly volunteers. Ms. Crosby stated there is no evidence of planting, and there is a woodland mix, with the primary species being Oak. Mr. Hale added that in addition to invasives, black locust, Norway maple, red maple, and tree of heaven are also present. There has been a good survey & protection plan for trees close to the trail, and the number of trees to be removed has been minimized.

Ms. Garnett explained that after the 1956 hurricane the river had been dredged and realigned. There are few mature specimens, and steep embankments resulted from the re-engineered river.

Mr. Wilson asked if there is any access into the river, or to the water's edge. Ms. Crosby noted that there is some bank area between the path & water's edge in some locations, and there's an informal boat launch with steps in one location. There are some overlooks planned on the bridge and canopy walk, as well as benches near the bridge.

Vivien Morris of Mattapan Food & Fitness and Mattapan United has been working closely with BNAN and the Neponset River Greenway Coalition. The trail has made a remarkable contribution to promote physical activity, and this project will help Mattapan residents access the trail. Mattapan has the highest obesity and diabetes rates in Boston. Her organization is in complete support of the project.

Valerie Burns of Boston Natural Areas Network is a member of the Neponset River Greenway Council, which is in support of the project. The Council, which is composed of volunteers from several communities, has been meeting with DCR on a monthly basis since 1994. This is the last and hardest piece of the trail, and there is now strong consensus on the design and funding is secure.

Ms. Li asked Ms. Pollak if she thought DCR should plant replacement trees elsewhere in the watershed. Ms. Pollak replied that DCR has been a partner with the City of Boston in planting trees, and expects it to continue. Additional trees are probably not needed in this location.

Ms. Garnett confirmed that DCR will continue planting trees along the greenway and in other more deserving areas, especially at Ryan Playground (which is located outside of the Commission's jurisdiction) after it is done being used as a construction staging area for the trail. Ms. Pollak concurred.

Mr. Kritzer suggested that although it doesn't seem to make sense to require a replanting ratio, it would be good to get an inventory of the trees as they are cut down. Mr. Kunian suggested this should be a condition of the Order.

- **Motion made by J. Kritzer and seconded by M. Wilson to issue the Order of Conditions with the following amendments (5/0/0 7:59 PM):**
 - **The proponent will provide to Commission staff a post-mortem inventory of trees removed from the project site over 2" caliper.**
 - **The proponent shall use best efforts to plant additional trees at Ryan Playground upon project completion.**

8:00 PM Notice of Intent for **DEP File No. 006-1376** from Match Community Day Charter Public School for Demolition and Construction of New School Facility at 50, 100 & 110 Poydras Street, Hyde Park, Neponset River (Buffer to Inland Bank)

- **Motion made by M. Wilson and seconded by A. Pollak to continue the hearing to February 19, 2014 (5/0/0 8:00 PM).**

8:01 PM Notice of Intent from Massport for Runway 15L-33R Runway Area Safety Improvements, Logan International Airport, East Boston, Boston Harbor (Buffer to Coastal Bank)

Representative: Jim Stolecki, Massport

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

S. Krueel noted that contrary to the statement in the project narrative, the project does have to conform to stormwater standards. J. Stolecki has provided a statement confirming this and describing how the project does in fact meet the standards for a redevelopment project.

Mr. Stolecki described the project, which involves lengthening the runway on one end and shortening it on the other to provide the required runway safety area. He described the erosion and sediment controls to be used, and that loaming and seeding would take place upon project completion. Work is to be done during the summer of 2014. He is working with Natural Heritage to monitor the grasshopper sparrow during its breeding season. Massport will conduct a pre-construction survey to confirm that no breeding is taking place. If nesting birds are found they will have to avoid working in those areas. He doesn't anticipate any breeding taking place as the end of an airport runway is not generally conducive to that activity.

Ms. Li asked how long the project would take. Mr. Stolecki replied that it would be completed by the end of the summer.

Mr. Stolecki asked that condition #48 be amended to remove the erosion control mat requirement, as such mats can be a hazard to aviation if they are blown free from the ground due to aircraft backdraft.

- **Motion made by A. Pollak and seconded by J. Kritzer to issue the Order of Conditions as amended (5/0/0 8:10 PM).**
-

8:10 PM Notice of Intent from Massport for Duct bank Construction at Logan International Airport, East Boston, Boston Harbor (Buffer to Coastal Bank)

Representative: Jim Stolecki, Massport

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

J. Stolecki described the project as the creation of a duct bank for communication and electrical conduits.

A. Pollak asked if the soil is urban fill. Mr. Stolecki replied in the affirmative. Massport has strict soil management specifications for stockpiling and testing of excess soil. After the Big Dig, nothing leaves the airport without being tested. The trench will be backfilled with some residual soil displacement.

Ms. Pollak asked if the soil stockpiles will be covered. Mr. Stolecki replied that there will not be any stockpiled soil, and that it would be backfilled immediately.

M. Wilson asked if the path could be realigned to be located completely outside of the buffer zone. Mr. Stolecki was not sure how the precise alignment was chosen, but it may be configured to avoid the construction trailer staging area.

- **Motion made by S. Kunian and seconded by A. Pollak to issue the Order of Conditions as written (5/0/0 8:17 PM).**

At 8:17 PM J. Kritzer excused himself from the meeting.

8:18 PM *Updates and General Business*

- *Review Minutes: 10/16/13*
 - **Motion made by A. Pollak and seconded by S. Kunian to adopt the minutes as amended (4/0/0 8:21 PM).**
-

- **Motion made by A. Pollak and seconded by M. Wilson to adjourn the meeting (5/0/0 8:22 PM).**

Respectfully submitted,

Stephanie Krueel

Stephanie Krueel
Executive Secretary