

Approved 4/30/14

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

March 19, 2014

Commissioners Present: Aldo Ghirin, Jacob Kritzer, Stephen Kunian, Michael Wilson

Commissioners Not Present: Charles Button, Vivien Li, John Sullivan

Staff Present: Stephanie Kruel, Executive Secretary

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- **Motion made by J. Kritzer and seconded by M. Wilson to appoint Stephen Kunian as the meeting chair (4/0/0 6:05 pm).**
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6:05 PM Notice of Intent for **DEP File No. 006-1385** from Four 22 River Street LLC for Multifamily Residential Construction at 422 River Street, Mattapan, Neponset River (Buffer to Inland Bank)

Representatives: Josh Barnhardt, DeCelle-Burke & Associates; Niles Sutphin, Architect

S. Kruel noted that the project is adjacent to the Neponset River Greenway, for which an OOC was issued on February 7, 2014. There is connection to the greenway proposed by either DCR or the applicant. There are two mature trees on site that the proponent should address. In addition, some trees were removed at part of the demolition of the former structure. A site visit was conducted on March 11, 2014.

J. Barnhardt described the subject location and the proposed project. All roof runoff will be recaptured as per the plans. Driveway runoff will be captured into a drywell. There is an overall decrease in runoff for calculated storm events. Two mature trees do fall within footprint of the proposed building, and the landscaping will show how the trees are to be replaced. BWSC approvals have been received. N. Sutphin provided the landscape plan approved by BRA several months ago.

S. Kunian asked why the landscape plan was not submitted with the NOI. Mr. Sutphin responded that he was not aware it was a requirement, and Mr. Barnhardt added that they were not available when the NOI was filed. Mr. Sutphin stated they were approved by the BRA in November 2013. Mr. Barnhardt clarified that his office was not in possession of the plans until recently. The plan showed the addition of 14 trees.

M. Wilson noted that the subject site is adjacent to the Neponset River Greenway. Mr. Barnhardt noted the building is approximately 6 feet from the edge of the property.

Mr. Ghirin asked how high the retaining wall is. Mr. Sutphin replied not more than 3 feet high. Mr. Ghirin noted he represents the Parks Department. The City has an ordinance that requires buildings within 100 feet of park land to be approved by the Parks Commission. He is sure the Parks Commission will be reviewing the landscape plan. Mr. Sutphin stated he is aware of that requirement and he hopes that after ConCom approval the project will be placed on the agenda for the Parks Commission, and has already spoken to Parks staff.

Mr. Wilson asked how the drainage system will interact with the retaining wall. Mr. Sutphin replied it will adhere to drainage standards and will be covered in decorative stone.

Mr. Barnhardt noted the level spreader will only overflow during extreme flooding events. There should never be water running across the NRG path.

J. Kritzer asked about the 2 existing mature trees. He asked if there is enough room in the sideyard setback to retain the trees. Mr. Barnhardt replied that it is not feasible to retain the trees.

Upon reviewing the landscape plan, Mr. Kritzer noticed that some trees are non-native species. He asked if there are native options to use instead. Mr. Sutphin replied that the selection reflects the BRA's favorites, but he'd be happy to change them if the Commission wishes. Mr. Kritzer is not familiar with the BRA's approval criteria. Mr. Barnhardt expressed his willingness to revise the planting plan after a thorough review. Mr. Ghirin offered to get input from the Parks Department's chief landscape architect. Mr. Kritzer confirmed this would be his preference.

S. Kunian stated that generally speaking there have been lots of issues with invasive plants. He would like to impose a condition that the Parks Department examines the planting list. He expressed concern that the building takes up a lot of space and would like to see a design that preserves the trees.

Mr. Wilson asked if any re-grading is anticipated as a result of tree removal. Mr. Barnhardt replied that grading would only take place to accommodate the driveway on the northeast side of the site.

M. Wilson asked if the footprint of the building could be moved. He wondered if there is a setback requirement that would prevent moving the building on the site. Mr. Barnhardt replied that they would have to go to the Board of Appeals to change the setbacks. Mr. Sutphin stated that the project has been subject to a very, very long community process and has received many variances from the Board of Appeals. Further changes to the plan would be a hardship at this point. Mr. Kunian asked what community groups have provided support. Mr. Sutphin clarified that the project has already been reviewed and approved by the BRA Board and Board of Appeals.

Mr. Kunian stated that he sees a very dense building- wherein two mature trees are being removed that could have been accommodated- in order to maximize the value from the lot, which makes him unhappy. He thinks the Parks Department ought to address this. He would like Conservation Commission approval to be subject to approval by the Parks Commission.

J. Kritzer asked if a green roof had been considered. Mr. Sutphin replied that it had not.

M. Wilson referred to the Cultec profile and confirmed that under the parking garage would be covered in concrete. He asked at what elevation the system would discharge. Mr. Barnhardt replied the Cultecs will discharge at an elevation of 29.5.' Mr. Wilson stated that he assumes a hydrologist has worked this out regarding recharge to the soil and runoff prevention. Mr. Barnhardt replied that this system has been used in other settings and no adverse impacts have been seen as of yet. Mr. Barnhardt noted Cultecs are rated to be used under parking lots.

Mr. Kunian wondered if affordable units are being provided. Mr. Sutphin replied there are 5 committed affordable units.

There were no comments from members of the audience.

Mr. Ghirin requested that during the pre-construction site visit, the applicant provide evidence of Parks Commission approval and a letter from Parks regarding the ability to salvage the two mature trees as well as a review of the plant palette (with regard to native plants).

Mr. Kritzer asked the proponent to look into green roof options, especially since the footprint of the building is being maximized and green roofs can reduce the heat island effect.

- **Motion made by J. Kritzer and seconded by M. Wilson to approve the Order of Conditions with the following amendments (4/0/0 6:35 pm):**
 - **The applicant shall provide to Commission staff a letter of approval from the Parks Commission.**
 - **The applicant shall provide to Commission staff a letter from the Parks Commission addressing the status of the two mature trees on site, as well as the selected plant palette. The Conservation Commission recommends the use of native plantings wherever possible. Plants listed on the latest Massachusetts Department of Agricultural Resources Prohibited Plant List shall not be planted on the subject property.**
 - **The applicant shall research green roof options, and shall report the findings to Commission staff.**

6:15 PM Notice of Intent from Massachusetts Department of Conservation and Recreation for Rooney Rock Path, Stony Brook Reservation, 57 Dedham St, Hyde Park (Buffer to Inland Bank)

Representatives: Alexandra Echandi, DCR

A. Echandi described the project, which is intended to meet the goals of the Stony Brook Reservation plan to provide a fully ADA accessible path. The applicant is seeking permission to construction the remainder of the

400 foot path with a 4' wide boardwalk safe for wheelchair access. The project will be completed with hand tools, and all cutting will take place off site. Work is schedule to be completed between 6/23 and 7/7. The project is within 30-50 feet of marsh meadow.

J. Kritzer asked if the boardwalk would be anchored. Ms. Echandi stated it would be anchored with rebar because the area is archeologically sensitive and no soil disturbance is permitted.

Mr. Ghirin asked what the two structures on the property are. 47 Dedham St is a residential house owned by DCR with an accompanying shed. The house is currently used as housing for trail crews with restrooms for the BNAN youth project. There is a raised organic farm operated by BNAN that provides food to food banks within the greater Boston area.

Mr. Ghirin asked that in the future the applicant provide color copies for improved legibility. Ms. Echandi agreed to do so.

Mr. Wilson asked if the boardwalk would have handrails. Ms. Echandi replied that because the boardwalk is low from the ground only a lip is required to prevent wheelchairs from leaving the boardwalk.

Mr. Kunian cautioned the applicant to ensure that the volunteers are adequately supervised. He noted that in the past volunteers have been overzealous with pruning along the Charles River. Ms. Echandi explained that the volunteers would actually be paid members of the Student Conservation Association, who have training in carpentry, trail maintenance & chainsaw use.

A. Ghirin asked what type of signage was planned for the train. Ms. Echandi replied that they are actually trying to minimize signage within the reservation, but there will be small interpretive signs, perhaps with QR codes.

- **Motion made by J. Kritzer and seconded by M. Wilson to approve the Order of Conditions as written (4/0/0 6:44 pm):**

6:30 PM Notice of Intent for DEP File No. 006-1382 from Boston Children's Museum for Dock Replacement at 308 Congress Street, Fort Point, Fort Point Channel (LUO)

Representatives: David Porter, Childs Engineering; Marisa Lava & Charlayne Murrell-Smith, Boston Children's Museum

S. Kunian stated that he was formerly a trustee on the board of overseers.

S. Krueel reported on an earlier virtually identical filing.

D. Porter described existing conditions and proposed changes. The changes were made in anticipation of revitalized usage of the facility rather than just water taxi usage. The new pile-supported pier, or pulpit, will provide support for the gangway, which will be connected to the dock.

Mr. Kunian asked if the dock can be used for vessels other than water taxis. Ms. Lava replied that she hopes to use it for programming as well.

A. Ghirin asked about safety issues. Ms. Lava replied that the pulpit will be cordoned off when not in official use. Mr. Ghirin asked if the applicant has coordinated with the Parks Department in light of the presence of the Harbor Walk (which is under the jurisdiction of the Parks Commission) and Museum Wharf Park. Mr. Porter replied that he plans to coordinate with Parks, and the dock is a requirement of the Chapter 91 license and will comply with the provisions of that license.

Mr. Kunian noted that Vivien Li is not present, but he expects that she is delighted with the plan. The representatives agreed.

Mr. Wilson asked if it is anticipated that infrastructure related to the water taxi (such as signs and communication equipment) may collect around the pulpit. Mr. Porter provided a brief history of the dock.

J. Kritzer asked if there was a definitive plan in place for a cultural boat tour loop. Ms. Lava stated that the Museum has unofficially partnered with a boating operator to run a cultural connection tour, and the design of the dock will be sufficient for their needs. Mr. Kritzer wants to make sure this is a flexible enough design to accommodate any potential needs. Ms. Lava assured the Commission that it has been designed in conjunction with the operator and will be sufficient.

Mr. Wilson asked if the new FEMA maps would have any impact on the project site. Mr. Porter noted that there is sufficient latitude so that floats will remain in place should the waters rise and flooding occur.

J. Kritzer asked for confirmation that no vessels would be permanently moored. The proponent confirmed.

There were no comments from the public.

- **Motion made by J. Kritzer and seconded by A. Ghirin to approve the Order of Conditions as written (4/0/0 6:56 pm):**

6:45 PM Notice of Intent for **DEP File No. 006-1384** from Boston Redevelopment Authority/EDIC for South Jetty Pier Demolition, Fid Kennedy Ave & Dolphin Way, South Boston, Boston Harbor (DPA, LUO)

Representatives: Rebecca Skalaski, Childs Engineering, Inc; Paul Osborn, EDIC John O'Brien EDIC

S. Kruel noted that an Emergency Certificate to stabilize the pier was issued on 2/24/14 and ratified on 3/5/14.

P. Osborn presented a large-scale photo of the site, located in the Boston Marine Industrial Park adjacent to Dry Dock #3. In the past grant money was sought to complete improvements. EDIC has 80% design drawings to reconstruct South and East Jetty, but does not currently have funding to complete the project. In 2004 a section of the pier was removed for safety. EDIC is required to publicly bid the current project out.

J. O'Brien stated he has worked with Ms. Kruel & Childs Engineering in the past and will be on the ground during the project.

R. Skalaski described the intent to remove as much of the pier as possible up to the expansion joint, but the collapsed area will be removed at a minimum.

S. Kunian confirmed this is not part of MassPort.

Mr. O'Brien explained that EDIC had inherited the former naval base, and that working with Seaport Advisory Committee and Charlestown Navy Yard has been helpful in trying to secure funding.

M. Wilson asked if all piles will be removed. Ms. Skalaski replied that some batter piles will remain to support the existing sheet pile wall. The existing seaward H piles could be used for future construction.

Mr. Osborn & Mr. O'Brien noted that there are warning signs for boaters to notify them of the collapsed pier, and that it is not a navigation hazard based on a dive inspection completed earlier today.

Mr. O'Brien would truly like to rebuild this for ship building purposes in the future.

Ms. Wilson noted there is an existing rail system. Mr. Osborne replied that depending on future needs it could be reused, but probably won't be necessary.

Mr. Kunian wondered why EDIC could not obtain financing for rebuilding the pier if there's enough demand for the use. Mr. Osborn replied that it will cost multi, multi millions of dollars, and there's no incentive for funders to finance total reconstruction.

Mr. Kritzer asked why the rip rap would only reach a height of 2 feet. Ms. Skalaski replied that no more than 2 feet is necessary to bear the load.

Mr. Wilson asked if construction would be performed by a barge mounted crane. Ms. Skalaski replied in the affirmative.

Mr. Kritzer asked if the rip rap would need to be removed if the site is redeveloped. The proponent replied that it would be incorporated into the new design.

There were no comments from the public.

- **Motion made by M. Wilson and seconded by J. Kritzer to approve the Order of Conditions as written (4/0/0 7:12 pm):**

7:00 PM Notice of Intent for **DEP File No. 006-1386** from Boston EDIC for Site Improvements to Parcel C1 at 1 Terminal St, South Boston, Reserved Channel (DPA, LSCSF)

Representatives: Paul Osborne, EDIC; Steve Healy EDIC, Don Harvie FST Engineers

P. Osborn described the project. Construction will take place in same time period as South Pier Jetty. The site is currently unsafe for the public, and EDIC wants to utilize the land in a way that supports the cruise terminal, which is increasing rates of departures from Black Falcon Ave. The lot will also provide flexible satellite parking for events such as the Big Apple Circus and Cirque du Soleil, and for the Bank of America pavilion. In 1992 the proponent completed a similar project on adjacent property. The proponent is working closely with BWSC and plans were approved today. Again, all work must be publicly bid. They plan to advertise for a general contractor next week. The OOC will be part of the bid package.

S. Healy reiterated the need for improvements which will include a new stormwater system, lights and a security camera system.

S. Kunian asked if there is direct access to Summer St from the site. Mr. Osborn replied that it is accessible from Drydock St, but not directly to the Summer St bridge. Mr. Kunian asked if the Peninsula Yacht Club was an abutter. Mr. Osborn replied that it is not.

A. Ghirin inquired about the 37-foot parking spaces. Mr. Healy replied that they can be used for trailer storage in the winter.

M. Wilson asked if the existing structure is pile-supported decking with sea wall and abandoned rail, wondered how existing conditions would affect infiltration. Mr. Osborn confirmed that those are the existing conditions, and noted that they would be removed and the entire site would be excavated.

Mr. Wilson asked if there is any opportunity for trees to be planted on site. Mr. Healy replied that there is not because the addition of trees would preclude truck parking. Mr. Osborne added that there is not much public use of the lot, and trucks tend to damage trees.

Mr. Wilson asked if the Harborwalk is on site. Mr. Osborne replied that it is, and it was fully restored in 1992 along the perimeter of the site. Mr. Wilson asked if there is any opportunity to provide shade on the Harborwalk. Mr. Osborne replied that there is not because of the truck turnaround. While the Harborwalk is open and accessible, it is not really a space for relaxation: Other nearby spots fulfill that demand. The concept of the Harborwalk adjacent to the site is to provide a place for viewing port work, but not to linger and be in the way.

Mr. Kunian asked again about abutters, pointing out that the Peninsula Yacht Club is within 100 feet of the subject property. The proponents noted that the property is owned by the state (which was notified), and expressed willingness to notify the Yacht club directly. Ms. Krueel suggested the yacht club may be the lessee.

There were no comments from the public.

- **Motion made by A. Ghirin and seconded by M. Wilson to approve the Order of Conditions as written (4/0/0 7:28 pm):**

7:15 PM Updates and General Business

- Request for Partial Certificate of Compliance for DEP File No. 006-1111, Fan Pier Development LLC, Fan Pier, 28-52 Northern Ave, South Boston, Boston Harbor

S. Kunian recused himself due to the project's proximity to the ICA.

S. Krueel explained that the partial certification is for dredging and the water transportation dock only. A partial COC was also issued on 4/21/10 for building F and portions of the public realm including the public green, wave attenuator, westerly floating dock (temporary touch & go dock) and the Harborwalk. The original OOC included Buildings A (50 Northern Ave), building F (One Marina Park Drive) and building B, which has since become parcels H & I covered under DEP File No. 006-1369.

M. Wilson asked if Ms. Krueel had performed a site visit. She replied that she has been to the site and the work was complete. She had witnessed a portion of the dredging as well.

Richard Martini from The Fallon Company stated that he walked the site with Ben Lynch from DEP today. The project has gone through permitting with the Coast Guard, USACE, BRA and others, and everything is in compliance. He was under the impression that this partial COC also included the public realm improvements around A&B; however Ms. Krueel understood the request to be only for the dredging and water transportation dock. All of the maintenance and perpetual conditions will be included on the final COC.

Mr. Wilson noted that none of the Commissioners present today were present for other parts of the permitting process for this Order. Ms. Krueel assured him that he was still procedurally able to vote to issue the COC.

- **Motion made by J. Kritzer and seconded by M. Wilson to approve the Certificate of Compliance (3/0/1 7:36 pm):**
- Review of Minutes: February 19, 2014 & March 5, 2014
 - Vivien Li had requested prior to the meeting that review of the minutes be postponed to the next hearing.

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- **Motion made by A. Ghirin and seconded by J. Kritzer to adjourn the meeting (4/0/0 7:38PM).**

Respectfully submitted,

Stephanie Krueel

Stephanie Krueel
Executive Secretary