

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

**November 7, 2012**

**Commissioners Present:** Charles Button- Chairman, Stephen Kunian, John Lewis, Vivien Li, Antonia Pollak, John Sullivan

**Commissioners Not Present:** Jeanne McHallam

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

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- **Motion made by V. Li and seconded T. Pollak by to appoint S. Kunian as acting chair in Mr. Button's absence (5/0/0 6:10pm)**
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**6:10 PM**

Update on Order of Conditions for **DEP File No. 006-1285** from the Massachusetts Department of Conservation and Recreation issued for pier and seawall repairs and the installation of new floats, gangways and ramps at Georges Island, Boston Harbor.

Ms. Li noted that DCR and Bourne Engineering are dues paying members of her employer, The Boston Harbor Association.

Mike Driscoll of DCR provided an update on the emergency repairs to the permanent structure, which were completed in mid-July. He provided to the Commission as-built plans (not stamped). Rehabilitation of the pier included replacing and reposting piers and batter piles, installation of an ADA gangway (not accessible at low tide), floats for DCR vessels and private larger vessels. Bourne will be requesting a COC shortly.

Jack Murray, Deputy Commissioner of Park Operations at DCR, described how the Lovejoy float has provided enhanced operational efficiencies. Ms. Li noted the temporary nature of Lovejoy float as described in the OOC. Mr. Murray replied that DCR will honor the Chapter 91 requirements to provide docking at Lovejoy Wharf, and cited an October 24, 2012 article in the Boston Business Journal which described how the project seems to be moving forward. DCR will meet with Richard McGuinness at BRA to discuss the project. Ms. Li requested further assurance that some type of dock will be installed at Lovejoy.

Peter Davidoff, the owner of Constitution Marina, expressed dissatisfaction with the design of the dock at George's Island because it excludes the recreational boating public. Mr. Murray restated that only emergency repairs are reflected in the current work. Mr. Davidoff seemed to be referring to the full-build option, which is fully permitted by MEPA and is to be done in stages. It has been designed under a \$1M grant from the National Park Service, and is estimated to cost \$17M to build. It is currently unfunded, and DCR's last three applications for federal TIGER money were unsuccessful. In addition, DCR is looking at potential additional mooring fields to accommodate the public.

Mr. Driscoll mentioned that the South and North piers have been shut down due to safety reasons. The subject pier is generally accessible only to Commuter boats.

Mr. Davidoff agreed that the emergency repairs were necessary. Mr. Murray noted that there are currently five moorings with public dingys, and there will soon be twelve such moorings available. Ms. Li articulated her opinion that George's Island is spectacular and it is a shame that it is not more available to the boating public. Mr. Murray described how currently boats anchor and come ashore, and Mr. Driscoll added that the dock is available and used for unloading. This year visitation was up by 25%, with 135,000 visitors to the Harbor Islands, and 85,000 visitors to George's island.

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**6:35 PM**

Update on **DEP File No. 006-0647** from MassDOT for a new Ferry Terminal, 500 Atlantic Ave, Downtown, Fort Point Channel.

Mr. Button arrived and took over as Chair.

Ron Killian of MassDOT, accompanied by Karen Dispirito of Secretary Richard Davey's office, made a formal announcement that the Fort Point Channel Ferry Facility is underway. Existing plans have to be redone to meet MassDOT Highway Division's standards prior to the bidding process. AECOM has been hired as the managing consultant. There is no set schedule yet, however the goal is to receive bids over the winter. An interim schedule will be shared with the ConCom. The applicant will meet with abutters, DEP Waterways, boat advocates and operators to formulate the plans. Ms. Dispirito recapped that funds have been identified, a project manager has been named, and Secretary Davey is excited to begin. Ms. Li thanked Mr. Davey's office for their follow-through.

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#### **6:40 PM**

Enforcement Order hearing regarding Order of Conditions **DEP File No. 006-1312** from Shipyard Quarter's Marina issued for repair of existing piers, 1 Pier 8, 13<sup>th</sup> Street, Charlestown, Boston Inner Harbor.

The applicant requested a continuance via email due to Hurricane Sandy and his inability to come up for New York.

- **Motion made by V. Li and seconded by J. Lewis to continue the hearing to November 28, 2012 (6/0/0 6:40pm).**

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#### **6:45 PM**

Request for Determination of Applicability from NSTAR Electric- Cooling Circulation Pipeline Project, Baker Street Substation, West Roxbury, Sawmill River (Buffer of Bordering Vegetated Wetlands, Bank, 25-ft Riverfront, Bordering Land Subject to Flooding).

Representative: Ryan Hale, NSTAR  
Documents: Plans included with NOI

Ms. Krueel recommended issuing a Negative Determination because all the work will be in the roadway and no negative impacts to the resources are expected.

Ryan Hale of NSTAR described the project and confirmed that he had reviewed the draft Special Conditions. He assured the Commission that there would be no tree or vegetation removal and all work would be subsurface. Mr. Button asked for clarification regarding the cooling agent to be used in the project.

- **Motion made by V. Li and seconded by S. Kunian to issue a Negative Determination subject to conditions as written (6/0/0 6:50pm).**

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#### **7:00 PM**

Notice of Intent for **DEP File No. 006-1321** from CAD Builders, LLC, for construction of two single-family dwellings at 6 & 10 Thrush Street, West Roxbury (100 foot Buffer of Bordering Vegetated Wetlands).

Owner: Todesca Brothers  
Representative: Donald Myers, Norwood Engineering  
Documents: Site plan board, photographs

Mr. Lewis left the meeting.

Mr. Myers presented the site plan and photographs of existing conditions as described the project as construction of two single family homes between the proposed retaining walls and the street. He clarified that the stone walls on the plan are existing piles of stone. Mr. Sullivan verified the direction of drainage. Gary Martell, a permit consultant for the buyers, described the proposed retaining wall as an 8-12 ft high stepped wall of interlocking concrete blocks. The conditions were read and accepted by the applicant. The individuals intending to buy the property, Anthony and Claudio DeLetizia, were introduced.

- **Motion made by V. Li and seconded by S. Kunian to issue the Order of Conditions as written (5/0/0 7:07pm).**
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**7:15 PM**

Notice of Intent for **DEP File No. 006-1320** from CSREFI Independence Wharf Boston Inc. for repairs to existing foundation at 470 Atlantic Ave, Downtown, Fort Point Channel (Land Subject to Coastal Storm Flowage, Rocky Intertidal Shores).

Owner: CSREFI Independence Wharf Boston Inc.

Representative: Rebecca Skalaski, Childs Engineering; Paula Devereaux, Rubin and Rudman LLP

Documents: Plans and photos included with the NOI

Ms. Li noted that Childs Engineering and Rubin and Rudman LLP are dues paying members of her employer, The Boston Harbor Association.

Ms. Skalaski described the project as a planned repair and maintenance project. Ms. Li addressed the students in the audience. Mr. Button asked why the caissons' fiberglass jackets were splitting. Ms. Skalaski responded that they become brittle due to sunlight and wave action.

Ms. Li inquired about the project's effect on the Harborwalk and public access. Ms. Skalaski noted that all work was to be performed waterside from a barge, there would be no equipment on the deck, the project should be complete by January 2013, and there will be no effect on the Harborwalk and public access. The applicant expects that at least a portion of the floating dock will always remain open, although it could close at times for safety reasons. The work may also be done during off hours (nights and/or weekends), if appropriate, due to potential noise impacts.

Mr. Sullivan inquired about how shrouding will be done to collect overspray and debris. Ms. Skalaski explained that tarps connected to floats, a debris boom in the intertidal area, and some scaffolding would be able to catch the vast majority of debris. A portion of the work will be done behind the sea wall. The applicant will submit a construction sequence plan with the finalized construction plans. The special conditions have been read by the applicant and there were no questions. Ms. Li confirmed that Harborwalk signage would remain intact during the project.

- **Motion made by V. Li and seconded by T. Pollak to issue an Order of Conditions with the added condition that Harborwalk signage be maintained and replaced if necessary (5/0/0 7:27pm).**
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**7:30 PM**

Notice of Intent for **DEP File No. 006-1322** from MassPort for the Greenway Connector Overlook project, Boston-Logan International Airport, East Boston (100-foot Buffer Zone to Coastal Bank).

Owner: MassPort

Representative: Thomas Ennis and Robert Leger, MassPort

Documents: Plans and renderings included with the NOI

Ms. Li noted that MassPort is a dues paying member of her employer, The Boston Harbor Association.

Ms. Krueel read a letter from AIR, Inc. in support of the project. The letter also indicated that they would like to see property ownership handled in a way to ensure that the Greenway and associated parcels would remain as open space in perpetuity.

Mr. Ennis described the existing conditions, the overall Greenway project and the Overlook in particular (the Overlook is the only portion of the project under the jurisdiction of the Massachusetts Wetland Protection Act). He addressed the ownership of the various parcels. On September 27<sup>th</sup> he presented the schematics to the public. Construction is scheduled to take place between Spring and Fall of 2013. On November 9, 2012 the Mayor held a "ribbon-cutting" type event to celebrate moving forward with the design process. Mr. Ennis specified that MassPort will have maintenance and policing responsibilities for the entire greenway regardless of property ownership as outlined in a Memorandum of Agreement. He described easements and property transfers that are planned to be executed. No drainage structures are

planned for the Overlook, the project will preserve as many trees as possible and will add approximately 12 trees and additional shrubbery that is native and drought resistant. Irrigation will be included for vegetation establishment. Hundreds of trees will be added along the entire Greenway. The project has a \$6M budget. The portion of the Greenway that will connect the Overlook to Constitution Beach (owned by DCR) will be executed by the City. The hours of the Overlook will be seasonal, open approximately dawn to dusk, and closed with locked gates to be operated by MassPort. Two call boxes with 24 hour video surveillance will be located along the Greenway path.

Ms. Li commended MassPort for creating and operating beautiful, well-maintained and admirable parks. Ms. Pollak added that MassPort had done an admiral job on executing a challenging connection that would be secure and inviting.

Mr. Sullivan expressed that he had major problems with the design of the Overlook in that BWSC had no access to the 20" sewer interceptor that lies parallel to the identified drain line. Mr. Ennis conveyed that the roadway could be reinforced to carry BWSC vehicles and the design could be altered to accommodate access for maintenance. All parties agreed to work together.

The applicant requested clarification on Special Condition #21.

- **Motion made by V. Li and seconded by T. Pollak to issue an Order of Conditions with the added condition that access be provided to BWSC to accommodate ongoing maintenance needs (5/0/0 7:55pm).**

#### **7:45 PM** *Updates and General Business*

- 2013 Public Meeting Schedule- The Commission reviewed and accepted the proposed 2013 meeting schedule.
- COC for DEP File No. 006-1009 Atlantic Wharf (Russia Wharf):
  - Ms. Krueel addressed the request for a Partial Certificate of Compliance for the above project and noted that all conditions had been fulfilled, as verified by a site visit with Daniel Padien of VHB and Jeff Lowenburg of Boston Properties on November 6, 2012, with the exception of condition #55 which calls for construction of a connection to the neighboring planned Water Transportation Dock. Ms. Li confirmed that all Harborwalk and wayfinding signage was functioning and asked the applicant to discuss the usage of the floating dock.
  - **Motion made by V. Li and seconded by S. Kunian to issue a Partial COC (5/0/0 8:10pm).**
- COC for DEP File No. 006-0639:
  - Ms. Krueel explained that a COC for the repair to steel grates that had been completed in 1995 was never requested, and MassPort, the applicant, was looking to tie up loose ends.
  - **Motion made by V. Li and seconded by T. Pollak to issue a COC (5/0/0 8:12pm).**
- Update on transfer of properties in Deforest and West/Austin Urban Wilds:
  - PFC will vote on 12/6, then the mayor will sign the transfer documents soon after.
- Adoption of meeting minutes: Minutes from the 10/17/12, 8/1/12, and 7/11/12 were reviewed.
  - **Motion made by V. Li and seconded by T. Pollak to adopt the 7/11/12 minutes as corrected (5/0/0)**
  - **Motion made by V. Li and seconded by T. Pollak to adopt the 8/1/12 minutes as written (5/0/0)**
  - **Motion made by V. Li and seconded by T. Pollak to adopt the 10/17/12 minutes as corrected (4/0/1, C. Button abstained)**
- **Motion made by V. Li and seconded by T. Pollak to adjourn the meeting (5/0/0 8:15pm)**

Respectfully submitted,

Stephanie Krueel  
Executive Secretary