

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

**January 18, 2012**

**Commissioners Present:** Vivien Li – Acting Chair, Antonia Pollak, John Sullivan, John Lewis

**Commissioners Not Present:** Charles Button, Jeanne McHallam, Stephen Kunian

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

**6:10 PM Motion made by J. Lewis and seconded by T. Pollak to appoint Vivien Li as Acting Chair for the public hearing (voted 4/0/0)**

**6:12 PM Notice of Intent from The General Hospital Corporation to construct a walkway extension, and pile supported access pier with storage shed, gangway ramp and float system at Building 114, Fifth Avenue, Charlestown Navy Yard, Little Mystic Channel (Designated Port Area, Land Under Ocean, Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage, Land Subject to Tidal Action).**

Owner: Boston Redevelopment Authority

Representatives: Andy Magee, Epsilon Associates; Peter Williams, Vine Associates; David Burson, Partners Health Care; Adam Hundley, Goulston and Storrs

Documents: Plans and photos filed with the project Notice of Intent

V. Li – For the record Goulston and Storrs and Epsilon Associates are dues paying members of my employer The Boston Harbor Association.

C. Busch – This matter was continued from the last hearing as the Commission asked for additional information regarding site security; management and operations of new facilities; more information regarding signage. The Commission also requested that staff to coordinate with Massport Maritime staff regarding any conflicts involving the DPA, and contact DEP staff regarding the project design as well as the Division of Marine Fisheries regarding adequate drafts for the float docks. I can respond to these matters in-kind as the project proponent addresses these issues.

A. Magee – As discussed at the last hearing we are proposing a float and ramp system and pedestrian walkway system at Building 114 at the Charlestown Navy Yard in conformance with the Chapter 91 License for the property. Regarding resource areas there is coastal bank, land subject to coastal storm flowage, land under ocean and Designated Port Area, as well as buffer zone. We are proposing an ADA compliant ramp system down to a float system that will be available to the public for the tie up of small craft. There is potential for water taxi access and we hope to use the facility as part of the Spaulding Rehabilitation Hospital's adaptive sports program. The project also involves landside walkways and maintains existing Harborwalk. We did review with Massport potential conflicts on the watersheet within the DPA. We met with Lowell Richards and Captain Brad Walleck of Massport and reviewed our safety program and they were comfortable with what we provided. Massport did ask for signage on the docks reminding the public that it is an active pier area and they should be aware of large vessels and wakes. The signage will be installed as part of the project. We received an email from Deb Hadden as well confirming Massport's acceptance of proposed safety plan. We were also asked about DEP's issues as to whether the proposed plan met the intent of the Secretary's Decision on the original harbor plan and the original license for the project. Andrea Langhauser of the DEP Waterways Office was contacted and she confirmed that the project is consistent with the prior decision and planning documents. Regarding security issues we will have gates at both ends of the walkway that will be locked from a half hour after sun set to a half hour before sun rise. There will also be motion sensitive lighting.

T. Pollak – Who is responsible for security?

D. Burson – Security will be joint initiative between Spaulding and MGH security staff.

A. Magee – We also submitted an addendum to the filing yesterday which addresses the management of the facility and security. Regarding signage we are trying to coordinate with Spaulding and the BRA.

V. Li – Can staff summarize the aspects of Deb Hadden's email that pertain to the DPA.

C. Busch – Ms. Hadden's email notes that it is Massport's understanding that Spaulding's operations plan will be updated to incorporate the DPA issue and inclusion of signage on the dock to notify the public of the DPA. She also requested submission of the operations plan to Massport.

V. Li – Your submission makes reference to parcel 6 and 7 and notes they are under separate ownership and therefore the applicant should not be subject to any conditions related to those properties. What is meant by that reference?

A. Magee – We are referring to signage on adjacent properties and want to avoid any conditions in the order requiring signage on adjacent property. Signage and signage location is being coordinated for the whole of the area with the BRA and DEP.

V. Li – What did DEP say regarding the proposed dock configuration as it relates to the Secretary's Decision?

C. Busch – I spoke with Andrea Langhauser and she said DEP has no issue with the design. There is still some lack of clarity on consistency with the Secretary's Decision. CZM noted in their letter from last July that the design meets the intent of the decision.

A. Magee – The original design actually had a smaller dock area and the current design will not require dredging, which CZM wanted to avoid due to contaminated sediments in the area. The current design provides for more berthing area and for a greater variety of vessel types.

V. Li – Any further comments or questions? - No public comment.

V. Li – The draft order should then include conditions for signage on the dock and submission of the operations plan to the Commission and Massport.

C. Busch – I also spoke with DMF and they do not have issue with 1-foot clearance rather than 2.5-feet between the float docks and harbor bottom, so that condition can be revised to reflect the change.

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

**6:50 PM Notice of Intent from the Massachusetts Department of Conservation and Recreation to conduct geotechnical borings for the design of a pedestrian pathway and pile supported boardwalk, 238 Victory Road, Dorchester, Dorchester Bay (Salt Marsh, Land Subject to Coastal Storm Flowage, Land Subject to Tidal Action, 100-foot Buffer Zone).**

Owner: National Grid

Representatives: N/A

Documents: Plans and photos filed with the project Notice of Intent

C. Busch – This matter was continued from the December 21, 2011 public hearing. I spoke with Cathy Garnett of the DCR today and she has requested that this matter be continued to the February 15<sup>th</sup> public hearing as there is still not an access agreement with National Grid in place as of yet. She noted that all parties are acting in good faith and the delay is due to drafting the proper language for the required agreements.

- **Motion made by T. Pollak and seconded by J. Lewis to continue review of the Notice of Intent to the February 15, 2012 public hearing (voted 4/0/0).**

**6:55 PM Enforcement Order issued to Robert G. Stewart for conducting work within the 100-foot Buffer Zone to wetland resource areas without a valid Order of Conditions, 108 Beaver Street, Hyde Park.**

C. Busch – The attorney for Mr. Stewart has requested a continuance of this matter as he has a scheduling conflict with a BRA hearing and asked to be present to represent his client on this matter. This project involves the redevelopment of a single family home which the Commission had previously permitted and extended, however, the permit expired in 2008 and is no longer valid. I received a call from an abutter to the project regarding the work earlier in the month and upon inspection found the work occurring on the project site and adjacent roadway. The site is located in the outer portion of the buffer zone to BVW on adjacent DCR property. I ordered the proponent to install erosion and sediment controls measures and allowed work to proceed provided those containment measures were installed. They have requested that this matter be continued to the February 1<sup>st</sup> hearing.

- **Motion made by T. Pollak and seconded by J. Lewis to continue review of the Enforcement Order to the February 1, 2012 public hearing (voted 4/0/0).**

**7:00 PM**      **Motion to adjourn the public hearing made by J. Lewis and seconded by T. Pollak (voted 4/0/0).**