

APPROVED 12/12/12

**City of Boston Conservation Commission
Public Hearing Meeting Minutes**

Boston City Hall, Hearing Room 801
Boston, Massachusetts, 02201

February 1, 2012

Commissioners Present: Charles Button – Chairman, Vivien Li, Antonia Pollak, John Lewis, Stephen Kunian

Commissioners Not Present: Jeanne McHallam, John Sullivan

Staff Present: Chris Busch, Executive Director

6:15 PM Update from the Massachusetts Port Authority on the Green Bus Depot Project, subject to Order of Conditions DEP File No. 006-1260, and design development of the East Boston Greenway Extension.

Owner: Massachusetts Port Authority

Representatives: Lowell Richards, Massport; Dennis Hanlon, Massport

Documents: N/A

V. Li – For the record the Massachusetts Port Authority is a dues paying member of my employer The Boston Harbor Association.

D. Hanlon – At this point the building superstructure is being constructed. The administration block is up and we are working on the maintenance area and then we will be moving on to the bus storage area. Structural panels will then be installed and then work will commence on the roof. The drainage system is in place at this point and the headwall was recently installed. We have a raised grade at the back of the property which may serve as the foundation for the proposed pathway.

C. Button – What is the completion date?

D. Hanlon – We expect substantial completion by August 1st, and final completion on September 1st. Buses will begin utilizing the facility by October 1st.

V. Li – What is the time table for the completion of the greenway extension?

L. Richards – The greenway extension will be included in the capital budget which will go before our board in the next month or two. We would therefore start with the next fiscal budget, that beginning July 1st of this year. We already have identified a design team and have them under contract and serious activity would commence in May or June. The design will likely be completed in late fall and construction documents and bidding and construction would occur in the next construction season. The goal would be to have the greenway extension open by summer of 2013. Some of the landscaping may have to continue into the late fall and the following spring based upon timing and planting season.

T. Pollak – There will be a public design process in May or June?

L. Richards – Probably closer to the summer, because we need to do more civil investigation of the site this spring.

T. Pollak – I would encourage you to try and start the public comment before July.

L. Richards – We understand it would be more effective to have the process start before July.

V. Li – Will there be sufficient funds in the capital budget to pay for the greenway?

L. Richards – A lot of this is susceptible to linear unit budget estimating. This project, based upon preliminary design, a lot of it can be unit cost design. Once we get into the civil due diligence we will have a contingency in place to contend with any issues; we do not want to have budget constraints on this project.

V. Li – How will the greenway be maintained?

L. Richards – This will be part of our open space maintenance operation. We understand we are obligated to maintain the area. We are working under the assumption that the 2014 maintenance budget will include this area.

S. Kunian – In terms of process, will you continue to seek input from the neighborhood groups.

L. Richards – The design we have now was jointly developed, so if there are material changes to the design we would reach out and engage the public.

C. Markey – I have been involved with the greenway design process and am thankful to the ConCom for their involvement in this matter. Regarding the design, Lowell's comments suggest we have a finished design, however

it is more of a minimum design. We would like to have further follow up on some design aspects and details that have not been covered. Is there a way the Commission can help with follow up on some of these matters.

T. Pollak – I think there will be more opportunity to comment as the design develops and we will all have questions that will arise at the design evolves. I don't see what we have today as the final plan.

C. Button – As the design develops, will that be shared with the public at some stage.

L. Richards – We will definitely release the substance of those plans. We have no desire to stop something in the future, in the same way we will not spend money on something that is not likely to happen due to safety reasons. We will share sufficient information moving forward before we get to final design.

S. Kunian – I would like to move that we have a follow up meeting in June.

V. Li – Second.

S. Lamattina – I would like to thank the Commission and feel Massport has been working on this project in good faith and am confident that they will come back and we will have enough time to review any changes at that point.

- **Motion made by S. Kunian and seconded by V. Li for a project update at the June 20, 2012 public hearing (voted 5/0/0).**

6:45 PM Notice of Intent from Boston Autoport LLC, for the demolition of a 245,000 square-foot, one-story warehouse building at Mystic Pier No. 1, 100 Terminal Street, Charlestown, Boston Inner Harbor and Little Mystic Channel (Designated Port Area).

Owner: Massachusetts Port Authority

Representatives: John Stitzer, Fort Point Associates; Gene Kelley, RDA Construction; Dennis Kraez, Boston Autoport

Documents: File material and photos provided in the project Notice of Intent

C. Button – Any initial staff comments.

C. Busch – During a site inspection of the project area earlier today I did observe some work being conducted exterior to the structure. I would ask that the proponent provide a summation of any work that has occurred to date on the subject property.

V. Li – For the record Fort Point Associates, RDA Construction, Boston Autoport and the Massachusetts Port Authority are dues paying members of my employer The Boston Harbor Association.

J. Stitzer – Mystic Pier is part of the Autoport master lease property held by Massport. Most of the pier consists of a warehouse building with asbestos materials within the structure and roof. The project involves the demolition of the warehouse, removal of all demolition debris and hazardous materials and stabilization of the site. At some point in the future we will be back with another filing for the construction of a smaller structure on the site. There are few uses within the building at this time. We do have a DEP asbestos abatement plan for the demolition work and environmental controls will be in place during the demolition process. The demolition will proceed from the interior of the building and proceed to the exterior walls to contain debris and dust. The unauthorized work that has occurred involved an excavation to install a new electrical duct bank to provide electrical service to another building on the property. The work occurred within the buffer zone, but not within any resource areas and materials were stock piled outside of the buffer zone.

V. Li – Is this work covered under the submission?

J. Stitzer – No, we were unaware of this work, however, it is within the project site.

D. Kraez – We have been before the Commission for work in the past. This is clearly our mistake and we dropped the ball on getting the proper permit in place.

J. Lewis – Where is the asbestos?

J. Stitzer – It is incorporated into the building materials, rather than insulation.

T. Pollak – What will the future use of the site be?

J. Stitzer – That is still being determined. The goal is to construct a smaller structure with many of the same uses. The areas around the pier will continue to be used by tenant vessels.

D. Kraez – The building has been used to process automobiles that come in by water. We have temporarily moved that operation, but intend on moving that use back into a new building on the site.

V. Li – You are in a DPA so perimeter public access is typically not allowed. Are there options for point access?

D. Kraez – We are in a secured area which is gated, so the public is not encouraged to enter onto the property.

S. Kunian – I'd like to require that you maintain a daily log during the project and that there be no commercial parking on the property after the demolition work.

C. Button – Any comments or questions on the draft conditions?

J. Stitzer – No, the draft conditions are sufficient.

V. Li – We should have the proponent send us a letter specifying what work has occurred to date on the property for the file.

J. Lewis – How will personnel from vessels access the site?

D. Kraez – During demolition we may have to locate some vessels elsewhere. Once the demo work is done vessel staff can access the exterior of the pier structure as they always have done.

C. Button – Do we have a motion?

V. Li – I move the draft order as amended with the condition that the proponent provide a letter to the Commission.

S. Kunian – Second.

- **Motion made by V. Li and seconded by S. Kunian to issue an Order of Conditions as amended and end the hearing on the project (voted 5/0/0).**

7:05 PM Enforcement Order issued to Robert G. Stewart for conducting work within the 100-foot Buffer Zone to wetland resource areas without a valid Order of Conditions, 108 Beaver Street, Hyde Park.

Owner: Robert G. Stewart

Representatives: Jeff Drago, Attorney; Robert Stewart

C. Button – Any initial comments?

C. Busch – There was a permit issued by the Commission for the reconstruction of a home at the subject location which was issued in 2003 and subsequently extended. After review of the file it appears the property owner had all the approvals and local permits in place to conduct the work, however, the wetland permit expired in 2008. It appears that this was an oversight on the owners part to not have the permit extended. Based upon an neighbor's call I inspected the site earlier in January and there was work occurring on the house as well as the drive way and street improvement work. The only jurisdictional areas on the site are the outer portion of the buffer zone. I issued an Enforcement Order to allow the Commission to establish conditions under which the remainder of the work may proceed.

J. Drago – I am the attorney for the applicant. We are now aware of the expired Order of Conditions. The current owner did not own the property when the prior order expired. The building was before the Zoning Board of Appeal and was approved as a single family. The building was in foreclosure and Mr. Stewart purchased the home a few months ago. We were unaware that the property was subject to a wetland permit. The owner has complied with all conditions of the Enforcement Order to date and we anticipate that the work should be completed in the next couple of months.

C. Button – We do have a letter from Councilor Consalvo supporting the project subject to conditions issued by the Commission.

C. Busch – I have recently inspected the property and all site controls are in place. The only additional condition I would add relates to the end of the paper street adjacent to the property which is on DCR land and the placement of boulders at that location to prevent dumping and wheeled vehicles from entering the Stony Brook Reservation at that location.

R. Stewart – The boulders have already been installed.

C. Button – With what conditions should we make a motion?

C. Busch – That the proponent provide adequate erosion and sediment controls; maintain boulders at the entrance to the paper street to prevent dumping; and, file for a certificate of compliance upon completion of work.

S. Kunian – I move the Order.

T. Pollak – Second.

- **Motion made by S. Kunian and seconded by T. Pollak to ratify the Enforcement Order with conditions (voted 4/0/0).**

7:18 PM Request to amend Order of Conditions DEP File No. 006-1244 from Boston Boat Basin LLC, to replace existing floats and remove and install existing and new piles at 87 Commercial Wharf, North End, Boston Inner Harbor (Land Under Ocean, Fish Run).

Owner: Boston Boat Basin, LLC

Representatives: Fort Point Associates;

Documents: File material and photos provided in the project Notice of Intent

C. Button – This matter was continued from the January 18th public hearing.

C. Busch – The proponent has requested another continuance of this matter.

S. Kunian – I will not be available for the February 15th hearing, so I would like the matter continued to the March 7th hearing.

- **Motion made by T. Pollak and seconded by J. Lewis to continue review of the Notice of Intent to the March 7, 2012 public hearing (voted 4/0/0).**

7:25 PM Request for Certificate of Compliance for Order of Conditions DEP File No. 006-1200 from NSTAR Electric and Gas Corporation for geotechnical borings within the Chelsea River as part of a feasibility study for the installation of an electrical transmission conduit, 338 East Eagle Street, East Boston.

C. Busch – I have received a Certificate of Compliance request which has been signed off on by the project engineer. The work involved a single boring in the Chelsea Creek, so site inspection was not conducted. The boring and the subsequent directional drill work has been completed. I recommend issuing a Certificate of Compliance.

- **Motion made by T. Pollak and seconded by S. Kunian to issue a Certificate of Compliance (voted 4/0/0).**

7:34 PM Motion made to accept the August 17, 2011 public hearing meeting minutes (voted 4/0/0).

7:35 PM Motion to adjourn the public hearing made by J. Lewis and seconded by T. Pollak (voted 4/0/0).