

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

August 7, 2013

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

6:05 PM Local Wetlands Ordinance, Review & Endorsement of Recommended Guiding Principles

C. Button reviewed the 2-pager distributed at the meeting and requested two edits to the wording.

Chip Nylen noted that the Recommended Guiding Principles are terrific. He suggested that the Commission make the ordinance and the regulations effective simultaneously. S. Krueel indicated that that was the approach the Commission intended to take.

J. Lewis underscored the urgency of the situation, as we are already into hurricane season. Mr. Button agreed that the sooner the ordinance is developed the better.

- **Motion made by J. Lewis and seconded by V. Li to endorse the Recommended Guiding Principles as written (5/0/0 6:15 PM)**
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6:15 PM Notice of Intent for **DEP File No. 006-1352** from City of Boston Public Works Department, Repairs to Long Island Bridge, Quincy Bay (Buffer to Coastal Resource Areas)

Representative: Robert Rottenbucher, PWD

R. Rottenbucher described the project. The intent is to prolong the life of the bridge and make it safe for the current load posing of 10 ton trucks. This is part of a continuous repair program. Construction will take place over two seasons starting this Fall.

V. Li asked if any work would be done to the water main on the bridge. Mr. Rottenbucher replied that the water main, which belongs to the Public Health Commission, would not be affected by this project. He went on to explain that children from Camp Harborview would have access to the Island throughout construction. There will be a provision for prohibiting lane closures during the times the buses need to cross. Mr. Rottenbucher confirmed that MassDOT specifications will be followed for the removal of lead paint.

Mr. Rottenbucher also requested an Emergency Certification for work to replace fallen granite blocks on Pier 3. All work would be performed under DEP File No. 006-1255, and would be subject to the conditions included in that order.

J. Sullivan confirmed that the existing 12" water pipe is connected to Quincy, and is a long-lasting water conduit.

- **Motion made by J. Lewis and seconded by V. Li to issue the Order of Conditions as written (5/0/0 6:23 PM)**
 - **Motion made by J. Lewis and seconded by V. Li to issue the Emergency Certification as written (5/0/0 6:23 PM)**
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6:30 PM Update on Negative Determination of Applicability from MassDOT, Rehabilitation of the Phillip G. Bowker Overpass (a.k.a. Charlesgate Interchange), Kenmore/Back Bay, Muddy River (Riverfront Area, Buffer to River Bank)

Representatives: Scott Carpenter & Paul Moyer, Gill Engineering; Robert Bennett & Matt Hopkinson, MassDOT; Debra Berger, DCR

Aldo Ghirin, Commissioner Pollak's alternate, joined the meeting.

C. Button recapped the issues related to the previous meeting related to the Muddy River's designation as not a high quality stream. R. Bennett discussed the Massachusetts Continuous Stream Group's categories of "high quality" and "general quality," noting that there is no "low quality" category.

S. Carpenter addressed four items included in the Order of Conditions.

1. Site clean-up: There currently is a DCR contractor utilizing the site for daytime storage of equipment through a DCR access permit. His permit requires him to keep the location orderly, repair/replace any negatively affected areas, and restore existing conditions upon expiration of his permit. The proponent will also have to receive a DCR access permit, and has added a site restoration plan to the work contract that includes turf restoration or stone dust covering. At close of construction, the site will be in better condition than it was at start of construction.
2. Stormwater: An O&M plan and SWPPP were created, within which the existing drainage systems were reviewed and field-checked. They are functioning and constructed as designed. Activities including clean-out of all pipes and manholes have been added to the work contract. The O&M plan includes cleanup, inspection, and a pollutant control program.
3. DCR: D. Berger, representing DCR, attended the hearing. She confirmed that DCR and the proponent are working together.
4. Maintenance Plan: MassDOT and DCR will share responsibility for site maintenance when construction is complete. DOT will maintain the roadway and DCR will maintain the land.

C. Button reiterated the procedure to utilize for Emergency Certification, and asked the proponent to provide the O&M plan to Commission staff.

J. Sullivan asked how the drainage works. He is looking for a plan that shows both sediment and phosphorous control. Mr. Carpenter replied that that information is on the plans. Mr. Button suggested the proponent submits the plans to the BWSC. Mr. Carpenter noted that the down spouts connect to drainage structures with shall sumps, not deep sumps. He claimed that at this location on the bridge, it was not appropriate to install phosphorous controls. The scope of the job does not involve work under the bridge (on land). The landscape will change in ten years, and at that time the State will implement stormwater controls.

Mr. Sullivan stated that that is not sufficient. The State requires its municipalities to follow the rules regarding phosphorous and sediment control: it must also follow its own rules. It seems that MassDOT wants to spend as little as possible, and does not care about the environment. He's confounded that all the state agencies can't seem to work together. There is direct discharge to the Muddy River from this bridge, and the State is spending a lot of money to clean that very river. It makes no sense to continue to discharge to it. The State set the TMDL standard, and it must follow it.

V. Li declared that even though this update from the proponent does not require any type of vote, the record should reflect the Commission's concern about water quality issues.

Mr. Sullivan suggested that the proponent directly contact the BWSC, who could recommend several least-cost solutions.

6:55 PM Request for Determination of Applicability from Boston Gas Company, Proposed Gas Line Installation, 88 Sleeper Street, Seaport District, Boston Harbor

Representative: Andrea Kendall, Mason & Associates

S. Krueel read into the record a letter of support from Jamy Madeja, attorney for the businesses at 88 Sleeper Street.

A. Kendall described the updated plans, which instead of utilizing a 2" pipe to connect the main to the property, will utilize a 4" pipe to provide enough capacity for future adjacent development. She described the existing conditions and the purpose of the project.

J. Lewis noted that the USGS map is not accurate, as it contains outdated information on the location of the rail lines. Ms. Kendall replied that the USGS map utilizes data from Mass GIS, which is the most up-to-date information available to the public at this time.

- **Motion made by J. Lewis and seconded by J. McHallam to issue a Negative Determination of Applicability with Conditions as written (5/0/0 7:05 PM)**
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7:05 PM Notice of Intent for **DEP File No. 006-1355** from Boston Harbor Shipyard & Marina, LLC, Repairs to the Relieving Platform at Pier 2, 256 Marginal St, East Boston, Boston Harbor (Fish Runs)
Representatives: Richard Jabba, Fort Point Associates; Joseph Sugar & Dan Noonan, BHSM; Janeen Hansen, Massport

On 7/11/13, the proponents met on-site with S. Krueel to examine the sink holes. On 7/17, Ms. Krueel issued an Emergency Certification for the work to begin as early as August 1st. At this time, work is scheduled to begin August 9th or 12th.

R. Jabba described the project.

C. Button asked if the Time Of Year restrictions were understood. Mr. Jabba responded that all work was scheduled to be completed before the September 15 TOY begins.

J. Lewis asked who owned the property. Janeen Hansen, from Massport, represented that her organization is the property owner and is working with the proponent.

- **Motion made by J. Lewis and seconded by J. McHallam to issue the Order of Conditions as written (5/0/0 7:10 PM)**
- **Motion made by J. Lewis and seconded by A. Ghirin to ratify the Emergency (5/0/0 7:10 PM)**

7:15 PM Notice of Intent for **DEP File No. 006-1358** from Mariner Tower II, LLC, Wireless Telecom Facility Installation at 150 McClellan Highway, East Boston (Buffer Zone to BVW)

Representatives: John Zimmer, South River Environmental; Christopher Cioffi, Mariner Tower II, LLC; Damian Schmalz, Dewberry

J. Zimmerman described the existing conditions and the proposed project, erosion & sedimentation measures, and post construction stabilization.

C. Button noted that there was no detail of the proposed retaining wall in the plans, and asked where the gabion walls would go. Mr. Zimmerman replied that gabion walls would be located where the plan indicated retaining walls. Mr. Button drew the proponent's attention to sheet Z3, and asked where he could find a detail of the retaining wall. The applicant replied that the details for the poured footings would be in the details of the construction drawings.

J. McHallam asked about the intended cell service area. The proponent replied that service would expand along the Route 1 corridor and into East Boston. This project was unanimously approved by the ZBA and will dramatically approve service in the area. Funding is in place for this project.

J. Sullivan noted that the plans indicate that generating buildings will be built by others. Mr. Cioffi explained that he is looking for approval for work only within the Commission's jurisdictional area tonight. This infrastructure is being built for AT&T, but it will be available for 3 additional users as part of a co-location strategy to avoid multiple towers.

Mr. Sullivan asked how the tower will be held up. The proponent responded that a geotechnical analysis is needed, but it is likely that a 20' X 20' X 2' concrete pad and pier would be installed below grade. They are working through the BRA and legal department processes now, and plan to start work in October.

Mr. Sullivan asked if construction period runoff will be controlled. The proponent must submit a plan for the basin that includes stormwater control and retention strategies. The proponent replied that no soil or bulk materials would be stored on site.

J. McHallam asked if such a tower has ever been built in Boston. Mr. Cioffi explained that over the past 21 years he has built thousands of these towers across New England. However, due to space constraints, most of the towers in Boston are installed on rooftops.

- **Motion made by J. Lewis and seconded by J. McHallam to issue the Order of Conditions with the following additional condition (5/0/0 7:30 PM):**
 - **Prior to construction, the applicant must submit a plan detail for stormwater controls and construction period erosion and sediment controls for the tower foundation.**

7:30 PM Request for Determination of Applicability from Northeastern University, Renovations to Henderson Boathouse, Soldiers Field Road, Allston, Charles River

Representatives: Frank Holmes, Stantec

S. Kruel stated that the project meets the requirements for issuance of a Negative DOA.

F. Holmes described the proposed project. The proponent is still evaluating whether existing water service to the garden will suffice, or if a new line (as shown on the plans) is needed.

- **Motion made by J. Lewis and seconded by A. Ghirin to issue a Negative Determination of Applicability with Conditions as amended (5/0/0 7:34 PM)**

7:45 PM Notice of Intent for DEP File No. 006-1356 from Bang Corporation, Pile Replacement at 480 Meridian St, East Boston, Boston Harbor (Land Under Ocean, Rocky Intertidal Shores)

Representatives: Alice Boelter, Boelter & Associates; Peter Bang, Bang Corporation

A. Boelter described the proposed project. It has been approved by DEP on the existing waterways license for the replacement of seven dolphin piles with four piles each for a total of 28 piles.

A. Ghirin noted that the abutting properties are under the Park Commission's jurisdiction, and he suggested that the proponent contact Carrie Marsh in the Parks Department.

C. Button asked if all piles would be pulled. P. Bang noted that some piles could not be pulled because they would break since they are deteriorated due to marine borer activity.

J. McHallam asked why the proponent was planning on using salvaged piles. Mr. Bang replied that they were already in his possession, they are of high quality, and they are not subject to marine borer damage.

Mr. Button pointed out that if the piles weren't pulled, new piles could not be driven in the same locations as the existing piles.

S. Kruel expressed three concerns:

1. The proponent is proposing to place salvaged creosote-treated lumber into Chelsea Creek.
2. The salvaged piles may not have the necessary structural integrity, and therefore should be certified.
3. No additional work is proposed at the marina to improve safety.

C. Button noted that the plans submitted only showed existing structures, and not proposed structures. The Commission needs a letter from the proponent's engineer stating that an attempt will be made to pull all piles, and that the creosote will not contaminate the water.

S. Kruel mentioned that a TOY should be added to the list of conditions.

Mr. Button insisted that a floating boom be deployed at the start of the project, rather than waiting to see if the amount of turbidity would require a boom.

Mr. Bang claimed that creosote timbers are prevalent in marine environments, and they are good for worm protection. Pilings treated with CCA are subject to borers. These particular piles salvaged from the Charlestown Navy Yard are vacuumed and pressure treated, then vacuumed again to produce high-quality timbers that are dry to the touch, not messy like other lumber installed at Constitution Marina. There is already lots of creosote-treated lumber at the adjacent mud flats.

Ms. Boelter asked that condition #40 be removed, since no safety issues have been experienced at the marina, and additional work is not planned at this time. Mr. Bang revealed that the property is currently under a federal court order agreement with a New England environmental group to bring the marina up to standard, which will include bulkhead work and treatment of discharge from their washing operation as required by a 2008 DEP regulation that was previously unknown to the proponent.

Ms. Boelter passed out photos of the adjacent mud flats, which is a Conservation Commission Urban Wild, implying that the flats are more of a storm damage hazard than her client's marina.

Ms. Boelter asked that condition #54 be removed since no equipment would be accessing the land since all work would be done from the waterside.

- **Motion made by J. Lewis and seconded by J. McHallam to issue the Order of Conditions with the following changes (5/0/0 8:15 PM):**

- **Add “The Land Under Ocean in the project area underlies an anadromous fish run and provides important spawning habitat for the winter flounder. Unless otherwise allowed by the Massachusetts Division of Marine Fisheries pursuant to M.G.L. c. 130 § 19, water-based construction activity that will directly disturb sediments on the harbor bottom, i.e. pile driving or extraction or dredging, shall be prohibited in the fish run between February 15th and June 30th in any year in which the Final Order of Conditions for this project is valid.”**
- **Revise #39 to read: “The applicant must submit to staff a letter from his engineer confirming that each piling to be used in this project is both structurally sound and environmentally safe. All pilings must meet the American Wood Protection Association (AWPA) standard UC5A for Marine Use in Northern Waters.**
- **Revise #46 to remove the prohibition against placing wood treated with creosote into the waters of Chelsea Creek.**
- **Move #40 from the “Prior to Construction” section to the first section of the Special Conditions.**
- **Remove #29 and #30.**

8:15 PM Notice of Intent for **DEP File No. 006-1357** from UMass Boston, Bayside Parking Automation Upgrades at 160 Mt. Vernon Street, Dorchester, Dorchester Bay (LSCSF)

Representatives: Dorothy Renaghan & Zehra Schneider Graham, UMass Boston; Eric Leffers, KRA; Cari Orsi, Pare Corp.

Z. Schneider Graham provided an update on UMass projects. In 2010 UMass purchased the Bayside Expo property to aid in implementation of the Master Plan. In July 2014 the Integrated Sciences Center will reach substantial completion. For the GAB1 project, 100% construction documents are complete, and pile driving as well as construction of the new garage entrance will be completed 8/26/13. The project will be complete by Fall 2015. The URRC project is on schedule. 7 manholes will be installed beginning in September. That project will be complete in Winter 2015/Spring 2016. The preliminary design is complete for the Harborwalk, and the proponent is awaiting USACE, DEP and DCR permits. There is a nine month construction schedule, pending permits. DEP should be issuing a Consolidated Written Determination in September. The Huru sculpture has been moved to the San Francisco Museum of Modern Art and now resides underneath the Golden Gate Bridge. Ms. Schneider Graham passed out an aerial photo of the project site for context.

D. Renaghan described the current project.

C. Orsi described the project further, as well as the erosion and sedimentation control measures. She noted that in the future, all utilities on site would have to be separated to facilitate the demolition of the building.

C. Button noted that in the future the proponent will need to look at elevating structures. He asked for clarification on what would be demolished as part of the current project. Ms. Renaghan replied that the three toll booths would be demolished to make way for the automated toll booths.

J. Sullivan reminded the proponent to keep the stubs for water and sewer ten feet apart.

- **Motion made by J. Lewis and seconded by J. McHallam to issue the Order of Conditions with the following change (5/0/0 8:30 PM):**
 - **Revise #44 so that the last sentence reads “At the request of the Applicant, Commission staff may authorize construction lay-down areas within the resource area for storage of equipment during the construction period only.”**
 - **Change the project address from “160 Mt. Vernon St.” to “200 Mt. Vernon St.”**

8:30 PM Notice of Intent for **DEP File No. 006-1353** from Lundgren Management Group, Inc., Pile Repairs at Constellation Wharf, Pier 7, Charlestown, Boston Harbor (Rocky Intertidal Shores)

Representatives: John O’Neil, Lundgren Management Group; Andrew Nilson, Childs Engineering; Michael Parker, Constellation Wharf

A. Nilson described the project.

C. Button asked for confirmation of the number of piles that would receive jackets (up to 906).

J. Sullivan asked how the anodes are affixed to the piles. Mr. Nilson described how the anodes are welded to the piles below the jackets (below MLW -10’), and will last for five years.

Mr. Button referred to the jacket detail on sheet 3 of 3 and asked how debris pollution would be prevented. Mr. Nilson replied that hand tools would be used to remove the current coverings, and debris would be caught on platforms and within the debris boom.

Mr. Sullivan asked what the cost of the project would be. The proponent replied at least \$2.9M, but likely more if all piles need new jackets. Construction will commence late summer/early fall.

- **Motion made by J. McHallam and seconded by A. Ghirin to issue the Order of Conditions as written (5/0/0 8:42 PM)**
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8:40 PM Updates and General Business

- Consideration of withdrawal of Enforcement Order for **DEP File No. 006-1312** Shipyard Quarters Marina:
 - **Motion made by J. Lewis and seconded by A. Ghirin to continue the matter to the September 18, 2013 public hearing (5/0/0 8:45 PM)**
- Request for Partial Certificate of Compliance for **DEP File No. 006-1101** MassDOT New Charles River Basin Parks, North Bank Bridge Contract
 - **Motion made by J. Lewis and seconded by J. McHallam to issue the Partial Certificate of Compliance (5/0/0 8:46 PM)**
- Request for Certificate of Compliance for **DEP File No. 006-1307** Parks Department, Ward's Pond Boardwalk
 - **Motion made by J. Lewis and seconded by J. McHallam to issue Certificate of Compliance (4/0/1 8:48 PM)**
- Update on FEMA map revision process: The City will receive the work maps on August 12th. Within a month or two the maps will be available to the public for comment as Preliminary Maps. After amendments are made, the final map will become effective around January 2015.
- Adoption of minutes 6-19-13 & 7-10-13
 - **Motion made by J. Lewis and seconded by J. Sullivan to approve the minutes of the July 10, 2013 meeting as amended (4/0/1 7:15 PM)**
 - **Motion made by J. McHallam and seconded by J. Lewis to approve the minutes of the June 19, 2013 meeting as amended (5/0/0 7:40 PM)**

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- **Motion made by J. Sullivan and seconded by J. McHallam to adjourn the meeting (5/0/0 8:47PM).**

Respectfully submitted,

Stephanie Kruel

Executive Secretary