

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

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

April 6, 2011

Commissioners Present: Vivien Li, Antonia Pollak, John Lewis, John Sullivan, Stephen Kunian

Commissioners Not Present: Charles Button, Jeanne McHallam

Staff Present: Chris Busch, Executive Director

6:08 PM Motion made by S. Kunian and seconded by A. Pollak to have V. Li serve as Acting Chairperson, (voted 4/0/0)

6:10 PM Notice of Intent from Commercial Wharf East Condominium Association for the in-kind replacement of a water main within paved areas along the north and east side of the wharf, 84 Atlantic Avenue, Boston Inner Harbor (Land Subject to Coastal Storm Flowage, 100-foot Buffer Zone to Coastal Bank). *Continued from the March 2, 2011 Public Hearing*

Owner: Commercial Wharf East Condominium Association

Representatives: Michael Carney, Seacoast Engineers; Joseph Collins, CWECA

Documents: Project plans and details as provided in the project Notice of Intent; photos and documents associated with southside Harborwalk

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

J. Collins – Trustee of CWECA, would like to review three subjects related to the filing. Reason for filing is failures in water pipe around the wharf; at some point there will be a systemic failure and would like to have all the documents in place to deal with the water main when it begins to fail. Currently receiving permits from other agencies and departments as well. Secondly, the southside Harborwalk is to be constructed by others. Documents on Harborwalk and agreements were provided to the Commission. After Mass DEP Minor Modification to other party was issued CWECA believe work was to start immediately, so CWECA had work done, which was approved by the Commission in advance of such work. CWECA also entered into a contract with the other party to allow the attachment of a Harborwalk to CWECA property; granted an easement for the Harborwalk; and agreed to maintain the Harborwalk in perpetuity. The party has also provided money for construction of the Harborwalk. Harborwalk has not been built to date due to the lack of an easement from a third property owner, Boston Boat Basin, owner of Boston Yacht Haven. The owner has been before the Commission, yet there has been no action by the Commission requiring an easement. Thirdly there is the northside of the wharf, where CWECA has agreed to the development of a Harborwalk on the northside. There has been some question by the Commission as to compliance regarding signage. Photos are provided of five signs installed on the property in compliance with the Commission's prior requirements. CWECA is open to additional signage. The gate on the northside has been designed and installed in accordance with the Commission's demands. An asphalt berm was also constructed to ensure stormwater pitches back to stormwater infrastructure.

M. Carney – reviewed prior work on the site including pier reconstruction, installation of stormwater infrastructure and parking lot paving. Question regarding gate to Barnacle Marine; the structure needs to come down as it was condemned by ISD.

S. Kunian – Issue Commission has is cars encroaching over the car stops.

J. Collins – CWECA required to run the property as it was in 1972; traffic patterns and parking spaces cannot change. Based upon prior permit CWECA painted a line 4.5' back from fence line. Attempted to move back farther however vehicles will end up in the fire lane. Vehicles have been moved as much as they can given what CWECA needs to comply with regard to court requirements.

S. Kunian – Looking for something along the berm to prevent car encroachments. Would like to see something along the top of the car stops, so it is a bumper berm rather than a tire berm.

J. Collins – will look into what can be done.

S. Kunian – Is there anything that can be done to advance the southside Harborwalk?

C. Busch – I did speak with Mr. Freeman's consultant today and he confirmed an easement is what is needed for things to develop at this point.

V. Li – Confirm that CWECA is not in the way of the development of the southside Harborwalk?

C. Busch – Documentation has been provided.

V. Li – We agree on two more signs on the wharf?

V. Li – Any other comments from the Commission – no comments

V. Li – Open discussion to the public.

P. Pulizter – From Lawson and Weitzen, representing Buk Lu an abutter. Have concerns regarding project, specifically the final grade for the parking area and where Harborwalk would be constructed there. Prior paving has created a hardship for client as gate cannot be opened. We request the Commission include a condition to maintain grades on the subject site.

Buk Lu – During prior work there was no discussion of final grades, so when last paved the elevation of the asphalt made it impossible to open the gate. Who ever constructed the last fence on the northside welded rebar to the gate; the welding was not conducted by myself. Would like to know finished grade and whether gate will be able to be open.

M. Carney – Plans for the paving in 2005 were approved by ISD and the Commission signed off on a Certificate of Compliance for the work.

S. Kunian – Is there any reason why the abutter's engineer can be consulted on this matter?

M. Carney – The gate will not open because it has sagged and settled.

B. Lu – The gate has not sagged.

J. Sullivan – This filing is about the replacement of a water main and to ensure project is conditioned appropriately. Adjacent grades are not material to the filing.

V. Li – How long will it take for the work to occur? Will it be completed during the three year term of the Order?

J. Collins – We will wait until there is a catastrophic break in the main. If there is a minor break it is not cost effective to fix the line.

V. Li – How long would the replacement take?

M. Carney – Will take two to three months.

J. Sullivan – Approval is good only for one year from the date on the stamped plan. Beyond that you will need to file for an Emergency Certificate. Confused as to why the Commission needs to vote on the matter now when plans may not be valid at time of repair. Should file an NOI after an Emergency Cert is issued if CWECA is going to wait. Odd that work is not being done now.

J. Collins – CWECA has plan set so that repairs can be made immediately when the time comes.

S. Kunian – How much to replace the pipe.

M. Carney – roughly 300k

J. Sullivan – Do we have a signed set of plans.

C. Busch – Signed stamped set of plans have been submitted.

V. Li – Motion: CWECA has signed an agreement for the construction of the southside Harborwalk; CWECA will install an additional two Harborwalk signs and maintain them in perpetuity; bumper guards will be installed on northside; and, no changes in grade at the subject site.

- **Motion made by T. Pollak and seconded by J. Lewis to end the hearing, accept the draft Order, and issue an Order of Conditions, (voted 5/0/0)**

6:55 PM Notice of Intent from the Massachusetts Port Authority for the Green Bus Depot Project, involving construction of a 72,800 square foot building, a bus fueling station, installation of below grade fuel tanks, paving of bus circulation areas, site landscaping and utilities, installation of a stormwater management system and reconstruction of a stormwater outfall, North Service Area of Logan International Airport, East Boston, Boston Harbor (Coastal Bank, 100-foot Buffer Zone). *Continued from the March 23, 2011 Public Hearing*

Owner: Massachusetts Port Authority

Representatives: James Stolecki, Massport; Chris Hanlen, Massport, Cathy Shaffer, AECOM

Documents: Project plans and details as provided in the project Notice of Intent; revised site plans and stormwater management plan.

V. Li – Initial comments from staff?

C. Busch – This matter was continued due to some outstanding issues with the stormwater management plan; the Commission also took issue with the location of the fence along the top of bank; and there is the matter regarding public access through the subject property and the Commission's interest in having Massport meet with area residents and electeds regarding access. Revised plans have been submitted to address the first two matters.

J. Stolecki – Reviewed basic parameters of project and revisions to the stormwater management plan to meet total suspended sediment standards and site plan which locates the perimeter fence 2' back from the top of the coastal bank. Setback will allow for the removal of debris along the top of bank. Massport has also met with the community and community representatives regarding access and discussions are ongoing.

S. Kunian – My law firm has represented Massport in the past, however, there is not a conflict on this matter so I intend to vote on this matter.

V. Li – The Commission will first review the first two matters and then move on to issues related to the community's concerns. Any questions from the Commission on the first two matters?

J. Sullivan – What is the elevation of the swale drain line? Is it set above high-high water mark; will it work at high tide?

J. Stolecki – The pipe is 6-8" above the high tide elevation.

J. Sullivan – Elevation of the pipe is consistent with the 100-year flood elevation based upon the FEMA map. Need to know what the final elevation is. Need to figure out what the high tide is and whether the system will work.

S. Kunian – Left with the impression that Commissioner Sullivan's question is being answered. I'd like Massport to come back to ensure concerns are addressed.

V. Li – The revised plan from Monday, was it available to the Commission? Commission did not get the final plan for review.

J. Sullivan – Are there gates along the fence on the top of the bank to access the area?

J. Stolecki – Area will be accessed from the sides of property, there will be no gates.

T. Pollak – The access issue has been framed as security measure, however you can access the property at this time from the north?

J. Stolecki – Conceivable someone could walk along the bank and onto the property at this time. The proposed plan will include a complete perimeter fence.

V. Li – Opens hearing to public.

Sal Lamattina – City Councilor, thanks to the Commission for raising the access issue. I support the Green Bus Depot, but look to the Commission to include a proviso requiring an access pathway that will connect Constitution Beach to the Bremen Street Park. There is an opportunity now to complete the East Boston Greenway. Have worked well with Massport in the past on Piers Park and Bremen Street Park and look to work with Massport to develop this missing section of the Greenway. I also speak for the representative and senator as well this evening.

S. Kunian – I'd like to see the Greenway proposal. We also have a list of signatures opposing the pathway.

S. Lamattina – I have seen this. With every green space and park that has been constructed in East Boston there has been opposition. Majority of people support an access path.

Alison Snow – East Boston resident, live adjacent to where the project is located. Not opposed to project, but have concerns as to what type of security will be in place as the area is remote. There could be issues with noise and trash unless the greenway is secured.

Patricia Schneider – Boston Architect and a consultant to the Boston Natural Areas Network. Have been meeting with organizations and community meetings providing an access plan. Concerns with abutters is common and consistent with other projects, however, statistically the opposite has proven to be true; security has increased with access. Area police have also noted that it will make the area easier to patrol. Met with Massport earlier this week and discussed their security concerns. It is complex but open space and security can be addressed together; ask that it be part of the design mandate for the project.

Gail Miller – Friends of Belle Isle Marsh – have reviewed the petition in opposition, however, most signatures come from areas away from the project site. Would want an access way secured dawn to dusk. Welcomed the dialogue with Massport with Monday and am optimistic.

Aaron Toffler – Air Inc., security is important and discussed with Massport meeting on Monday. The area in question however, has been open since 9/11. The community would prefer to have access along the water, which was initially the access plan. This is an area within the Commission's jurisdiction. Without the Commission pushing dialogue the discussion of the access topic may cease.

S. Kunian – Can we continue this matter to further discussion?

Lowell Richard – Massport Development Office, I would like to address the issues raised. Project in planning stages for a long time and issues raised in ENF; the secretary determined these matters were not worthy of consideration under the MEPA process. All of the graphics showing access pathway indicate that the preferred location is along the MBTA tracks, outside the Commission's jurisdiction. Today we learned that the preferred option is along the water, which is within the Commission's jurisdiction, however the Commission cannot require work or projects. Massport and the CEO have committed to continued discussion on access. There are serious security concerns with both routes: aviation security is one matter and area along the MBTA is another problem area. Massport will investigate options and discuss our security concerns as well. Factually correct that area is accessible now, but planned to have area secured in future and a secured facility. Facilities around depot are also security concerns. We would ask that the hearing be closed or denied today. Would be happy to have additional conditions specific to the drain elevation as part of the Order.

V. Li – Is this the last permit needed and is funding available and when would construction start?

L. Richards – It is the last permit, funding is in place and we need to start work this summer in coordination with the development of the CONRAC facility.

S. Kunian – Will a two week continuance be a problem for the project.

L. Richards – Will not be a problem however there will be no material changes during that time. Also respectfully look for the Commission to consider their jurisdiction in this matter. Area is highly sensitive security concern. Commit to a process for further discussion, but will not commit to a specific outcome.

S. Kunian – The one thing that tends to increase security is the public and public access. When considering security should look as access as enhancing security.

L. Richards – Understand that it was previously stated that there is close public access at Washington D.C. airport and Baltimore, however, security at these airports view such access as a nightmare.

T. Pollak – My concern is Massport comes before the Commission asking to fill the Harbor and still will not provide waterside access. Understand security concerns, but this is a bus depot. What the community is asking for is their right and Massport should respond. I will not vote on this matter tonight.

J. Sullivan – Which pathway are we looking at?

S. Lamattina – The waterfront has always been the preferred option. The design that is point of focus now passes through the buffer.

Alison Snow – Massport needs to be more transparent with its plans for projects.

V. Li – Do we want to continue?

S. Sullivan – Do we have the authority to require a greenway? Is it in our interests to deny or appeal?

C. Busch – Do not have the authority and a denial will take the matter to the state.

S. Kunian – I would vote in favor of the Order, however, there must be a good faith effort to continue the community process and resolve the matter.

V. Li – Can vote tonight or to continue.

T. Pollak – Motion made to continue, with something in writing on the stormwater infrastructure elevations and an update on community process. Seconded by S. Kunian

- **Motion made by T. Pollak and seconded by S. Kunian to continue the hearing until the April 20, 2011 public hearing (voted 5/0/0)**

8:00 PM Notice of Intent from Charlestown Maritime Center, LLC, for the restoration of a steel bulkhead, placement of fill, site grading and stormwater management improvements, at 200 Terminal Street, Charlestown, Mystic River (Designated Port Area, Land Under Ocean, Land Subject to Coastal Storm Flowage, Coastal Bank, Coastal Beach, Riverfront Area).

Owner: Charlestown Maritime Center, LLC

Representatives: Jamy Madeja, Esq.; Richard Salvo, Engineering Alliance; Michael Rauseo, CMC, Mary Rimmer, Rimmer Environmental Consulting, LLC

Documents: Project plans and details as provided in the project Notice of Intent

V. Li – Initial comments from staff?

C. Busch – Did conduct a site visit earlier in the week. No issues to discuss regarding existing conditions or proposal, however, the Commission will need to make a finding as part of its review of the matter as they are filling a resource area.

J. Madeja – Provided an overview of the scope of project and existing conditions.

R. Salvo – Discussed the site plan, proposed work and stormwater infrastructure. Two catch basins will be installed as well as a water quality unit and drain to an existing outfall. Erosion and sediment controls will be installed and a boom on the waterside to contain and limit turbidity. Slight plan revision with the paving of an existing grass area to allow for waterside access and berthing.

J. Madeja – Work will not occur on existing seawalls; only installation of sheet pile wall connecting existing wall sections.

V. Li – Questions by the commissioners?

J. Sullivan – The piling will be installed landward of the existing wall?

R. Salvo – Yes landward and remove top half of the existing sheeting as the bottom is still serving to hold material.

J. Sullivan – There are existing basins on the plan, does that go into stormceptor?

R. Salvo – The basins are not connected, but could be. The new basins and Stormceptor are design for the new paved area. The existing basins do not serve much of an area and are at high points.

J. Lewis – What will site be used for?

J. Madeja – Intended for material use and laydown; will be a maritime dockage area.

V. Li – Questions from the general public – no comment

V. Li – Comment on the draft Order?

- C. Busch – Filling a resource area, so we need to make a determination on significance of area to marine fisheries. Do not know how it could be significant given condition of the area and existing sheet pile wall.
- M. Rimmer – Existing wall does serve as a limiting factor for fish species to utilize the area.
- S. Kunian – Motion that area is not significant to marine fisheries and approve the draft Order.

- **Motion made by S. Kunian and seconded by T. Pollak to end the hearing, accept the draft Order as amended, and issue an Order of Conditions, (voted 5/0/0)**

8:15 PM Notice of Intent from Boston Parks and Recreation Department for the repair of damaged sections of pathways and cobblestone waterways around Jamaica Pond, Perkins Street and Francis Parkman Drive, Jamaica Plain (Inland Bank, Land Under Water, Bordering Land Subject to Flooding, 100-foot Buffer Zone).

Owner: Boston Parks and Recreation Department

Representatives: Liza Meyers, BPRD; Scott Lambert, CDM

Documents: Project plans and details as provided in the project Notice of Intent

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

V. Li – Initial comments from staff?

C. Busch – No initial comments

L. Meyers – Provided overview of project location and scope. Funds for work provide by FEMA do to damage caused by last year's storms. Erosion is the primary issue that needs to be repaired.

S. Lambert – Highlighted areas of plans represent where work will occur. Some riprap will go in at end of water features to limit future erosion.

S. Kunian – How will debris be prevented from entering the water and will any trees be removed?

S. Lambert – Straw wattles will be installed to prevent debris and no trees will be altered. No storage of materials on site.

S. Sullivan – How long will it take for stone dust to setup.

S. Lambert – The stonedust stabilizer sets up within 24-hours, so material should not migrate off site and hay bales will be removed within a weeks time.

S. Sullivan – Are there mutt-mitt stations in the area?

L. Meyers – Will look into dog bags.

V. Li – Public comment – no comment.

S. Kunian – Moves to accept draft order as written.

- **Motion made by S. Kunian and seconded by J. Lewis to end the hearing, accept the draft Order and issue an Order of Conditions, (voted 4/0/1 T. Pollak recusal)**

8:25 PM Notice of Intent from Charles River Canoe and Kayak for improvements to their Soldiers Field Road facility, including construction of a permeable pavement boat trailer area, temporary board walk paths and storage shed, expansion of a boat loading dock, relocation of boat racks, the installation of boat rollers, stormwater management improvements and landscaping, at 1100 Soldiers Field Road, Brighton, Charles River (Riverfront Area, Bordering Land Subject to Flooding, Land Under Waterways, Inland Bank, 100-foot Buffer Zone).

Owner: Charles River Canoe & Kayak

Representatives: Rick Corsi, DCR; Dave Jacques, CRCK, Larry Smith, CRCK, Paul Finger, Paul Finger, Assoc.

Documents: Project plans and details as provided in the project Notice of Intent

V. Li – For the record the MA DCR is a dues paying member of my employer The Boston Harbor Association.

V. Li – Initial staff comments?

C. Busch – Have worked closely with the proponent on the design plan and various options. I believe what is before the commission is the best plan to facilitate use of the area and protect wetland resource areas.

P. Finger – Provided an overview of the project, location and existing conditions. Whole site will be reorganized to facilitate access by the public and boats. There will be some new temporary structures including racks, a shelter and kiosks. Most of the activities have been pulled back from the 25-foot riverfront area and additional plantings are proposed. Pathways and decking allow for infiltration of stormwater. Minor grading that was initially proposed has been dropped from the plan, so no alteration within the flood plain.

V. Li – Are the structures seasonal.

P. Finger – Structures will remain but are not winterized and will be used seasonally. Structures will not be water tight and will allow for flood waters to infiltrate.

S. Kunian – Support what is being done, but should give consideration to architectural details and have them consistent with area boat houses.

D. Jacques – That is exactly what is being done.

T. Pollak – Any geese control in area?

R. Corsi – Control measures along the river, but not within the exact area.

V. Li – Public Comment – no comment.

C. Busch – Comments on draft Order.

D. Jacques – Concern over condition 46 which requires 30 day notification. Question as to whether it could be 10 days.

C. Busch – Not a problem.

V. Li – so amended.

- **Motion made by S. Kunian and seconded by J. Lewis to end the hearing, accept the draft Order as amended and issue an Order of Conditions, (voted 5/0/0)**

8:40 PM Notice of Intent from Venezia Real Estate LLC for the maintenance of a timber pier system supporting the Venezia Restaurant, repairs to an existing seawall, and the removal of a failed pier and its partial reconstruction, at 0-24 Ericsson Street, Port Norfolk, Dorchester, Neponset River (Land Under Ocean).

Owner: Venezia Real Estate, LLC

Representatives: Mike Carney, Seacoast Contractors; Ralph Bruno, VRE.

Documents: Project plans and details as provided in the project Notice of Intent

V. Li – Childs Engineering is a dues paying member of my employer The Boston Harbor Association

V. Li – Initial comments from staff?

C. Busch – Did visit the site earlier in the week and the Harborwalk is in acceptable condition. Dilapidated pier section was also observed.

M. Carney – Provided project overview, specific work to occur, construction methodology and discussed project plans.

J. Sullivan – Can public walk all around subject site.

M. Carney – Can walk all the way up to the marina gate.

J. Sullivan – When will work occur and when will it happen?

C. Busch – Time of year restriction in place and part of Order.

M. Carney – Work will commence immediately.

V. Li – Submits letter of support from Councilor Feeney to the record.

V. Li – Questions on the draft Order.

V. Li – Motion: condition on Harborwalk signage, consistent with Harborwalk signage requirements of BRA.

- **Motion made by J. Lewis and seconded by J. Sullivan to end the hearing, accept the draft Order as amended and issue an Order of Conditions, (voted 4/0/1, S. Kunian recused)**

8:50 PM Enforcement Order issued to Cedar Grove Cemetery for work conducted in areas subject to protection under the Wetlands Protection Act without a valid Order of Conditions, 920 Adams Street, Dorchester. Continued from the December 15, 2010 Public Hearing

Owner: Cedar Grove Cemetery

Representatives: David Crispin, BSC Group; Alan White CGC

Documents: Project plans and details as provided in the required enforcement survey plan

V. Li – BSC Group is a dues paying member of my employer The Boston Harbor Association.

V. Li – Staff comments regarding matter?

C. Busch – To provide some background the Enforcement Order was issued for the unauthorized construction of a landscape berm with a flood zone. Had an initial meeting last fall and required the proponent to hire a survey to determine if, given site grades, whether flood waters could enter the subject property, and if so whether the fill would result in the lateral displacement of flood waters onto adjacent properties.

D. Crispin – Provided overview of site location and site history. FEMA noted flood elevation at 10.6 and they did fill in flood plain. Question of what type of flood zone is present: Bordering Land Subject to Flooding or Land Subject

to Coastal Storm Flowage. Submit it is LSCSF base upon the FEMA Flood Study Report, which notes the area floods from Dorchester Bay. Also numbers run on displacement of flood waters and found minimal displacement at a de minimus level (5,000th of an inch increase in elevation). The most significant thing that needs to be done is better stabilization of the berm, which the cemetery will do.

J. Sullivan – There is also an old chain link fence that is degraded and needs to be replaced.

A. White – Cemetery will replace problem sections.

T. Pollak – Would like to encourage cleanup of debris.

J. Sullivan – Discussed flooding issues related to stormwater infrastructure adjacent to site. Concur that the size of the marsh provides enough capacity to deal with any displacement.

J. Sullivan – I would like to see yearly cleanup of berm.

V. Li – Motion to conduct yearly cleanup, replacement of sections of fence, removal of existing debris and stabilization of the berm.

- **Motion made by T. Pollak seconded by J. Lewis to end the hearing, accept the survey report and resolve the Enforcement Order, (voted 5/0/0)**

9:05 PM Public Meeting

Request from Boston Properties for the Commission to review a structural alteration to the Atlantic Wharf Project, subject to Order of Conditions DEP File No. 006-1009, as a minor alteration and not subject to further Commission review.

Owner: Boston Properties

Representatives: Daniel Padien, VHB; Jeff Rotenberger, Boston Properties

Documents: Project plans and details

D. Padien – Presented a review an alteration of location of the public restrooms and to the foot-print of the building; location information provided. Approximately 500 s.f. addition is proposed to house the public restrooms, to allow for more efficient use of the restaurant. Public can access the bathrooms from the interior or exterior of the building.

T. Pollak – How is it staffed?

J. Rotenberger – Bathrooms accessed from inside and outside and staffed.

D. Padien – reviewed means of access to the building.

T. Pollak – Any drainage under the location?

D. Padien – No, a trench drain is located close to the new structure.

V. Li – Walked the subject site today and have several concerns: no public signage to direct people to the Public Square; universal signage will be needed when bathrooms are complete; bathrooms open 24 hours; and, a signage marker outside the Town Square to direct people.

T. Pollak – Why open 24 hours?

V. Li – Other locations along the Harborwalk have 24 hour access.

J. Rottenberger – Have committed in the Chapter 91 Maintenance Plan to have restrooms open from 7 a.m. to 10 p.m.

V. Li – That is fine. Lets approve with the noted conditions including signage.

- **Motion made by T. Pollak seconded by J. Lewis to grant administrative approval of the proposed work with the noted conditions (voted 5/0/0)**

9:15 PM Motion made by T. Pollak and seconded by J. Lewis to adjourn the public meeting (voted 5/0/0).