

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

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

**August 3, 2011**

**Commissioners Present:** Charles Button - Chairman, Antonia Pollak, John Lewis, Jeanne McHallam

**Commissioners Not Present:** John Sullivan, Vivien Li, Stephen Kunian

**Staff Present:** Chris Busch, Executive Director

**6:08 PM Notice of Intent from Sterling Suffolk Racecourse LLC, for the Suffolk Downs Stabling Area and Racecourse Stormwater Improvements, involving the construction of a process wastewater management system including process water drains, sand filters, a retention pond and pump station, 111 Waldemar Avenue, East Boston, Sales Creek (Bordering Land Subject to Flooding, Riverfront Area, 100-foot Buffer Zone).**

Owner: Sterling Suffolk Racecourse LLC

Representatives: Chip Tuttle, SSR; Sean Reardon, Tetrattech

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

C. Button – Any initial staff comments?

C. Busch – This matter has been continued from the last hearing. The Commission had reviewed the matter in full and was ready to vote on the draft order, however, the proponent's attorneys needed to review the draft conditions. There have been a number of draft revisions that have gone back and forth and we now have a draft order that is acceptable to the proponent with the exception of one condition which we can discuss this evening. I do not believe all of the commissioners present this evening were at the last hearing, so I would like to request that the proponent provide a brief summation of the project.

S. Reardon – Provided project location information. Project is developing a system that takes runoff from the stable area, which is considered by EPA to be process waste water and directs it to a holding pond on the Revere side of the property. Effluent will then be pumped by a force main to Boston Water and Sewer infrastructure. The drainage system will be segregated so that roof runoff can be directed to Sales Creek. Aspects in Boston are installation of force mains, filling of area outside resource areas within the infield of the racecourse and installation of sand infiltration BMP's. Mitigation measures such as erosion and sediment controls and silt curtains will be employed. There will be regrading in the flood plain which will result in a net gain of approximately 5,000 cubic yards of storage volume.

C. Button – Did Commissioner Sullivan review the connection to the BWSC system?

S. Reardon – Yes, BWSC has approved of the connection.

C. Busch – I did receive a comment letter from the Friends of Belle Isle Marsh on the project. The letter notes that the organization applauds the efforts by Suffolk Downs to improve water quality, but has some concerns regarding the newly created pond within the infield of the track and its capacity to handle heavy stormwater flows. The organization requests a baseline water quality testing be done at the end of the project and testing twice a year thereafter.

S. Reardon – There is testing being done as required by EPA.

C. Button – Any further questions?

J. McHallam – What is the condition the proponent has issue with?

C. Busch – Special Condition number 26, reads "the Commission reserves the right to impose additional conditions". The proponent would like it to read, "The Commission reserves the right to seek to impose additional conditions." The Commission has preferred to reserve that right to impose conditions if need be. I believe the only time we have invoked the condition is when there are extension permits being issued.

S. Reardon – I think the attorney is looking for a dialogue prior to imposing a new condition.

C. Button – That has been the practice, but this has been a standard condition for some time.

S. Reardon – At this point in time we would defer to the Commission on the matter.

C. Button – Is there a motion?

J. McHallam – Motion: I move the draft Order of Conditions.  
A. Pollak – Second.

- **Motion made by J. McHallam and seconded by T. Pollak to issue an Order of Conditions for the project and close the hearing (voted 4/0/0)**

**6:15 PM Request from City of Boston for a modification to Order of Conditions DEP File No. 006-1273 involving the expansion of a Soft Shell Clam Pilot Project to Bayswater Street in East Boston and Malibu Beach in Dorchester, Boston Harbor (Coastal Beach).**  
Owner: Thompson Island  
Representatives: Abi Vladeck, Mayor's Office  
Documents: Project plans and details as provided in the project Notice of Intent

C. Button – Project proponents?

C. Busch – We have no proponents before us this evening. The Division of Marine Fisheries and City of Boston have asked to withdraw the modification request. I believe there was some issue with notification of the property owners. The proponents may be back after they contact Massport and the DCR.

**6:18 PM Motion made by T. Pollak and seconded by J. Lewis to accept the minutes for the April 20, 2011 Public Hearing (voted 4/0/0)**

**6:30 PM Notice of Intent from the National Park Service for the management of invasive plant species as part of ecological restoration measures in and around marshes on Thompson Island, Boston Harbor (Salt Marsh, Coastal Beach, Coastal Bank, 100-foot Buffer Zone).**  
Owner: Thompson Island  
Representatives: Marc Albert, National Park Service;  
Documents: Project plans and details as provided in the project Notice of Intent

C. Button – Any initial staff comments?

C. Busch – No comments.

M. Albert – As part of our ecological restoration efforts on Thompson Island we are trying to attempting to treat several non-native species; one being Phragmites Australis, known as Common Reed, which has overtaken the wetland near the pier, as represented on the map in your packet. The area referenced as the skating pond wetland has been almost completely consumed by Common Reed, with a mix of vegetation along the fringe which includes the invasive species Purple Loosestrife. The proposal for that area is to initially cut the Common Reed and then let it re-sprout, and then treat the stems with a foliar application of glyphosate. Follow up applications may be necessary. Removal of the Loosestrife will be by hand pulling. The other species of concern is Broadleaf Pepperweed, which occurs in the upper margin between mean-high and annual-high tide. Removal will again be done manually and conducted by staff and volunteers.

T. Pollak – Can you provide more information on the habitat quality of the areas with the invasives?

M. Albert – Based on a Harbor Island botanist report the wetland to be treated was one of the highest in native biodiversity within the island system. We will also be observing the hydrology of the area and may make attempts in the future to restore original hydrology to improve and restore wetland habitat. Currently the Phragmites effectively drain the water from the wetland system.

C. Button – Will you be providing a report at the end of the treatment cycle?

M. Albert – Photographs and information on treatment can be provided.

J. Lewis – What will happen after the initial application – will the Phragmite return?

M. Albert – As noted this is more of a maintenance effort than an eradication effort. There will likely be numerous treatments and efforts to control and remove the invasive species. The goal is control the invasives to allow for greater biodiversity to exist.

T. Pollak – Is all the work being done manually?

M. Albert – National Park Rangers will work with volunteers and kids from the Thompson Island Program. It is part of the teaching component of the Thompson Island Program.

C. Button – Any questions or comments from the audience? – no response.

C. Button – Have you reviewed the Draft Order of Conditions?

M. Albert – Regarding condition number 34 – my understanding is that condition and referenced permit is for aquatic application of herbicides not for foliar application. There are also permit exemptions for work conducted by federal agencies and employees, which is the case for this project.

C. Busch – It that is the case than the condition should read that the applicant will contact the Massachusetts Department of Environmental Protection to determine if a valid state permit is necessary for the proposed work.

C. Button – Someone care to make a motion?

J. Lewis – So moved.

J. McHallam – Second.

C. Button – In the interest of full disclosure I am a contributor to Outward Bound.

- **Motion made by J. Lewis and seconded by J. McHallam to issue an Order of Conditions for the project and close the hearing (voted 4/0/0)**

**6:45 PM Updates and General Business:**

**Request for Certificate of Compliance for Order of Conditions DEP File No. 006-1167 from Orient Heights Yacht Club for replacement of an existing retaining wall, re-paving of parking lot and installation of stormwater drainage system, at 61 Bayswater Street, Boston Harbor, East Boston.**

Staff noted that a completed Request for Certificate of Compliance was submitted and based upon a site visit the project area is stable and the work complete in accordance with the scope of work provided in the Notice of Intent and Enforcement Order.

- **Motion made by J. Lewis and seconded by J. McHallam to issue a Certificate of Compliance (voted 4/0/0)**

**Request for Certificate of Compliance for Order of Conditions DEP File No. 006-1080 from ETC Development Corporation for the Neponset Field Project, including the construction of a multi-family residential development, stormwater management system and landscaping at 36 Poydras Street, Neponset River, Hyde Park.**

Staff noted that a completed Request for Certificate of Compliance was submitted with as-builts and based upon a site visit the project area is stable and the work complete aside from the residential portion of the project which may be constructed at a later time under a separate permit.

- **Motion made by J. Lewis and seconded by J. McHallam to issue a Certificate of Compliance (voted 4/0/0)**

**Motion made by T. Pollak and seconded by J. Lewis to adjourn the public meeting.**