

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

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

February 16, 2011

- Commissioners Present:** Vivien Li – Acting Chair, John Sullivan, Antonia Pollak, John Lewis
- Commissioners Not Present:** Charles Button, Jeanne McHallam, Stephen Kunian
- Staff Present:** Chris Busch, Executive Director
- Minutes:** Upon a motion by J. Sullivan and 2nd by J. Lewis the Minutes of the January 19, 2011 Public Hearing were approved (vote 4/0/0).
- 6:10 PM** Upon a motion by T. Pollak and 2nd by J. Lewis, for V. Li to serve as Acting Chair for the duration of the public meeting (vote 3/0/1).
- 6:15 PM** **Notice of Intent from the Friends of the Esplanade Playspace for the construction of a 20,000 square foot children’s play space involving the installation of manufactured play pieces, a combination poured in place rubber and engineered wood fiber surface, fencing, drainage connections, site grading and landscaping, The Esplanade, Charles River Reservation (100-foot Buffer Zone to Inland Bank).**
Owner: MA Department of Conservation and Recreation
Representatives: Daniel Padien, VHB; Tani Marinovich, FTEP; Rob Adams, Thompson Design, Jay Prouty Thompson Design
Documents: Project plans and details
- C. Busch requested that the proponent discuss coordination of construction with ongoing DCR Esplanade activities. D. Padien provided an overview of the project and location. The area currently is covered in pea stone and has been used for storage as well as vendors during events. The intent is to restore the half acre to park like condition by building a children’s playspace. Site is within the buffer zone, but outside of inland resource areas. Noted there will be some regrading and drainage and water quality improvements. After 1.5” of rain stormwater will enter existing DCR drainlines; no new impervious areas proposed. T. Pollak inquired as to play surface; J. Prouty responded half will be fybar and the other poured in place rubber. D. Padien noted existing runoff is directed offsite due to impervious nature of existing site; project will allow for infiltration up to first 0.5” of rain. J. Sullivan inquired as to where DCR will move truck staging areas; R. Adams responded that they have been working with DCR, however, they could not be present this evening. The community has been pressing DCR to improve area at Fiedler Bridge to serve more as a front door to the Esplanade, so a 50-foot setback has been provided from the multiuse path to provide first aid tents, vendors, info tents; DCR has agreed to move more back of house activities and equipment to areas behind the Hatchshell. T. Pollak asked if any trees will be removed; J. Prouty noted removal of three 3” caliper trees and adding two large shade trees and two additional trees. V. Li inquired as to funding status; T. Marinovich noted they have raised over half and should have 750k within the next 90 days and will receive additional funds this year and anticipate work to be complete this year.
- V. Li opened the hearing for additional questions from commissioners or staff. T. Pollak asked if there are any benches; J. Prouty noted there will be low granite seatwalls and five or six of the Shirtcliff benches. T. Marinovich noted there is programming planned for inner city kids and they will be working with the Esplanade Association. J. Prouty noted the staging and coordination goal is to have a contractor onboard by mid-March and break ground by mid-April. There will be one more public meeting. Plan on hard construction to June 20th and then to June 30th limited access and work only onsite. If project not complete by July 1st then site will be buttoned down and locked to prepare for 4th of July. Should only be minor surface work after the 4th. - a couple

months of construction. C. Busch inquired as to whether Landmarks approval has been given. J. Proudly noted that there is conceptual approval and there will be another meeting to review project and receive approval.

V. Li opened discussion to public. John Shields, Board of Esplanade Association, voiced approval of project in concept, still have some issues with the actual layout and types of materials used on the surface. Additionally, there has not been a delineation of the site and how far the site extends into the Esplanade. D. Padien provided a site plan and outlined the project limits. Noted that haybales will not be used, rather a filter sock will be installed along the perimeter. V. Li asked that a copy of the NOI be provided to Mr. Shields.

V. Li noted that a draft order is available for review. D. Padien raised issue with the erosion and sediment control requirements and the intent to use filter socks rather than haybale and silt fence. C. Busch noted that the special condition accommodates other E&S measure such as the filter socks. V. Li inquired as to whether the order references Landmarks review. C. Busch noted that he met with Landmarks Architect today to review project and requirements. V. Li inquired as to whether DCR had signed off on filing and aware of project. C. Busch referenced conditions in the Order, Special Condition 50 and 51 which note submittals from DCR on stormwater system. C. Busch noted that Special Condition 45 requires no removal of trees, however tree removal is proposed. Condition revised to read no net loss of trees.

Motion made by T. Pollak and seconded by J. Lewis to close the hearing, accept the draft Order with noted revisions, and issue an Order of Conditions for the project (voted 4/0/0).

6:30 PM

Notice of Intent from Boston Parks and Recreation Department for improvements to Barry Playground, including the construction of a new ball field and skate park, and associated fencing, lighting, pathways, site grading and irrigation system, as well as repairs to an existing seawall and replacement of a stormwater outfall, Medford Street, Charlestown, Little Mystic Channel (Coastal Bank, 100-foot Buffer Zone).

Owner: Boston Parks and Recreation Department

Representatives: Scott Dupuis, BPRD; William Koetteritz, H.K. Dodge Associates, Inc.

Documents: Plan sections as submitted in the project NOI

T. Pollak recuses herself from matter due to employment conflict. C. Busch noted that initially an RDA was filed for the project and the Commission issued a positive determination due to the project's proximity to the Little Mystic Channel and scope of work. The NOI also includes work on an adjacent seawall and replacement of a stormwater outfall. W. Koetteritz, notes the project is a renovation to an existing park and involves improvements to existing facilities. Comprehensive project overview provided of all work. Noted that after the RDA the drainage system was cleaned and the outlet to the channel could not be found. Due to the cleaning work the seawall work and drainage pipe replacement was added to the project scope. J. Sullivan inquired as to whether a site plan was submitted to BWSC in order to activate the waterline. Noted that the project does not yet have approval and BWSC will look for opportunities for infiltration. BWSC looks for upgrades to the whole system. C. Busch noted that water quality testing locations did not include the discharge location off of the park. J. Sullivan reiterated that the water pipe connection initiates review of the whole site. V. Li inquired as to why two soft ball fields are being consolidated into one and a skateboard park added. S. Dupuis noted the skate park is being moved from the Charlestown High School; and the two fields cannot be used at the same time, so there must be reduction to one field for games to be played. V. Li noted that skate park is adjacent to channel, an area which is currently grass, so more impervious surface will result. S. Dupuis confirmed there will be asphalt and concrete surface comprising approximately 3,000 s.f. Not an appreciable area for stormwater issues. V. Li inquired as to whether the skate park and ball field can be used at the same time. S. Dupuis noted that they are oriented so that activity can occur at both locations. V. Li inquired as to whether there is a Harborwalk connection from the field. S. Dupuis noted there is no connection of possibility for a connection right now until BRA provides passage under the Chelsea St. Bridge. A walkway does exist around the perimeter of the channel.

V. Li opens hearing to the public. Robert LaTremouille raised concern with water quality, specifically application of fertilizer on the fields. W. Koetteritz, noted there will be no fertilizer used in soil, only organic material; there will be erosion and sediment controls in place as well around basins while turf establishes. S. Dupuis noted fertilizer will only be used to establish the new grass and nothing beyond that initial usage. There will be no herbicides or pesticides used on the site.

V. Li asked when the work will start. S. Dupuis noted they hope to start this spring and complete work by spring of 2012.

V. Li opens hearing to discussion of Draft Order. S. Dupuis raised issue with Special Condition 38 on NPDES Construction General Permit. J. Sullivan noted that site is greater than an acre, so they will need a NPDES permit. Special Condition No. 40 on Long Term Stormwater Management Plan. C. Busch noted that a plan must be submitted as part of the states Stormwater Management Policy. Special Condition No. 51 S. Dupuis noted that Parks Department does not have set trash cans, so proposed that within the buffer that trash barrels be secured to the ground only. V. Li noted Special Condition 53 regarding maintenance and fertilizers should be revised to prohibit use of herbicides and pesticides and fertilizers used only for establishment of turf. Special Condition 52 regarding pet waste dispensers, S. Dupuis noted that Parks Department does not allow dogs onto parks, so should be struck. Parks Department does provide signage indicating dogs are prohibited and city ordinance states dog owners are responsible for cleaning up after dogs. V. Li requests revision to only reference signage. J. Sullivan noted that the Stormwater Checklist needs to be completed, specifically conditions 8, 9 and 10, prior to construction.

Motion made by J. Lewis and seconded by J. Sullivan to close the hearing, accept the draft Order as revised and issue an Order of Conditions for the project (voted 3/0/0, T. Pollak recused).

7:00 PM

Notice of Intent from Boston Autoport LLC, for the replacement of damaged fender piles at the Mystic Marine Fuel Facility, 101 Terminal Street, Charlestown, Little Mystic Channel (Land Under Ocean).

Applicant: Boston Autoport LLC - Leasee

Owner: Massachusetts Port Authority

Representatives: Dennis Kraez, Diversified Auto; Daniel Padien, VHB

Documents: Plan sections as submitted in the project NOI

V. Li notes that VHB and Boston Autoport are both dues paying members of her employer, TBHA. C. Busch notes that one aspect of the filing requests ongoing repair to piles and fender systems during the term of the Order, which is beyond the scope of work submitted in the project NOI. D. Padien provides a description of scope of work; notes that the work is necessary due to condition of piles at Mystic Marine Terminal. Noted that 6 to 10 piles last summer were damaged by a vessel and need to be replaced before the spring season. Furthermore the proponent would like the flexibility to continue to fix piles on an as need basis with notice provided to the Commission. Piles will be pulled and installed with a vibratory or impact driver. V. Li inquired as to when the damage occurred. D. Kraez noted that a large passenger vessel damaged the piles when refueling. Noted that a larger project is needed to repair the concrete support pilings under the pier. Currently less businesses along the waterfront to service marine operations, so space is at a premium. The increased vessel traffic will cause further damage to the pier and fender piles. J. Lewis noted the piles under the pier had previously been worked on. D. Kraez stated that the piles were jacketed in 1998. T. Pollak inquired as to whether there was any damage to the interior piles. D. Kraez noted the internal piles were not altered.

V. Li opens matter to the public – no public comment. V. Li raised matter of ongoing maintenance of piles and whether there is existing precedent for such work. C. Busch noted that some of the wharves in the north end have Orders that have open ended provisions to allow for ongoing repairs to seawalls and dock structures. D. Kraez noted that the longer repairs are delayed the more damage is done to existing, structurally sound members. J. Lewis referenced the Moran Terminal and Fish Pier. C. Busch noted the most recent examples of Burroughs and Union Wharf. V. Li inquired as to whether this covers only maintenance and whether the following filing for the support pier piles could cover work. J. Lewis notes that it is more of an ongoing maintenance issue. T. Pollak noted that she felt comfortable delegating to staff administrative approvals of pile replacement request.

V. Li opens discussion of Draft Order of Conditions. D. Padien notes that Special Condition 23 Long Term maintenance of stormwater system and the facility is owned by Massport. D. Kraez notes they have to comply with Massport's requirement. D. Padien also noted request sent to DMF for relief from the TOY.

- Motion made and seconded for an additional Special Condition allowing for Commission Staff to review requests for pile maintenance during the term of the Order.

Motion made by J. Lewis and seconded by J. Sullivan to close the hearing, accept the draft Order with additional Special Condition as revised and issue an Order of Conditions for the project (voted 4/0/0).

7:15 PM

Notice of Intent from Sterling Equipment for the removal of a sunken vessel located in the Reserved Channel, adjacent to the Cardinal Medeiros Pier, South Boston; and the removal of five additional vessels within Boston Inner Harbor in the vicinity of Jefferies Point, East Boston. (Designated Port Area, Land Under Ocean).

Applicant: Sterling Equipment

Owner: Commonwealth of Massachusetts

Representatives: John Keegan, SITEC

Documents: Plan sections as submitted in the project NOI

J. Keegan presented project scope and information provided in the NOI. C. Busch noted receipt of letter from DMF regarding the project and need to review later in hearing. J. Keegan reviewed salvage reports submitted to U.S. Coast Guard, who have no issue with the proposed work, and stated Massport, Nstar, the Lobstermen's Assoc. have all been notified of work. Location of electric cable in Reserved Channel was reviewed with Nstar. Barges will be held with spuds and scrap barge attached thereto. Cut and grab salvage operation, which Sterling has conducted on a number of occasions. There will be confirmatory dives conducted before removal of vessels and if hazardous materials are found no removal will occur until a plan is established. J. Lewis asked how divers survey for oil and hazardous materials. J. Keegan noted that gauges will be checked and tanks. J. Lewis asked how vessels sank. J. Keegan noted there is no reference documentation on sinking of vessels, but many of them went down in the 1990's. Not certain how Sterling determined where vessels are located. J. Sullivan asked how hazardous materials will be removed. J. Keegan noted a plan will have to be developed and approved by the Coast Guard. J. Lewis inquired as to where scrap will be landed. J. Keegan noted it could go to the Cashman Yard, to Chelsea Yard, or wherever the price of scrap metal is highest. V. Li inquired as to whether there is any government involvement. J. Keegan noted Massport is the only government entity and an indemnify agreement was established. C. Busch noted the vessel locations are within DPA's. V. Li inquired as to whether Sterling Equipment is Jay Cashman or Jamie Cashman. J. Keegan responded that it is the same. V. Li notes Sterling Equipment is a dues paying member of her employer, TBHA. J. Sullivan noted that it seems backward that approval would be granted for such work without doing confirmatory dives to determine presence of hazardous materials. It would be best to see a complete package which includes what is on vessels and containment measures. J. Keegan reiterated that it is cut and grab, so they are not reaching beneath vessel and causing substantial disturbance. Referenced Sterling agreed to use silt curtains if required. J. Sullivan noted he does not have problems with removal of the barges if there is no fuel present. J. Keegan noted they want to get barge out of Reserved Channel due to cruise ship activity starting in the spring. There are three barges and the rest are vessels. V. Li proposed moving forward with the three barges and waiting for more information on the others. J. Lewis suggests containment with silt curtains and booms as well. V. Li opens hearing to the public – no public comment. V. Li summarizes that the commission does not have issue with the three barges, however, the vessels may have hazardous materials and more information is needed. T. Pollak noted someone needs to come back before the Commission with documentation on what is on vessels and pollution prevention plan.

- Motion made and seconded for a Special Condition to allow for work on the three barges provided the proponent receives approval from DMF to work during the TOY, and report back to the commission after the other three vessels have been assessed for hazardous materials and provide pollution prevention plans to contain said materials.

Motion made by T. Pollak and seconded by J. Lewis to close the hearing, accept the draft Order with an additional Special Condition and issue an Order of Conditions for the project (voted 4/0/0).

7:40 Notice of Intent from the Boston Public Works Department for repairs to the Long Island Bridge, involving localized repairs to the steel superstructure and deck, Boston Harbor (100-foot Buffer Zone to Coastal Bank).

Applicant: Boston Public Works Department

Owner: City of Boston

Representatives: Robert Rottenbucher, P.E.

Documents: Plan sections as submitted in the project NOI

C. Busch noted that a similar project was permitted by the Commission in 2008, and that the proposed work is the next phase. V. Li inquired as to whether permit conditions were followed. C. Busch noted that project was in compliance. R. Rottenbucher noted that it is the same work only in different locations, and there is lead on the bridge that needs to be removed. Same specifications will be followed and the specs are MassDOT specs. Much of work is spot work on the bridge, with small areas of repair. On the Boston side the work is strictly steel repair; on the Quincy side of the Bridge there will be approach work done on the road and placement of some riprap to repair areas of scour. V. Li inquired about lead containment. R. Rottenbucher noted that there is a consultant onsite to ensure the containment specifications are followed, and lead work occurs in full encapsulation. J. Sullivan noted the fire protection and water line is attached to the bridge and inquired as to whether there are provisions if water is interrupted. R. Rottenbucher noted that work is occurring largely below the bridge and the waterline is on the side of bridge. If there is damage it will be repaired immediately. When completed the bridge will be stronger and have a 10 ton rating. V. Li asked how long work will take and whether there will be conflicts with Camp Harborview during the summer. R. Rottenbucher noted that it will take one construction season and that work will be coordinated with the camp transportation schedule. V. Li opened hearing to public comment – no comment from the public.

Motion made by T. Pollak and seconded by J. Lewis to close the hearing, accept the draft Order and issue an Order of Conditions for the project (voted 4/0/0).

7:55 PM Update from the Massachusetts Department of Transportation on Order of Conditions DEP File No. 006-0647, issued for the construction of a water transportation docking facility adjacent to 500 Atlantic Avenue and Russia Wharf, Fort Point Channel, Boston.

Continued from the December 1, 2010 Public Hearing

Applicant: Massachusetts Department of Transportation

Owner: Commonwealth of Massachusetts

Representatives: Ronald Killian

Documents: Plan sections as submitted in the project NOI

C. Busch provided history of the filing and noted that the Commission requested at the December 1st hearing that R. Killian meet with the Public Works Department and Richard McGuinness, Deputy Director of Waterfront Planning for the Boston Redevelopment Authority, to review the disposition of the Congress Street Bridge. R. Killian noted the existing Northern Ave. Bridge and its elevation limit passenger vessel traffic. In September MassDOT approved \$2 million for the City of Boston to begin design work to raise the bridge. Waiting for Federal Highway to sign off on the application and then money will be transferred to the city. V. Li inquired about design drawings for the water transportation facility. R. Killian stated that he did not have the facility drawings with him, however they are almost at 100%, but not yet bid documents. C. Busch noted a plan set from 2005 is currently in the file. R. Killian noted that that plan is the most recent. V. Li referenced the new Harborline exemption that has allowed for numerous land owners along the Fort Point Channel to construct required public access amenities and dock structures. R. Killian noted that there is not a date yet for construction. V. Li noted that the dock is part of a mitigation requirement and a better sense of when the facility will be constructed should be provided. R. Killian stated that it would not be constructed within the next year, or likely the year after that and cannot provide any more definitive time frames.

V. Li opens hearing to public comment. Representative from the Intercontinental Hotel (ICH) noted that there has been an attempt to have a water transportation connection to South Station and inquired about the Northern Ave. Bridge. R. Killian provided background on N. Ave Bridge and limitations. ICH noted that there are floating dock systems in place and a kiosk for a water transportation system and public bathrooms and no functionality due to lack of consistent ferry service. There is the airport shuttle which is serving as a bandaid to the issue. V. Li noted that

there is a new dock at 470 that is being constructed which provides another site, along with Atlantic Wharf and Gillette. Clear that the Fort Point Channel Waterfront Plan that there are a number of transit facilities to be constructed and the lack of a CA/T dock creates a gap in the dock system. Jeff Lowenberg of Boston Properties spoke to the upgrades at Atlantic Wharf and supports all efforts to activate the watersheet. Provided summation of dock and waterside specifications and uses of new docks at Atlantic Wharf. Fort Point Channel resident spoke to ferries that are using boats for tours and gaining access under the N. Ave. Bridge. T. Pollak asked who at MassDOT is involved with water transportation. R. Killian noted there is no one person, but Ned Codd is working on water trans planning. J. Sullivan noted that the structure should be built as ferry services can develop and design boats to reach the facility. Reiterated that there is an obligation to build the facility regardless of ferry service or access to the facility. FPC Resident noted the CA/T dock is necessary to provide ADA access to all the other dock systems on that side of the Fort Point Channel. V. Li reiterates project history and noted that the matter needs to be continued. T. Pollak noted that the Public Works representative for bridges be present at the next update. V. Li raised a quarterly update from MassDOT and Commission discussed leverage to move MassDOT to start on bridge. T. Pollak inquired as to provision of schedules and funding schedule for the structure at the next update. V. Li raised update for an April hearing where design status will be provided. R. Killian noted that the 2005 design is the most recent design for the project. V. Li makes motion to continue to an April hearing with MassDOT staff and rep from Public Works.

Motion made by J. Lewis and seconded by T. Pollak to continue review of the project (voted 4/0/0).

7:55 Updates and General Business:

Staff report on an Emergency Certificate issued to the Massachusetts Bay Transportation Authority for repairs to an MBTA Fairmont Line railroad bridge pier, Neponset River, Hyde Park.

C. Busch noted that he received a call from Holly Palmgren, MBTA Environmental Project Manager, regarding a degrading rail road bridge pier, part of the Fairmont Line, within the Neponset River. Removal of the pier is already permitted under a separate Order of Conditions issued to the MBTA, however, shoring work of the structure is necessary to maintain train traffic until the contract is active later this year. C. Button was notified of the Emergency Certificate request and the certificate was issued on February 11th, and will expire on March 11, 2011.

Motion made by J. Lewis and 2nd by T. Pollak to adjourn the public meeting (voted 4/0/0).