

APPROVED June 19, 2013

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

May 15, 2013

Commissioners Present: Charles Button, Stephen Kunian, Jeanne McHallam, John Sullivan

Commissioners Not Present: John Lewis, Vivien Li, Antonia Pollak

Staff Present: Stephanie Krueel, Executive Secretary

6:20 PM Notice of Intent for DEP File No. 006-1344 from the Massachusetts Department of Conservation and Recreation for Pathway Restoration and Drainage Construction at the Sugar Bowl, Head Island Causeway, South Boston, Pleasure Bay (Coastal Banks, Rocky Intertidal Shores, LSCSF)

Representative: Mark MacLean, DCR

M. MacLean described the problem as a sinkhole located on the pedestrian causeway, and ponding on Head Island. No work is proposed for the seawall. The project will begin within two weeks, and will take approximately two days to complete.

J. Sullivan asked the proponent if he needed to modify any permits (NPDES) for another outfall pipe. Mr. MacLean noted that he had not received any comments from DEP, and he would look into any other permitting modification requirements. Mr. Sullivan expressed that the project should begin to immediately address public safety, and Mr. Sullivan should follow up with the appropriate agencies.

- **Motion made by S. Kunian and seconded by J. McHallam to issue the Order of Conditions as written (4/0/0 6:25pm)**
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6:25 PM Notice of Intent for DEP File No. 006-1346 from the Massachusetts Department of Conservation and Recreation for improvements to the Existing Riprap Erosion Barrier at Spectacle Island, Boston Harbor (Coastal Beaches, LSCSF)

Representatives: Bob Burkard, CDM Smith; Para Jayasinghe, DPW; Sean Kelley, Applied Coastal

Mr. Button recused himself from the deliberation.

- **Motion made by J. Sullivan and seconded by J. McHallam to nominate S. Kunian as the temporary Chairperson for this hearing (3/0/0)**

S. Krueel informed the Commission that the proponent is requesting the issuance of an OOC that would be valid for 5 years under 310 CMR 10.05(6) (d) due to reliance on a budget cycle that will require an extended time period of time in which to complete the project.

P. Jayasinghe explained that the Public Works Department is using operation funds that expire every June 30th and are authorized annually by City Council.

B. Burkard described a previous sediment transport study performed by DEP that first identified the current issue. Erosion effects at the ends of the hard stone revetment slump, causing erosion at the limit of the landfill cap, which is within five feet of the revetment. The project would include placement of 1-ton stones to create a robust revetment that would prevent future erosion. The phased plan will allow work to take place south to north to address the most pressing area first at a rate of about 150-200 linear feet per year. The existing groundwater well was replaced three years ago after a storm had damaged it. The new revetment will protect it. CDM Smith worked with Mass DEP and Applied Coastal (the original designers of the revetment) to design the project. An ideal solution to the problem would cost approximately \$.5 Million. The immediate concern can be adequately addressed with \$250,000.

Mr. Jayasinghe noted that \$100,000 must be used before June 30, 2013.

J. Sullivan suggested trying to obtain \$.5 Million to be used over three years.

Mr. Jayasinghe explained that operational funds are very limited, and there are no capital funds available for this project. He cannot be certain of the amount of funding that will be available in 2014 until March 2014, as the budgeted monies must be available for emergencies throughout the year with the leftovers being allocated to this project.

S. Kunian worried that the problem is more pressing than the proponent was describing.

Mr. Burkard assured the Commission that there is no current evidence of storm erosion. This project should protect against potentially damaging erosion that would compromise the landfill cap. The first phase of the project comprises 2-3 weeks of work. He drew the Commission's attention to a graphic of the coastal profiles at the project location, which illustrated erosion levels.

The Commission agreed that rather than issue a 5 year permit as requested, the applicant should request an extension if necessary as the three-year permit draws to a close.

- **Motion made by J. McHallam and seconded by J. Sullivan to issue the Order of Conditions as written (3/0/1 Button 6:40pm)**

6:45 PM Notice of Intent for **DEP File No. 006-1345** from Massport for Demolition and Site Restoration at 1257 & 1263 Saratoga Street, East Boston, Boston Harbor (LSCSF)

Representative: Jim Stolecki, Massport

J. Stolecki described the project. The purpose is to restore the site formerly occupied by the Wyatt's Service Station and the Belle Isle Seafood Restaurant and prevent public access to FAA secure areas. The proposed project consists of demolition and removal of two buildings, and removal of the fuel dispensers and tanks associated with the service station. There are no future development plans for the site.

C. Button confirmed with Mr. Stolecki that the back of the site is being used temporarily for a bridge through an OOC approved a few years ago.

J. Sullivan confirmed with Mr. Stolecki that the water service is to be cut off and capped.

Mr. Stolecki explained that work would begin in mid-July and would be complete by the end of August.

S. Kunian confirmed with Mr. Stolecki that the fuel storage tanks from the gas station would be removed. Mr. Stolecki is not aware of any leakage from these tanks, but if leaks are found during the removal process the ConCom and DEP will be notified and remediation will occur.

- **Motion made by S. Kunian and seconded by J. McHallam to issue the Order of Conditions as written (4/0/0 6:50pm)**

6:45 PM Notice of Intent for **DEP File No. 006-1343** from Boston Gas Company d/b/a National Grid for Parking Lot Improvements at the Commercial Point Facility, 220 Victory Road, Dorchester, Mouth of the Neponset River (Coastal Beaches, Coastal Banks, LSCSF) *Continued from May 1, 2013*

S. Krueel relayed the following request from the proponent: "In order to have more time for design and engineering of the parking lot improvements that takes into consideration the Commission's request to relocate the stormwater management features to within the fence line, National Grid would like to request a continuation of the public hearing from May 15, 2013 to June 19, 2013."

- **Motion made by S. Kunian and seconded by J. McHallam to continue this item to the June 19, 2013 hearing (4/0/0 6:50pm)**

6:50 PM *General Business*

- **Motion made by S. Kunian and seconded by J. Sullivan to adopt the minutes of the May 1, 2013 meeting as corrected (4/0/0 6:55pm)**
- **Motion made by S. Kunian and seconded by J. McHallam to adopt the minutes of the April 3, 2013 meeting as corrected (4/0/0 6:55pm)**

Adoption of the minutes from the April 18, 2012 meeting was tabled.

7:00 PM Request for Determination of Applicability from TEC Associates for confirmation of the wetland boundary along the Massachusetts Bay Commuter Railroad Right-of-Way for the Boston Line and Grand Junction I.T. for the purposes of vegetation management activities. *Continued from May 1, 2013*

S. Kruel related the following request from the proponent: "Please have the Commission act as they see fit given the material presented and that provided in subsequent emails since the May 1, 2013 meeting."

C. Button commented that the Commission is looking for correct information, not additional information, and not new requirements. He noted that the maps provided contained incorrect, outdated information, including rail lines running through the Court House at Fan Pier.

The Commissioners discussed the consequences of not issuing a Determination. The proponent may appeal to DEP.

S. Kunian asked that a letter be sent to the proponent reiterating the Commission's request and notifying them of their decision to not issue at Determination.

- **Motion made by S. Kunian and seconded by J. McHallam to deny issuance of a Determination of Applicability due to inadequate information (4/0/0 7:10 pm)**

7:10 PM *Updates and General Business*

- Ratification of Emergency Certification- Fan Pier Marina, Replacement of damaged temporary piles

S. Kruel reported that work was completed on May 14, 2013.

- **Motion made by S. Kunian and seconded by J. McHallam to ratify the Emergency Certification (4/0/0 7:10pm)**

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- **Motion made by S. Kunian and seconded by J. McHallam to adjourn (6/0/0 7:10PM)**

Respectfully submitted,

Stephanie Kruel

Executive Secretary