

APPROVED 8-7-13

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

June 19, 2013

Commissioners Present: Charles Button, John Lewis, Vivien Li, Jeanne McHallam, Antonia Pollak, John Sullivan

Commissioners Not Present: Stephen Kunian,

Staff Present: Chris Busch, BRA

6:00 PM Notice of Intent for **DEP File No. 006-1343** from Boston Gas Company d/b/a National Grid for Parking Lot Improvements at the Commercial Point Facility, 220 Victory Road, Dorchester, Mouth of the Neponset River (Coastal Beaches, Coastal Banks, LSCSF) *Continued from May 15, 2013*

C. Busch indicated that the proponent asked that the item be continued.

- **Motion made by J. Lewis and seconded by V. Li to continue the item to the July 10, 2013 meeting (6/0/0, 6:15 PM)**

6:15 PM Notice of Intent for **DEP File No. 006-1348** from Jorgji Shkurti for Regrading and Construction of a Retaining Wall at 48 Birchwood Street, West Roxbury (Buffer to BVW) *Continued from June 5, 2013*

Representatives: Rob Marini, Native Landscapes; Jorgji Shkurti, property owner

R. Marini reminded the Commission that at the previous hearing he did not have a detailed plan. He presented revised plans to the Commissioners which included contours and the proposed amount of fill (an additional 93 cubic yards). He described the specified erosion and control measures and their locations, and showed site photographs to the Commissioners. The 75 foot-long, 4 foot-tall retaining wall will be constructed of pressure-treated timber, and should last for around 30 years.

A. Pollak asked if the existing fill had been placed by Mr. Shkurti. Mr. Marini confirmed that this was the case. The abutters wall was identified on the plan.

J. Sullivan identified a 36" drain running parallel to Birchwood Street through the wooded area.

Ms. Pollak asked if building permits have been secured. Mr. Shkurti has a building permit for the home addition, and is seeking a building permit for the fill.

Ms. Li asked the other Commissioners if the proponent has answered the questions they posed at the previous hearing. J. McHallam asked for clarification about the grades. Mr. Marini indicated the present location of the top of the fill, as well as the proposed grade of the top of the fill. The edges of the wall will meet the existing ground, and there will be no fill.

Ms. Pollak asked about the equipment that will be used for the project. Mr. Marini confirmed that there will be no heavy equipment, and that the owner would be doing the work by hand.

Ms. Pollak noted that the Commission had previously requested stamped plans. Mr. Marini submitted those plans upon request.

Mr. Sullivan suggested that the project be approved with the condition that permits from ISD are obtained prior to placing the fill, or certification from ISD that such a permit is not necessary.

- **Motion made by J. Lewis and seconded by V. Li to issue the Order of Conditions as amended (6/0/0 6:29PM)**

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- **Motion made by A. Pollak and seconded by J. McHallam to approve the Minutes from June 5, 2013 (4/0/2 6:30PM)**
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6:30 PM Request for Determination of Applicability from the Emerald Necklace Conservancy for Refurbishing the Kelleher Rose Garden Fountain at 70 Park Drive, Fenway/Kenmore, Muddy River (Bordering Land Subject to Flooding)

Representatives: Mary Hickie, Emerald Necklace Conservancy

A. Pollak recused herself from the hearing.

M. Hickie described the project and project history. The proponent is proposing to replace the fountain basin, rather than repair it as originally planned. The new fountain basin will be identical in every way to the existing fountain. She is working with the Parks Department, and has received approval from the Landmarks Commission. Ms. Hickie went on to describe how the project would be accomplished, and how the resource area would be protected. The portion of the project involving the basin will take 4-6 weeks, with demolition taking 1 of those weeks. The entire fountain project will take approximately 12 weeks.

C. Button disclosed that he is a member of the Emerald Necklace Conservancy. He received confirmation from the proponent that the Conservancy has the money to complete the project (a guarantee letter was sent to the City this week), and that a Landscape Architect/Construction Manager will oversee the work.

V. Li asked if the proponent had considered water conservation as part of this project. All the new equipment is by Delta Fountains and is the latest, state-of-the-art water re-circulation equipment.

J. Lewis asked how the new fountain would be different from the existing fountain. Ms. Hickie stated that it will appear no different whatsoever, apart from it being clean.

J. Sullivan reported that BWSC knows about this project and gave confirmation that it is exactly the same as the existing fountain.

- **Motion made by V. Li and seconded by J. Lewis to issue a Conditional Negative Determination of Applicability (5/0/1 6:40PM)**

6:45 PM *General Business and Updates*

- **Motion made by J. McHallam and seconded by J. Lewis to approve the Minutes from May 15, 2013 as amended (6/0/0 6:40PM)**

Ms. Li asked the other Commissioners if there has been any action regarding the Request for Determination from TEC Associates for the confirmation of wetland delineations along former CSX-operated rail lines. Mr. Button responded that Stephanie Kruel had communicated with the applicant, and that she had relayed to him that other Commissions have had similar issues with railroad representatives. The proponent may have gone to DEP to request a Superseding Order, but Mr. Button does not know for sure. He believes they are trying to get all communities to conform to mapping standards.

Ms. Li asked if it would make sense to forward the approved minutes to DEP so they will consider the Commission's position in the case a Superseding Order is requested. Mr. Button thinks it's a good idea.

- **Motion made by V. Li and seconded by A. Pollak to forward the approved May 15, 2013 minutes with information regarding TEC's March 18, 2013 Request for Determination to the DEP for consideration during any potential appeal process. (6/0/0 6:45 PM)**
- **Motion made by V. Li and seconded by A. Pollak to approve the Minutes from April 18, 2012 as amended (6/0/0 6:59 PM)**

7:00 PM Local Wetlands Ordinance Public Listening Session: Protecting Additional Values, Functions, & Resource Areas

Mike Howard of the Local Wetlands Ordinance Steering Committee facilitated the public listening session. This session is summarized under separate cover.

- **Motion made by T. Pollak and seconded by V. Li to adjourn the meeting (6/0/0 7:35PM)**

Respectfully submitted,

Stephanie Kruel

Executive Secretary