

Approved 6/4/14

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

**April 16, 2014**

**Commissioners Present:** Aldo Ghirin, Stephen Kunian, Vivien Li, John Sullivan, Michael Wilson

**Commissioners Not Present:** Charles Button, Jacob Kritzer

**Staff Present:** Stephanie Krueel, Executive Secretary

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- **Motion made by V. Li and seconded by M. Wilson to appoint Stephen Kunian as the meeting chair (4/0/0 6:10 pm).**
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**6:10 PM** Request for Amendment to Order of Conditions for **DEP File No. 006-1336** from Boston Waterboat Marina, Pier & Office Float Replacement, 66 Long Wharf, Downtown, Boston Harbor (LUO)

*Representative: Chris Cannon, Boston Waterboat Marina*

V. Li stated that Boston Waterboat Marina and Childs Engineering are dues paying members of her employer, The Boston Harbor Association.

C. Cannon described the project, which consists of the removal and replacement in-kind of timber pilings.

S. Krueel explained the portion of the project that had already been approved.

J. Sullivan asked if the old piles would be pulled. Mr. Cannon replied in the affirmative.

Ms. Li asked if a water taxi facility would be provided. Mr. Cannon replied that water taxis will pick up passengers if called by marina users. Otherwise there is a designated stop adjacent to the marina.

Ms. Li noted that TBHA works with sea level rise issues, and knows that there are currently significant tide-related problems at Long Wharf. She asked if any landside issues have been noticed at the project site. Mr. Cannon replied that no issues have arisen as of yet.

- **Motion made by V. Li and seconded by A. Ghirin to issue the Order of Conditions with the following amendment (5/0/0 6:15 PM):**
    - **The Applicant shall make space available for water taxis for passenger pickup and discharge at the marina.**
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**6:15 PM** Notice of Intent for **DEP File No. 006-1390** from Allston Brighton Friends of Daly Field, Inc., for Improvements to Daly Field, One Nonantum Rd, Boston, Charles River (Buffer to Inland Bank, Riverfront Area)

*Representatives: Judy Kohn & Jamie Fay, Fort Point Associates; Bob White, RF White Inc; Karl Haglund, DCR; Mark Novac, Activitas; Danielle Spicer, Green International; Janet Fishstein, Simmons College; Dan Cuddy, Friends of Daly Field*

S. Krueel read a letter from the Charles River Watershed Association dated April 16, 2014 into the record.

J. Fay described project, which has been many years in the making. He explained that DCR owns the property, and in the City's Open Space Plan it is noted that Brighton in particular lacks open space. This project will fill a critical need for recreational facilities.

D. Cuddy described how Daly field had been widely used in the past, but has not been well-utilized for high school sports since the late 1980's. Allston/Brighton (A/B) has been lacking in first class facilities, and there is currently no place to host state tournament games or little league. As a result, the neighborhood lacks the youth programming that exists in neighboring municipalities. It has been difficult to retain families in this neighborhood in part due to this lack of facilities and programming. Mr. Cuddy listed many of the schools and community centers in A/B, all of which could utilize an improved Daly Field.

Mr. Fay explained that Friends of Daly Field (FODF) comprises Simmons College (Simmons), Brighton High School (BHS), and Brighton Little League (BLL), which have banded together to address the need for additional sporting facilities. The Massachusetts Legislature authorized a lease between DCR & FODF with specific definitions of their roles and responsibilities. Simmons contributed \$5 M, is responsible for operations & maintenance, and has been given limited specific field time. BHS and BLL each received specific field time. Most of the time the facilities will be open to the public. The project includes new lighting, turf, facilities, and a field house.

M. Novac described the site and resource areas. The applicant is scheduled to present to the Newton Conservation Commission on April 24<sup>th</sup>. Mr. Novac then presented photos of existing conditions. He noted the project will not be disturbing the existing outfall. The proposed project scope entails the following:

- A new multi-purpose field for high school & collegiate use for football, soccer, and men's and women's lacrosse; a 200 seat spectator stand with a press box and handicap lift;
- A 3,200 SF structure for storage, lockers, meeting, etc.; a porous asphalt corridor;
- A Charles River path and loop walkway with runoff newly directed toward on-site treatment;
- 6 tennis courts of high school and NCAA regulation sizes;
- A synthetic turf complex for BLL baseball, NCAA softball, field hockey, and general community use;
- A state-of-the-art lighting system, with reflectorized and shielded lamps to reduce spill and glare.

Mr. Fay explained that the project is subject to ongoing DCR review, which will continue. Operations & maintenance is also subject to DCR review. All field use permits will come from and be managed by DCR. The new bikeway on Nonantum Road will remain as is, parallel to pedestrian way to avoid conflict.

Mr. Novac discussed the removal of chain link fence adjacent to the Charles River. The plan is to cut the fence at its foundations to minimize disturbance at the top of the bank.

Mr. Sullivan asked who would be in control of the field house. The applicant replied that it is Simmons' responsibility. Mr. Sullivan asked where the water fountains would be located. Mr. Novac replied that water could be obtained in the public restroom, which will be open to the public from dusk to dawn. Also water will be available inside the field house to permitted users. DCR has requested year-round outdoor fountains, which will be added to the project.

Ms. Li asked if the land is still owned by DCR. Mr. Fay replied in the affirmative. Ms. Li stated that DCR is a dues paying member of her employer, The Boston Harbor Association. She then drew the applicant's attention to page A-3 of the supplemental materials. She asked K. Haglund who DCR permit holders are. Mr. Haglund stated that it tends to be worked out space by space, so specific users would work out the schedule. Mr. Fay described how permits are obtained presently throughout DCR properties/facilities.

Ms. Li asked if there would be a fee to reserve any facility. Mr. Haglund responded that permits will probably be issued without fees at this location, but that he is not very familiar with operational procedures.

Ms. Li reminded the applicant that the landowner must be present at the hearing. She wants to understand how much the time the public will have to use the facility. Mr. Haglund explained that anyone can, for example, apply for a one-time, one-hour permit.

Ms. Li asked what percent of time the facility will be open to general public. Mr. Fay replied that the following facilities would be open to the public (those not a part of the three groups that form FODF) as follows:

- field hockey/softball: 86%;
- soccer/football/lacrosse: 88%;
- tennis: 95%.

Ms. Li asked A. Ghirin if this is in fact the type of open space identified in the City's Open Space Plan as important in A/B. Mr. Ghirin replied that there is definitely a shortage of this type of facility in A/B. Further, this is a really excellent way to increase needed opportunities. A/B is very dense, there's very limited availability for playing fields.

Mr. Haglund noted that DCR this past week met with planners for the Harvard/Allston project, who will support a study of access to open space from the Allston neighborhood.

S. Kunian stated that Ms. Li's concern about public access is a real concern. He asked what percentage of time would facilities be reserved for Simmons College. Mr. Fay replied:

- field hockey/softball: 6%;
- soccer/football/lacrosse: 6%;
- tennis: 5%.

Mr. Cuddy reiterated that A/B doesn't have youth programs right now because there has been no facility.

Mr. Kunian said he hopes youth programs utilize the facility, but also hopes the public can have pick-up games.

Mr. Sullivan redirected the group's attention to the CRWA letter issue, which is groundwater. He noted that the proposal treats the first half-inch of rain for phosphorous, while BWSC requires treating the first inch. He believes there is no reason why one inch couldn't be treated. He suggested 12" pipes could be placed instead of 8" pipes to increase capacity.

Mr. Fay pointed out that currently in this location there is no stormwater treatment, all runoff sheets directly to the river, there is an open dirt field, and unattended operations. The proposal will be a dramatic improvement for pathogen and phosphorous standards.

Ms. Li pointed out that just because existing conditions aren't good, doesn't mean the project shouldn't involve state-of-the art, 21<sup>st</sup> century work. Using Boston Harbor water quality as an example, she emphasized that nothing goes through this Commission that does not improve existing conditions, so existing conditions cannot be the baseline standard.

D. Spicer explained that the original design had a 30" chamber due to the assumption that groundwater was located at a lower elevation. The applicant has been taking readings of a newly installed groundwater monitor since February 2014. The Haley & Aldrich readings to which the CRWA letter refer were taken after rain/snow events, and did not represent seasonal high water level, which is at elevation 11' BCB. The proposed smaller pipe is due to space available within the vertical profile. The design makes up for volume by spreading the system horizontally. In addition, the hydraulic calculations do not take credit for infiltration. Instead, it is assumed that the ground below the lowest orifice is always full, when in reality it won't be. No surcharge or breakout is expected. The CRWA letter incorrectly stated that whole site was draining to one basin. While that was the condition in the FEIR, the plan has been revised so that the current NOI shows two basins.

Mr. Sullivan asked if the 12" outfall will be sufficient for the ten year event. Ms. Spicer replied that it would, and that the system was designed around the size of the outlet pipe so that all peak rates would be met.

Mr. Sullivan asked Ms. Spicer to confirm that she is rejecting CRWA's assertion that groundwater is above elevation 12'? She confirmed, stating that the readings don't represent a seasonal high water mark. Mr. Novac showed data that indicated the higher numbers represent spikes, which were individual data points and not a trend

Mr. Fay added that the proposed stormwater design is conservative. Many beneficial conditions were not taken credit for. Ms. Spicer described two calculations that were used to determine the stormwater requirements, including MassDOT's calculations for loading rates.

Mr. Fay added that the proponent will apply to BWSC for water connections.

Ms. Li asked if CRWA's calculations were based on the design included in the FEIR. Ms. Spicer replied that the comment on the number of basins was based on the design in the FEIR. Ms. Li confirmed with Ms. Spicer that there had been a change to the design between the FEIR and the NOI.

Mr. Sullivan wondered if CRWA might have had data that the applicant didn't have, and noted that the high numbers don't represent a trend.

Ms. Spicer noted that the Charles River is at elevation 8'.

M. Wilson asked how the system would function in a wet month, and if it would survive if similar intense water events occurred again? Ms. Spicer described how peak rates are met even if an area under the lowest orifice is full.

Mr. Sullivan stated that he wasn't sure how silt build-up in the infiltration system would be monitored. Ms. Spicer explained that there are inspectional ports, but they are not shown on the plans. She will add the detail to the plan set.

Mr. Kunian asked who will be responsible for maintenance. Mr. Fay-stated that stormwater, fields, trash, mowing, lighting, security, and repair are all the responsibility of Simmons. Mr. Kunian asked if DCR has provided any financial commitment. Mr. Fay replied no, other than just making the property available. DCR will not be responsible for maintenance or operations.

Mr. Kunian stated that Simmons will have to provide a maintenance plan prior to the issuance of a COC. Mr. Fay replied that he would be happy to do that.

Mr. Kunian noted that DCR has a vegetation management plan (VMP) for the banks of the Charles River, and that the maintenance plan for this facility should be integrated into the existing plan. Mr. Fay replied that he had discussed that this week with DCR, which has different plans in each municipality as per each Conservation Commission. The project does not propose any vegetation alteration along the river. If DCR wants to do invasive removal, it would be their own responsibility.

Mr. Kunian asked Ms. Krueel if the approved VMP extends entire length of the Charles. Ms. Krueel will confirm that the plan covers the area all the way to the Newton line.

Mr. Wilson asked if Simmons will plant and maintain on-site vegetation. Mr. Novac noted that all non-indigenous upland species will be removed, and that Simmons will be responsible for upkeep and maintenance.

Ms. Li asked how large the service building would be. Assuming it will be ADA accessible, how large are restrooms? Mr. Novac explained that one unisex stall would be open to the public from dawn to dusk, and additional stalls would be available for permit holders. In addition, there are bathrooms associated with locker rooms. Ms. Li asked Mr. Haglund why the restrooms outside of the locker rooms can't be available to the general public. Mr. Haglund replied that this could be discussed with DCR. Ms. Li stated that one fixture is not adequate. Mr. Fay noted that the existing facilities on either side of Daly Field (Community Rowing and Daly Rink) also have public restrooms. The number of restrooms open to the public is still to be worked out with DCR in relation to demand. Ms. Li explained that as the facility is more intensely utilized, demand will only go up. She asked how long the lease lasts between DCR and FODR. The applicant replied that it is a 20 year lease with two 10-year options. Ms. Li said she is looking out for the young people to ensure that their interests are protected.

Ms. Li noted that four mutt mitt stations are indicated on the plan. There is no real description of public seating, square footage of benches, etc. Mr. Novac said there are 200 bleacher seats, 50-70 seats for softball, 4 bench stations along the river, another bench station near the building plus a vending area as well as bike racks for 50 bikes.

Ms. Li noted that the project will be removing 23 trees and shrubs, and replacing them with 50 new trees. Mayor Menino had a goal of 100,000 new trees. Mr. Novac confirmed that these are the correct numbers for vegetation on the Boston portion of the project.

Mr. Ghirin noted that there are gates surrounding the fields and asked if they will be locked. Mr. Novac replied that all fences are for security to prevent vehicles from entering the fields and to meet NCAA spectator/athlete separation requirements. The majority of fencing is 4 feet high, plus taller netting systems to keep balls within fields. No gates will be locked.

Mr. Ghirin asked about the purpose of the training room. Mr. Novac replied that it will be for minimal medical treatment- taping ankles, ice packs, etc.

Mr. Wilson asked if public access rules will be clearly signed. The signs should be clear that this is public property that is maintained by a private organization, and the hours of usage should be clear.

Mr. Fay assured that Commission that it will be completely transparent that this is a DCR facility. Lighting will allow the facility to be open later into the night than are most other sporting facilities. Since there are no nearby neighbors, the fields can be scheduled up to 11pm.

Mr. Wilson noted that the CRWA letter mentioned the steepness of the slopes on the backside of the field. Mr. Novac indicated that they are not meant for spectator seating, but rather are meant to provide separation between formalized active use and passive use areas. They are general only 3- to 4-feet high so as not to obstruct site lines, and contain 3:1 mowable slopes.

Mr. Wilson stated that the path to the riverbank is not addressed, and wondered how inadvertent access would be prevented. Mr. Novac replied that they don't want to remove thick vegetation at all to avoid erosion. The applicant contemplated replacing the fence but in discussions with DCR it was decided to remove the fence to provide a more open feel and visual connection to river.

Ms. Kruel asked if shading options had been studied, considering the potential for increased heat from the artificial turf fields. Mr. Novac noted additional vegetation could be considered. A hydration/break area will be located under the trees near the field house. Modern synthetic turf fibers have heat reflective additives to keep temperatures less extreme than previous iterations of synthetic turf fibers.

Mr. Ghirin asked if DCR has considered how much time will be available for Newton vs. Boston permittees. Mr. Fay stated that the legislation only speaks to the three specific users. The remainder of time is up to DCR to decide. Mr. Haglund stated that DCR doesn't monitor where users come from. There are no barriers to different users getting permits.

Ms. Li stated she would like to issue the conditions to both FODF and DCR, but knows that the Commission can't do this. She reminded Ms. Kruel that property owners must be present at the hearing. She noted that while Mr. Haglund is here, whoever is working on the project should also be present. Mr. Haglund stated that the landscape architect who has been working with this project is ill, so he is representing DCR and can report back to DCR senior staff on the Commission's issues and concerns.

Mr. Kunian proposed that a condition be added that the OOC is accepted by DCR and Simmons.

Ms. Li suggested the floor be given to the public. Mr. Cuddy stated that he is satisfied that field will be available to public. Five students at BHS spoke.

Lorraina, a Junior, stated that she is looking forward to locker room availability so that athletes can change clothing. Currently her team utilizes an old shed for this purpose. Also, lots of independent leagues in Brighton will benefit from this.

Luisa, a softball player, is looking forward to having a home field from which fans can provide support.

Andy Gomez, a Junior on the football team, noted that their current practice field is uneven and dangerous, and that there are no lockers in which to store their valuables.

Rich Marrero, a sophomore on the football team, described how the current field holds puddles, and there is no lighting in the evening, curtailing practice. Also geese take over field.

Kelly Salazar, a Junior on the softball team, pointed out that the condition of the current field results in practice and game cancellation due to puddles and mud. Not having a home field necessitates travel. She is looking forward to having a safe home field that is part of the community.

Randolph Abraham, the head football coach at BHS, and a longtime resident of Brighton, urged the Commission to support the project. He said that they already have a first class athletic program with lots of wins. Flooded fields cause too many cancellations, and it is embarrassing to have goose feces-covered fields. He wants Daly field open this fall for deserving children.

Pat Wyler stated he knows the Commission understands the reasons that the field is important to community. He believes improvements to athletic programs truly will help students improve their academics, and said "our kids deserve better."

John Offman, an A/B resident who runs youth programs, knows how difficult it can be to get permits to build fields. He received a newsletter from CRWA a few months ago that called the process of delay of the Daly Field project a victory. He feels CRWA is taking opportunities away from kids. He feels DCR permits really are open to the general public.

State Representative Michael Moran, a lifelong resident of A/B, remembered that as a kid, he didn't access the river. He and other State Representatives have tried to maximize access to river. CRI is largest public

boathouse in New England, and Newton Country Day went through the Article 97 process, which is difficult to go through without support from state reps. DCR is required to support to FODF, and the legislations was put in place to ensure that the three entities won't overuse field. The increased lighting and walking track will also benefit the public, including both runners and seniors. He hopes the Commission looks upon the proposal favorably.

Ms. Li suggested the following five additional conditions:

1. Consistent with plan, no more than 23 trees and bushes will be removed, and a minimum of 50 new trees will be planted on DCR land within the COB.
2. Adequate public signage indicating availability of public restrooms and fields for public use.
3. DCR shall consider opening additional restrooms to general public in addition to single unisex restroom.
4. O& M plan to be submitted within 90 days of issuance of OOC for fields, structures, public seating, and mutt mitt stations.
5. Agreement by FODF, Simmons, and DCR submit to conditions, to the extent the conditions are applicable to each.

Mr. Fay stated he does not believe Simmons should be listed because the OOC runs with the land no matter who the proponent is. A non-applicant should not be bound by the conditions.

Ms. Li stated the Commission has done this with Massport.

Mr. Kunian stated that he believes the OOC is unenforceable without specifically listing Simmons.

Janet Fishstein, Associate VP, of Simmons College, stated she is working in concert with DCR, and looks forward to maintaining Daly field for everyone's use. She pointed out the lease is not with Simmons College, but with FODF.

Mike (last name unknown) from Simmons asked what the format would be for such an agreement. Mr. Kunian replied that it would be a simple written statement that OOC is acknowledged and that Simmons agrees to abide by it. The gentleman suggested adding: "to the extent to which it is applicable to use by Simmons."

Mr. Ghirin said DCR should provide rationale to staff if more than 23 trees need to be removed. Ms. Li disagreed, saying it was clear that only 23 trees and shrubs need to be removed.

Ms. Krueel referred to condition #45, which the applicant had previously asked to have removed.

Mr. Novac explained that monitoring project at the Fens School concluded that rubber crumb fill migration does not contribute leachate to water as verified through ground water monitoring data. Since there is no significant adverse impact to the environment or to human health and safety, he requested that condition #45 be removed.

Mr. Wilson asked if the request for removal is due to expense. Mr. Novac replied that in part, yes, but also because there is already adequate data to show that the fields are safe, so it would also be unnecessary. Mr. Kunian asked how much it would cost. Mr. Novac could not provide a figure. Mr. Fay noted that the same turf field has been installed with clean results, and there is not really anything to gain by redirecting money from more useful purposes to additional monitoring. Mr. Kunian suggested there could be problems if the field were installed improperly. Mr. Novac said they are taking the extra step of only using passenger tire rubber crumb to ensure there is no danger.

Ms. Li noted that CRWA brought up water quality issues. She does not think #45 is overly burdensome, and just assures water quality is monitored. She prefers to leave the condition in the Order.

Mr. Novac asked if the condition specifies what should be tested for. Mr. Kunian replied that monitoring should test for any impacts from rubber fill migration.

Ms. Fishstein stated that Simmons is in talks with DCR regarding opening public restrooms based on usage. She wants to maintain acceptable conditions and avoid vandalism and damage at off-peak times. Ms. Li noted that standard language is "dawn to dusk."

Mr. Kunian suggested that if water monitoring proves to be financially burdensome, the applicant could come back and tell the Commission.

Mr. Wilson asked that the applicant break out maintenance of porous pavement, especially snow removal, and that the maintenance plan call for vacuuming the system to maintain porosity. He noted that the planting plan contained in the NOI is labeled as suggested. He would like have only native species within 100-feet of wetlands.

Ms. Li would like to add the condition of no locked fencing.

Mr. Sullivan stated he does not feel it is appropriate to specify stormwater improvements for parking on neighboring sites.

- **Motion made by V. Li and seconded by M. Wilson to issue the Order of Conditions with the following amendments (5/0/0 8:11 PM):**
  - **Consistent with the submitted Notice of Intent, no more than twenty-three (23) trees and bushes shall be removed, and a minimum of fifty (50) new trees shall be planted on DCR land within the City of Boston.**
  - **Mass DCR shall consider opening additional restrooms to the general public in addition to the single public unisex restroom indicated in the Notice of Intent.**
  - **Adequate public signage shall be posted indicating the availability of restrooms and fields for public use.**
  - **The Applicant shall submit to Commission staff an Operations and Maintenance Plan for fields, structures, public seating, and mutt mitt stations within 90 days of the issuance of this order.**
  - **Only native species shall be planted within 100-feet of any wetland resource area.**
  - **There shall be no locked fencing on the premises.**
  - **The Friends of Daly Field, Simmons College, and Mass DCR shall submit to these conditions in writing, to the extent the conditions are applicable to each.**

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**8:11 PM** Request for Determination of Applicability from Landmark Center Owner Limited Partnership for Wetland Boundary Confirmation, 401 Park Drive, Fenway, Muddy River (BLSF) *Continued from March 5, 2014*

*Representatives: Peter Sougarides & John Pugh, Samuels Associates; William Dillon, Goulston and Storrs; Mark Junghans, David Roache, & Daniel Padien, VHB*

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

Ms. Krueel provided background information regarding the request.

Alix O'Connell, Assistant Corporation Counsel in the City of Boston's Law Department stated that she had reviewed the law regarding the Commission's ability to overturn the FEMA map related to BLSF. She spoke with DEP's hydrology expert, Tom McGuire, on April 8<sup>th</sup>, and confirmed that engineering data and topographic maps can be used to overcome the assumption that the site contains BLSF. She also spoke to Nancy Lin, DEP's Wetlands Circuit Rider Coordinator on April 8.

A. Ghirin asked if Ms. O'Connell had spoken to anyone in the legal department at DEP. Ms. O'Connell stated she had sought to address the original comment from Rachel Freed, which was that DEP has never upheld a Conservation Commission's decision to overturn a FEMA map. Mr. McGuire remembered cases where the Commission's decision was in fact upheld.

D. Padien summarized the request that the Commission confirm that the project site is outside of BLSF. No other resources extend onto the site. Since the March 5<sup>th</sup> hearing, the applicant has conducted additional site surveys.

P. Sougarides explained the planned site redevelopment. He has owned the Landmark Center since 2011. The intent is to have users access the building from the ground level via a pedestrian concourse. They will remove the surface parking and convert it to open green space. The existing parking garage will be removed and a new below-grade garage will be constructed.

Ms. Li asked if the footprint basically stays the same. Mr. Sougarides replied that it does, and the rear warehouse/parking garage will be rebuilt as Wegman's. Open space will increase.

D. Roach presented the expanded engineering analysis. He noted that FEMA's Flood Insurance Study (FIS) profile should be used to establish the floodplain elevation and the topographic survey should be used to determine where that elevation falls on the site. He presented the flood profile with the Landmark Center located on profile. The flood elevation is 16.6 BCB (10.15 NAVD) at the entrance to the culvert, and 6 inches lower at the exit. The survey was extended beyond the property to show the limit of the floodplain. The analysis concluded that the subject site is not connected hydraulically to the floodplain.

Mr. Sullivan asked if post-daylighting conditions were examined. M. Junghans replied that they were not because the data is not yet available from the Army Corps. However, the purpose of the project is to reduce the flood stage.

Mr. Wilson asked why the flood elevation is lower at the culvert exit. Mr. Junghans explained that it is due to friction within the culvert.

Mr. Sullivan confirmed that the engineering report certifies that what was just described is accurate.

Ms. Li asked Ms. Krueel if in order for the project to move forward, the Commission needs to issue a negative determination. Ms. Krueel replied in the affirmative.

Ms. Li asked what the time table is for the project. Mr. Sougarides explained that it is currently in design, and time is of the essence. They are moving forward with construction documents, and enabling work is expected to begin summer/fall 2014.

Mr. Roach explained that a Letter of Map Revision (LOMR) is also needed because the floodplain is off of the property, and the application will need the signature of the City's floodplain manager.

There were no public comments.

- **Motion made by M. Wilson and seconded by V. Li to issue a Negative Determination of Applicability (5/0/0 8:35 PM)**

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**8:35 PM** Request for Amendment to Order of Conditions for **DEP File No. 006-1329** from UMass Boston, Utility Corridor and Roadway Relocation, 100 Morrissey Blvd, Dorchester, Dorchester Bay (LSCSF)

*Representatives: Dorothy Renaghan & Zehra Schneider Graham, UMB; Tim Dorman, Joslin Lesser Associates; Jim Veleman, BVH Integrated Services; Shawn Smith, Judith Nitsch Associates; Daniel Padien, VHB*

Ms. Li stated that Sasaki, Nitsch Engineering, GZA, UMB, Joslin Lesser Associates and VHB are dues paying member of her employer, The Boston Harbor Association.

D. Renaghan provided background for the project. UMass Boston opened 50 years ago with centralized utilities in the now-failing facility. The 25 Year Master Plan was created to address deterioration and academic needs. There are currently four projects in construction: the Integrated Sciences Complex; General Academic Building 1 (GAB1), both of which will be LEED silver certified; the Utility Corridor and Roadway Relocation project (UCRR); and the Harborwalk Shoreline Stabilization project, construction on which is to begin in one month. UCRR is part of the Utilities Master Plan, with this corridor as its centerpiece.

D. Padien explained that the applicant had filed an NOI in December 2012 for the UCRR project. Today they are requesting approval for additional work within the 100 buffer zone and mapped LSCSF. He described the utility work being done on site. UMass will bring the entire campus up to the current stormwater standards with nine bio retention basins and many Low Impact Development solutions to meet state requirements. Mr. Padien noted that the limit of the floodplain has been moved seaward to the top of the revetment in FEMA's preliminary maps. A new area in the northern section of overall project site will be added to floodplain, although the site-specific elevation keeps it functionally out of the floodplain. Sea level rise (SLR) is addressed in the proposal by looking at MHHW plus 7.5 feet, and noting that the entire campus remains above this elevation. The applicant is now requested authorization to proceed with the next phase of the UCRR project. The planting plan is still being refined, and will be submitted to the Commission for review, preferably for administrative review, but the applicant would be happy to return to the full Commission if desired.

Ms. Li pointed out that two buildings are already well underway. She asked the proponent where exactly they are on the Harborwalk project. Ms. Renaghan replied that the project went out to bid recently, a pre-bid

conference was held 10 days ago, and they are now addressing contractor questions. Bids are due April 23<sup>rd</sup>, and then they will select a contractor. They are still awaiting their Chapter 91 license, which should be ready in two weeks according to Andrea Langhauser at DEP.

Ms. Li asked if there is a long labor process for awarding the contract. T. Dorman replied that he hopes the bids come in on budget and then they will be awarded in mid-May with work to begin in June.

Ms. Li suggested that it should be a condition that work on the Harborwalk must commence before work on UCRR begins.

Ms. Renaghan stated that previously the Commission said they would be satisfied if the Harborwalk was completed by Mid-2015. Ms. Renaghan and Ms. Li agreed that this has been discussed at length.

Ms. Li noted that in light of sea level rise, the roadway connections to UMass are really the issue, although the campus itself won't be severely affected. She asked the proponent how the current UCRR work will address this issue.

Ms. Renaghan replied that the City has decided to develop Mt. Vernon St, and UMB submitted comments that asked City to look at SLR. Ms. Li asked if UMB is contributing to the cost of the development of Mt. Vernon St. Ms. Renaghan replied that it is not.

Mr. Padien stated that he can't really answer the question at this time, but knows that there will be problems accessing campus at MHHW + 7.5'.

Ms. Li reasoned that since the project costs \$150 M, it is probably designed to last a while. The UMass Building Authority is spending bond holder (maybe public) funds and she wants to be sure she understands how connecting roadways are being addressed.

Ms. Renaghan stated that UMB has urged DCR to redevelop Morrissey Blvd, and has worked with the City over the last three years to address the intersection of roadways with the campus and other owners.

Mr. Wilson noted that he assumes the utility trench connects to roads outside campus, and pointed out that the system is only as strong as its weakest link.

J. Veleman explained that the campus utilities are not connected to outside points. At Mt. Vernon & Morrissey, utilities and roadway grades have to meet existing grades and are designed to be inundated with groundwater. If Morrissey is raised, it would most likely be a surface impact, and the roadway grading system may be affected, but utilities will remain connected as is.

Mr. Wilson asked if saltwater from overland flow is safe for the utility vaults. Mr. Veleman replied in the affirmative.

Mr. Wilson asked what the expected lifetime for new vaults is. Mr. Veleman replied that there are many different systems utilizing different materials. Concrete vaults will last 50-60+ years with proper maintenance. Hot water systems are 30-40 year systems. Water piping is the same as that used by BWSC and lasts 40+ years. Electrical & telecom conduits are encased in concrete. The build-out of the utility system is based on the 25 Year Master Plan, but the utilities themselves will last longer.

Ms. Li stated that the applicant needs to address life of project, not the life of plan. Buildings will last much longer and the campus will be affected by SLR.

Mr. Veleman noted that roadways last 15-20 years before system wide maintenance is needed.

Ms. Li assured the applicant that the Commission is very familiar with the Master Plan.

Ms. Li asked what the construction period is for this portion of the project. Mr. Veleman replied that work will start June 2014, with substantial completion toward the end of 2016.

Ms. Renaghan added that the construction period for the Harborwalk is 9 months from the start date.

Mr. Sullivan asked for descriptions of the bio-retention systems and their maintenance.

S. Smith explained that the bio swales are to be built on landfill, so they are not designed to infiltrate water. They will be lined with clay with an undertrain and a storm trench above 36 inches of media. The underdrains will connect to the outfall system.

Mr. Sullivan asked for the elevation of the bottom of the bioswales. Mr. Smith stated that they vary, but in general most are at 16-17' BCB.

Mr. Sullivan asked if there will be problems with high tide backing up within the pipes. Mr. Smith replied that each outfall has an iron tide gate to prevent this.

Mr. Wilson noted the plans indicate a tail water at 13.5' BCB, and asked what the significance of this fact is. Mr. Smith replied that the majority of outfalls are far below that elevation. He added that underdrains are typically 6 inches deep but are whatever depth is necessary to support the system.

Mr. Sullivan asked if the 36" and 24" stormwater connections at Mt. Vernon St have been approved. Mr. Veleman replied that the plans were submitted to BWSC two weeks ago, and are currently under review.

Ms. Li asked why this work is being approached as an amendment. Ms. Krueel explained that because this work is part of a previously approved system, this is how the applicant decided to approach it. Ms. Li expressed concern about the timeline since an amendment doesn't extend the timeframe of the OOC.

Mr. Wilson asked if any consideration had been given to retain water elsewhere before it gets to the basin. Mr. Smith replied that a hydraulic analysis was done for the whole site using assumptions about development of the parcels. The design accounts for a conservative (worst case) estimate of stormwater runoff.

Ms. Li stated that she is trying to understand why this work is being done prior to the Harborwalk.

Mr. Dorman explained that their alternative project delivery method gives them the ability to bid in multiple phases. He hopes to start construction in June. The project went through the same process as was done for the Harborwalk.

- **Motion made by V. Li and seconded by A. Ghirin to issue the Order of Conditions with the following amendments (5/0/0 9:23 PM):**
  - **Construction for this project shall not begin prior to the start of construction of DEP File No. 006-1342, "UMass Boston Harborwalk and Shoreline Stabilization."**
  - **The applicant shall submit a Landscape Plan to Commission staff for review and approval.**

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**9:25 PM** Notice of Intent for **DEP File No. 006-1388** from Boston Public Works Department for Connect Historic Boston Bicycle and Pedestrian Improvements on Commercial St & Atlantic Ave, North End, Boston Harbor (LSCSF)

*Representatives: William Egan, DPW; Mike Paiewonsky, Fay Spofford & Thorndike; Dan Nelson, Howard/Stein-Hudson*

V. Li stated that FST and Howard/Stein-Hudson are dues paying members of her employer, The Boston Harbor Association.

W. Egan introduced the project, the goal of which is to improve connections for pedestrians, cyclists & tourists. He described the proposed path location.

M. Paiewonsky described the portion of the project within the Commission's jurisdiction and impacts to resource areas. He stated that the portion that traverses the Harborwalk must be ADA compliant regarding grading.

Ms. Li asked why the path isn't being kept on the street. Mr. Egan replied that construction of the cycle track would require removal of a lane of traffic, which would reduce the capacity of the road and is not feasible in this particular location.

Ms. Li asked why the Harborwalk, which is used by pedestrians, is being taken over for cyclists. D. Nelson replied that shared use lanes are available for fast-moving bikes within the existing roadway. The cycle track is meant for families and slower moving bikes. On Commercial Street a travel lane will be removed to make a grade-separated cycle track. This is not possible at Washington Street.

A. Ghirin asked if there will be signs for cyclists instructing them to dismount and walk their bikes on the Harborwalk. Mr. Nelson replied that there would not be such signage. It will be a shared use path, as it is presently, and signage will indicate such.

Ms. Li pointed out that this section of waterfront has the most family-friendly facilities of anywhere on the waterfront. Mr. Nelson stated that his team had approached DCR to widen path, but they requested that it be kept the same width.

Mr. Egan explained that the Boston Transportation Department completed a planning study last spring funded by the National Parks Service. An FHA TIGER grant for this work was awarded on September 15, 2013. The Public Works Department agreed to oversee design and construction. The proposed path was identified as the safest path for this location. DCR will only approve a path with de minimus impacts to park property. This is a very aggressive project. \$22 M is available for construction, and \$3 M is available for design. Expected path users include commuters, tourists, and neighborhood folks. More seasoned cyclists will likely choose street travel with existing sharrows. If the cycle track doesn't move forward, federal funding will be lost.

M. Wilson asked if there is user count data. Mr. Egan replied that the City will do a count this summer, and additional counts will be completed after the facility is built.

S. Kunian asked how much of the Harborwalk will be shared. The proponent indicated the area in purple on the plan along the seawall. Mr. Egan added that 500 feet plus an additional 200 feet under bridge to Lovejoy Wharf will be shared.

Ms. Li how wide the Harborwalk is at this location.

Mr. Kunian wondered what the problem with cyclists using the Harborwalk at this location might be. Currently, cyclists are permitted to ride here. Ms. Li stated she is concerned about promoting a significant increase in cyclists and the potential conflicts with pedestrians. She noted that it could be made wider to accommodate additional users.

Mr. Kunian asked the proponent if it is possible to make the path wider. Mr. Egan replied that the project is on DCR property, which is regulated by DCR. The design did not include an increase in width in order to avoid any adverse impact to park land. He stated that his team did not ask DCR if the path could be widened. Mr. Kunian wondered if the applicant could ask DCR to allow widening of the path due to safety concerns.

Mr. Nelson stated that in the subject location the Harborwalk varies in width from 10- to 20-feet.

Mr. Paiewonsky added that due to the project being federally funded, as per Section 4F the project must take into account all impacts to publicly owned recreation facilities. He noted that the team is still working with DCR and does not have official concurrence from DCR yet.

Mr. Egan added that design, permitting, and right-of-way must be completed by June 30<sup>th</sup> of 2014.

Ms. Li asked the proponents why they waited so long to come to present to the Commission. Mr. Egan replied that the project began only 7 months ago.

Ms. Krueel asked the proponent to indicate the actual locations where the path does not meet the requirements for a shared pedestrian/bike path. Mr. Egan replied that there's a mixing zone, but the path is not designed to be high speed. Mr. Nelson stated that the entire path meet the width requirements for a shared use path.

Mr. Kunian stated his belief that the Commission does not have the jurisdiction to require making the path wider.

Ms. Li added that Segways also use this path. She asked if DCR could come and talk to the Commission. Mr. Kunian pointed out that due to the schedule there is no time for such a meeting.

Ms. Li suggested signage limiting bicycle travel to 5 mph is needed. Mr. Egan replied that he would talk to DCR about signage. Mr. Kunian stated there would be implications if DCR isn't willing to put up a speed limit sign for safety. Ms. Li suggested making such signage a condition of the Order. She also wants Harborwalk signs. She reiterated that signage is a safety issue. Mr. Kunian suggested the applicant return with DCR to present a signage plan including speed limit and Harborwalk signage.

Mr. Sullivan asked if the proponent had obtained BWSC approval. Mr. Egan replied that 90% plans have been submitted, and added that they are proposing porous pavement for bike the trails.

Mr. Nelson explained that there would be an underdrain 6-inches off the bottom of the sub-base for pervious asphalt. He has been working with Steve Shea at BWSC. In addition, there will be 100 new trees with pits in accordance with the Complete Street Guidelines.

Mr. Ghirin referred to the legend on sheet 9 of 18, and asked what “proposed HMA” is. Mr. Nelson replied HMS stands for Hot Mix Asphalt, which is standard roadway asphalt.

Mr. Wilson noted that tree pit and rain garden details are not included. Mr. Nelson replied that those are outside the limits of the plans but he could submit those details to the Commission.

Ms. Li asked for clarification regarding where the 112 trees for “this section” would be planted. Mr. Nelson stated that “this section” includes the portion of the project from Staniford to Causeway, and not just the portion within the Commission’s jurisdiction.

Mr. Wilson asked if all existing trees would be retained. Mr. Egan replied in the affirmative.

- **Motion made by M. Wilson and seconded by A. Ghirin to issue the Order of Conditions with the following amendments (4/1/0 10:09 PM):**
  - **The Applicant shall submit to Commission staff a signage plan that includes Harborwalk signage and bicycle speed limit signage.**
  - **The Applicant shall submit to Commission staff a maintenance plan for those trees within the Connect Historic Boston Trail project segment.**

**10:12 PM** Notice of Intent for **DEP File No. 006-1389** from MassDOT for Parking and Improvements to Lot 5 under I-93, Albany St & Frontage Rd, South End, Fort Point Channel (LSCSF)

*Representatives: Mike Trapanier & Linda Smith, MassDOT; Gene Crouch & Wayne Amico, VHB*

M. Trapanier described the innovative pilot project, which utilizes space under the existing I-93 viaducts and flyovers to reconnect communities and create active uses to replace current undesirable uses. This project is located under I-93 between the South End and South Boston neighborhoods. Mr. Trapanier described the location in more detail. MassDOT has already constructed two adjacent parking lots with no additional active uses, all outside of Commission jurisdiction. The project was created through a community process with the involvement of elected officials and Mass DOT.

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

G. Crouch explained that the entire site is overlain by the I-93 roadway and ramp system. He presented the hardscape/landscape plan. Trees will be retained along Fort Point Channel. Although the FIRM indicates the site is within the floodplain, the on-site elevation brings it several feet above the base flood elevation. Much of the site is under cover, so most of it cannot be planted. However, anywhere light penetrates, vegetated landscaping is proposed. The “Widened Walkway” will be a 10-foot wide ADA accessible surface. Although it cannot meet all standards to qualify as a bicycle path, it will in fact be both bikeable and walkable.

Mr. Trapanier added that MassDOT is not calling this a bikeway or multi-use path not because of the width, but due to other technical design and policy issues. It doesn’t connect to any other multi-use paths, but will make a connection to the South Bay Harbor trail in the future.

Ms. Li asked how many parking spaces will be provided, and of what type. The proponent responded that 174 commercial parking spaces will be provided, as approved by the Air Pollution Control Commission (APCC).

Mr. Trapanier explained that the parking lots will not be operated by MassDOT. Instead, a public/private partnership will be developed with lease agreements with a third-party operator for parking and maintenance of trash and stormwater.

Mr. Wilson asked who would be parking here. Mr. Trapanier responded that there is no vendor for this location yet. The other two lots will be contracted out first. The Boston Environment Department provided comments during the MEPA process. The APCC lent spaces from the bank, but would prefer a single-user parking vendor such as Ink Block or Tufts Medical Center.

Ms. Li clarified that the Commission would not just be approving a parking lot. Mr. Trapanier agreed, and added that most activities within jurisdictional areas are landscaped areas, pedestrian amenities, and community amenities.

Mr. Crouch described how drainage from the roadways is currently piped into the ground and discharged directly to Fort Point Channel. The proposed design intercepts the flow, treats it in detention basins, and then

discharges to Fort Point Channel. There is not much direct rainfall onto the site, so most of the water comes from the overhead roadway. Infiltration is not possible due to soil contamination, so the basins will be lined and have a drop outlet and underdrains. No water will be retained, so no mosquito issues are anticipated.

Mr. Ghirin noted that the pathway is being designed for use by the general public. He asked if the parking would be fenced.

W. Amico replied that there would be fencing on a portion of the site, but not near the amenities. There is an existing substantial fence on the north side to separate MBTA rails. The site may be secured with video monitoring and a parking lot attendant as per the contract with the future vendor. The site is under the jurisdiction of the State police.

Ms. Li asked how long the lease would be. Mr. Trapanier replied that he is not certain- perhaps 10 years.

Mr. Sullivan indicated that there is an 84-inch sewer pipe that drains downtown overflow running directly through the site, and BWSC needs access 24/7. There are multiple manholes, and multiple access points throughout the site. He asked if the plan had been brought to BWSC. He asked how access will be guaranteed. He stated that he is really nervous that BWSC won't be able to have the needed access.

Mr. Amico stated that none of the proposed improvements are inhibiting access to the sewer system.

Mr. Sullivan indicated that he wants BWSC to see these plans ahead of time. He is concerned that crews will destroy vegetation to gain access. A condition of the order should be that BWSC gets access to all its facilities, and that the plan should be subject to review & approval by BWSC.

Ms. Li asked what would happen if the proposal were continued for 2 weeks. Mr. Trapanier replied that he was not sure that would be necessary.

Mr. Amico referred to the draft special conditions and asked if in #39 the requirement to cover stockpiles could be removed since the roadway provides cover. He also asked if #42 could be revised to require catch basin maintenance to occur once per year rather than twice. He asked if #44 could be revised to require the catch basins meet MassDOT specs rather than BWSC specs, as they differ slightly.

- **Motion made by V. Li and seconded by A. Ghirin to issue the Order of Conditions with the following amendments (5/0/0 10:42 PM):**
  - **The Applicant shall submit to Commission staff notice of approval by the Boston Water and Sewer Commission (BWSC) of the plans for this project. Any modifications required by BWSC to the plans approved by this Order shall be detailed in writing with this submittal so that Commission staff can determine if further conditions are required.**
  - **The Applicant shall submit to Commission staff a vegetation maintenance plan.**
  - **The Applicant shall submit to Commission staff a lighting plan.**
  - **The Applicant shall submit to Commission staff a way finding signage plan.**

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#### 10:44 PM Updates and General Business

- Ratification of Emergency Certification from DCR for Controlled Burn at Lovell's Island, Boston Harbor  
*Representatives: Nancy Putnam & Jorge Ayub, DCR*

Ms. Krueel explained that an Emergency Certification was issued on April 11<sup>th</sup> for a controlled burn as part of a habitat management program. N. Putnam apologized for forgetting to include the Commission in the extensive permitting process for this work.

A. Jorge described the difficulty logistically of bringing machinery to the island for habitat maintenance. He explained that fire is great tool for restoration. This is mitigation for impacts to Tern nesting habitat at Winthrop beach, the goal of which is to entice Terns to Lovell's island. Norwegian rats have decimated the tern population, and invasive vegetation is degrading the habitat. Opening invasive vegetation makes it possible for Terns to see predators. The burn also helps to restore native vegetation. The applicant is working with DCR, the Fire Bureau and the National Parks Service to create a plan for controlled burning of a larger area.

Mr. Sullivan asked how a controlled burn is performed. Ms. Putnam explained that fire crew wet a line around the defined burn area and light a back fire with a diesel/gasoline mix. The Boston Fire

Department was there to observe. The burn was completed on Monday, April 14<sup>th</sup>. Prior to that it was cleared with Massport, the FAA, and DEP.

- **Motion made by V. Li and seconded by A. Ghirin to ratify the Emergency Certification (5/0/0 10:49 PM)**
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The remainder of general business was continued to the April 30th meeting.

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- **Motion made by V. Li and seconded by A. Ghirin to adjourn the meeting (4/0/0 10:50 PM).**

Respectfully submitted,

*Stephanie Krueel*

Stephanie Krueel  
Executive Secretary