

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

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

**March 23, 2011**

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

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

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

**6:10 PM** Upon a motion by T. Pollak and seconded by J. Lewis, for V. Li to serve as Acting Chair for the duration of the public meeting (vote 4/0/0).

**6:15 PM** **Notice of Intent from Boston Harbor Industrial Development LLC, for the installation of sheet piling and a rock revetment, construction of two pile supported pedestrian piers, a wind turbine, roadway and stormwater management system improvements, landscaping and Harborwalk, Pappas Way, South Boston, Reserved Channel (Land Under Ocean, Coastal Bank, Coastal Beach, Land Subject to Tidal Action, 100-foot Buffer Zone).**  
***Continued from the March 2, 2011, Public Hearing***  
Owner: Massachusetts Port Authority  
Representatives: Roy Okurowsky, CEC, Inc., Brendan Cambell, Jay Cashman  
Documents: Project plans and details as provided in the project Notice of Intent

V. Li - Jay Cashman and Massport are dues paying members of her employer, The Boston Harbor Association.

C. Busch - The filing was continued from the March 3<sup>rd</sup>, public hearing as the filing lacked adequate information for the commission to properly review the project. Noted project involves significant impacts to wetland resource areas, and when impacting or removing resource areas the burden of proof is on proponent to prove resource areas are not significant to the interests of the act, or the project enhances the resource area's capacity to provide for the interests under the Wetlands Protection Act.

R. Okurowski - The property is owned by Massport and leased to Boston Harbor Industrial Development LLC (BHID); according to terms of lease BHID, which is Pappas Enterprises, has the obligation of keeping the site infrastructure in working condition. An overview of the degraded condition of the existing sheet pile bulkhead was provided and alternatives considered for replacement of the bulkhead as well as Massport design requirements. Preferred alternative is to install a cutoff wall and place a rock revetment in front of the wall at a 1.5:1 to 1.3:1 slope. New stormwater system will be installed as current system has failed. Also creating a public access walkway and stormwater management swale which will reduce impervious surface; two piers are also proposed and a 100k wind turbine at the end of one of the piers. Piers are at a height where they should not affect habitat and attract aquatic species. Scope of impacts to wetland resource areas provided. Acknowledge that the project will impact flounder habitat and willing to provide mitigation through the Army Corps of Engineer's in-lue fee program to be expended by Division of Marine Fisheries. In response to MEPA comments areas around project explored for salt marsh and soft solution mitigation, however, area would not support such ecosystems and methodologies.

C. Busch - Inquired as to the batter supported bulkhead option and what is causing failure of the wall at this point.

R. Okurowski - The steel bulkhead has failed and fines are migrating through the structure and existing tie back system has failed. The battered wall alternative would have less impact to resource areas however it would have a shorter lifespan and have less aesthetics than a revetment.

B. Cambell - Overall extent of the tie backs would be the same as the revetment and again have a shorter life span requiring more disruption in a few decades. The revetment should not have to be replaced once installed allowing for better long term maintenance of walkway and road.

J. Lewis - inquired as to catch basins and condition and who owns system.

R. Okurowski - Outfalls to the water could not be traced as they have all degraded. A full study of the system was conducted. Uncertain as to who is responsible for the system.

J. Lewis - Striped Bass missing in the National Marine Fisheries Essential Fish Habitat Study.

R. Okurowski - The NMF provided the list and was not assembled by CEC.

T. Pollak - What are the existing park area and treatments?

R. Okurowski, - New railings will be installed and new armoring stone placed over much of the embankment to prevent erosion around the railing system. The footing design around the wind turbine was also reviewed and the turbine height.

J. Sullivan – The owner Massport doesn't care how you design the support wall?

R. Okurowski – Massport must review and approve of all designs and they look for the longest lasting option. Design review process has been ongoing for seven to eight months.

J. Sullivan – The sewer system has been known to fail recently and there has been no discussion of repairs or how fragile utilities will support heavy equipment in the roadway.

R. Okurowski – Obligation is currently the roadway and the sheeting, however, if new issues have come up an amendment to the wetland permit would be requested for any additional work.

J. Sullivan – Did meet at BWSC and current plan is to discharge to a new outfall, however, the outfall requested for was to cover the entire property and not just the roadway.

R. Okurowski – Did look at entire property and new outfall would be over 65" so the plan to size the outlet for just the roadway which is what is covered in the plan.

J. Sullivan – what happens when plan changes and everything needs to get ripped up in the future?

R. Okurowski – Can provide BWSC with a 10-20 year plan if there is additional build-out and how water and sewer will be managed; will look at other options for outlets if additional land is developed. Any pipes that are found will be extended to the headwall.

V. Li – who owns the wave attenuator?

R. Okurowski – Not known.

V. Li – Two piers are being constructed; is this required by Massport and will they be accessible to waterside vessels?

R. Okurowski – Massport is not requiring the piers; attempting to provide for improved public experience in area and piers are for fishing and viewing. Ramps and float docks are not proposed.

V. Li – Referenced amount of fill and piers, which are not for waterborne vessels. Generally piers provide waterside access and not in such close proximity.

R. Okurowski – The ENF that shows the intent of the piers is to attract fish and wildlife. Notes that there is no shellfish mapped in the area, however, the revetment will impact flounder habitat and intent is to mitigate. Project will provide new and improved access to the waterfront. As project is a redevelopment there is no requirement for improvements.

V. Li – Opens comment to public – no comment.

T. Pollak – Has adequate information been provided on the project?

C. Busch – Coastal Beach and Land Under Ocean are presumed to be significant to interests of the Wetlands Protection Act; the proponent needs to make the case that what they are proposing will either enhance the interests or prove that the interests are not worthy of protection; the Commission needs to make that finding. What is at issue is whether the proponent has made that case.

T. Pollak – Proponent is proposing mitigation to another agency?

C. Busch – Recent projects have impacted resource areas in city and mitigation going outside of Boston Harbor, which is a concern after the resources expended on the Boston Harbor cleanup.

R. Okurowski – The coastal beach consists of sand from snow removal that has discharged from an outfall, and the flounder habitat is primarily riprap. Believe the mitigation will far outweigh the impacts. Can look into whether U.S. ACOE and DMF can focus on the Harbor with mitigation.

J. Sullivan – is Chapter 91 involved?

R. Okurowski – The piers, upgrades to park and revetment will require Chapter 91 licenses.

V. Li – Needs to be further analysis of the bulkhead as to whether the alternative being proposed is the most environmentally sensitive, and regarding the pile supported piers the possibility of waterside access from vessels should be examined. Additionally, there are questions on landscaping and meeting Harborwalk requirements that have not been addressed.

R. Okurowski – The project does not include a Harborwalk, rather a sidewalk.

V. Li – there is confusion as the NOI and plans reference a Harborwalk.

R. Okurowski – Regardless a Harborwalk is not within the purview of the Commission.

C. Busch – It is located within the Buffer Zone to Coastal Bank and jurisdictional.

T. Pollak – Would like to have a better understanding of the mitigation fund and would like to explore mitigation focused in Boston Harbor.

C. Busch – The draft Order includes such a condition.

V. Li – Removal of any trees?

B. Cambell – There will be no trees removed as part of the project.

V. Li – What is the Commission's status?

T. Pollak – There is no wetland scientist present to address how the project will enhance the environment.

R. Okurowski – There will be impacts and there will be in-kind mitigation elsewhere.

T. Pollak – Recommended a continuance until questions raised are answered.

R. Okurowski – There is a problem with what Commission is looking for regarding mitigation due to involvement of ACOE which needs to approve mitigation before the Commission can act.

V. Li. – A vote can be taken tonight or a continuance can be entertained.

R. Okurowski – Requested a four week continuance to address the Commission's questions.

- **Motion made by T. Pollak and seconded by J. Lewis to continue the hearing until the April 20, 2011 public hearing, (voted 4/0/0)**

**7:05 PM Notice of Intent from the Massachusetts Port Authority for the East Boston-Chelsea Bypass, involving the construction of an asphalt roadway, retaining walls, utilities, pumping station and stormwater management system between Frankfort Street and Chelsea Street, East Boston, Chelsea River (Land Subject to Coastal Storm Flowage). *Continued from the March 2, 2011, Public Hearing***

Owner: Massachusetts Port Authority

Representatives: James Stolecki, Massport, Anthony Guererro, Massport, Robert Leger, Massport, James Doolin, Massport, Steve Chapman, FST, Wael Abkulkader, FST

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

V. Li – Provided procedural rules for review and discussion of project.

C. Busch – There are issues with the stormwater management report to be addressed later in the presentation.

J. Stolecki – Provided an overview of the project scope consistent with the project notice. Intent of project is to move truck traffic off of public ways and onto a bypass haul-road. All structural, construction and stormwater related aspects of the project are reviewed. Project will remove 150 invasive trees and 33 new hardwood trees will be planted. Low growth shrubs and ground cover will also be planted.

R. Leger – Related to the project is a substantial amount of work on Frankfurt Street where there are currently few trees; a total of 156 trees will be installed in the corridor.

T. Pollak – What is the caliper of the trees?

J. Stollecki – About 4" to 4.5"

J. Sullivan – Is the water quality swale engineered?

R. Leger – It is engineered, 150' in length with plantings, amended soils and a membrane.

C. Busch – Referenced the stormwater management TSS requirements and whether it will be met.

J. Stollecki – There is a sediment forebay and TSS standard will be met.

T. Pollak – It appears there is an opportunity to establish a new pedestrian connection.

V. Li - Opens discussion to public.

J. Knott - representing Councilor LaMattina, provided testimony in support of the haul road and green bus depot, however, a green buffer pathway should be provided as part of the plan. Requested the Commission mandate Massport meet with the community to discuss provisions for a pathway.

Aaron Toffler – Air Inc. and Friends of Belle Isle Marsh, echoed sentiments of public officials. Projects having somewhat beneficial, however, neither serve to bring East Boston residents to the waterfront. As construction progresses it is imperative that community participates in the planning process.

Guererro – Massport has sponsored three community meetings. Massport received a petition from direct abutters supporting a landscape buffer and against a link through the property. A berm and tree planting was proposed to reduce view and noise incursion onto adjacent properties.

V. Li – Please provide Commission with the petition. Anyone present from the petition.

A. Snow – A direct abutter who did not sign the petition, however, on behalf of those who did the community has little trust in Massport. People don't trust that the buffer will be a good thing.

Gail Miller – Representative of Friends of Belle Isle Marsh and Air Inc., there are maybe ten people who are direct abutters who signed petition, the rest are from outside the impacted area. Those that will be impacted are on the otherside of the MBTA tracks. The waterfront was the original access route that had been agreed upon; and unilaterally Massport changed the alignment of the connection at Neptune Rd. and Bennington Street.

Guererro – 68% of those who signed the petition are direct abutters. There was a community meeting on the Neptune Road connection. There is not enough room to provide for a pathway through the bus depot area.

T. Pollak – What is our jurisdiction on the subject property.

C. Busch – The pathway and buffer are beyond the 100-foot Buffer Zone.

V. Li – Should discussion of the buffer be part of current hearing or the next hearing?

C. Busch – The next hearing involves the green bus depot and the buffer.

John – East Boston community question with pedestrian passage question regarding the haul road.

R. Leger – Provided explanation of crossing at start of haul road.

J. Stolecki – Discussed traffic coordination through the area.

V. Li – Take action on draft Order of Conditions. Has the proponent reviewed the draft order?

J. Stolecki – Draft order has been reviewed.

V. Li – Are there any issues with the trees?

T. Pollak – The net number of trees gained and lost is not problematic.

V. Li – The number and type of trees to be planted shall be included by reference in the Order of Conditions; understood that some of the trees will be planted on an adjacent site to the haul road.

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

**7:30 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).**

Owner:

Representatives: James Stolecki, Massport, Anthony Guererro, Massport, Chris Hanlen, Massport  
Cathy Caper, AECOM

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

V. Li – The Massachusetts Port Authority and AECOM are dues paying members of my employer The Boston Harbor Association.

C. Busch – Referenced issues with the stormwater management report to be addressed later in the presentation.

J. Stolecki – Provided an overview of the project scope consistent with the project notice. Intent of project is to move all bus fueling and servicing onto the airport property. Old CNG fleet will be replaced with new hybrid vehicles. Buses will service airport terminal and CONRAC facility currently being constructed. Proposed building will house maintenance bays, admin offices and bus wash facilities; the fueling facility will be external to the building and include underground storage tanks. Wetland areas discussed including the coastal bank and 100-foot buffer zone, where paving and stormwater infrastructure will be installed. An existing outfall pipe and headwall will also be reconstructed. The outfall is permitted by EPA and there is monthly sampling. Stormwater management plan needs to be revised to meet the required total suspended solids standard. Landscaping includes planting of 106 trees and installation of an embankment to serve as a buffer.

V. Li – Will there be a green roof on the structure?

J. Stolecki – Solar panels will be installed on the new roof. Expect facility to be LEED Silver.

T. Pollak – Regardless of jurisdiction it is troubling to see the amount of waterfront on the property be inaccessible to the public. Is there any effort on the part of Massport to allow the public to get from one side of the facility to the other, through an extension of the East Boston Greenway?

J. Stolecki – Massport has a number of buffer projects that have been implemented in East Boston to add green space around the airport. The subject site is part of the secure area of the airport so there are issues if area is opened to the public.

V. Li – Question of where the public could go. There are fenced areas – where are the non-fenced areas?

A. Guererro – There has never been a connection through the area to Constitution Beach. The Neptune Road buffer will connect the Bremen Street Park to Bennington Street.

J. Sullivan – Is there a containment facility around the fueling station – a fuel boom?

J. Stolecki – there will be a spill kit available, but no provisions for a containment fuel boom.

C. Hanlen – Where buses are stored and maintained are oil and gas separators to capture any pollutants.

J. Stolecki – There is a boom at the north outfall and Clean Harbors is on the airport property.

V. Li – There is a lot of paving adjacent to the Harbor.

C. Hanlon – Have attempted to keep paving to a minimum. Paved areas are necessary for bus access around and through the facility. Green buffer will be established at back of facility to limit noise migration and neighborhood view into the property.

V. Li – Irony that there is a bus facility on the waterfront, which is inaccessible to the public.

V. Li – Opens comment to public and elected officials.

Public comment – What makes the facility green – does it have an EPA designation?

C. Hanlon – No formal designation – green title due to hybrid vehicles, solar array and LEED designation.

Public comment – Concern expressed over the size of the facility, layout and fueling facility.

C. Hanlon – We work closely with Massport Fire and Rescue, so facility is designed to meet fire prevention standards.

Public comment – Was there an environmental assessment conducted to review health effects of the facility and what are the structure's heights?

C. Hanlon – Only environmental impact assessment was conducted through the MEPA process. Height of building structures also reviewed.

G. Miller – Representing Friends of Belle Isle Marsh, reviewed prior and current uses on and around the project site noting that security has not been a major issue due to such uses. Pathways also exist close to Reagan National. Other uses close to airport which bring the public close to the airfield. Also buffering of Swift Terrace will be limited. Initial access was to be along the water, prior to 9-11. A route at the rear of the facility through the buffer zone is something that is acceptable after what was previously discussed and promised. Some small mitigation measure is needed after impacts the public had endured due to Massport activities. Concern over lack of Massport presentations and communication with the community.

A. Guererro – Massport has worked closely with the community on the airport buffer areas. There has been parking in the North Service Area. Cannot speak to issue at Reagan other than pathway was installed years ago pre-9-11. In 1997 a similar pathway was discussed however the area neighbors expressed concern and lack of support of such a pathway. Plans started last year on the current project and has been presented to the community.

Public comment – There was a survey conducted to review open space resources and what people wanted. Concerted support for a greenway extension to connect Wood Isle Marsh, Constitution Beach and the Bremen Street Park. This project will wall off the area.

J. Lewis – Is there an existing fence around property? Can people get to the marsh?

C. Hanlon – There is some fencing in the area – not a complete perimeter fence. With the project there will be a complete perimeter fence with a fence on the top of the riprap along the marsh. People could not walk along the top of bank due to the fence. Fence is necessary as the runway protection zone is at the end of the property.

A. Toffler – The Robi parcel has cars parked on it with limited security. Not clear where the runway protection zone actually is given uses that occur close to runways. The Commission has jurisdiction over the preferred route which is along the water. Would give back to the community a tiny piece of what was once Wood Island Park.

V. Li – What is the sense of the Commission – vote, continue?

C. Busch – Noted that over 30 letters were received from East Boston residents and at least five non-profit organizations in support of a connecting greenway on the subject site.

J. Sullivan – What is extent of the Commission's jurisdiction.

C. Busch – The riprap bank and 100-feet inland is subject. Issue of whether fence could impact a resource area.

J. Lewis – Given proximity of fence to water there is no way to clean debris.

V. Li – Is there a motion from the Commission?

T. Pollak – This is a very important issue for the community and Massport should be doing more to provide access for the public. Our jurisdiction is limited, but we need clarification on what the Commission can require in the buffer zone.

C. Busch – The WPA does not allow the Commission to require specific work in a buffer zone – only responsive to proposed work to ensure it doesn't impact a resource area. The fence is something that could be at issue.

V. Li – Could we require that they maintain the site in its existing condition to protect resource area?

C. Busch – The Commission cannot prescribe such a prohibition.

J. Stolecki – The fence could be pushed back to allow for access for debris removal. Fence would have to be kept out of stormwater swale.

T. Pollak – Suggest we continue and have Massport come back with a plan to see if it is viable to move the fence back.

S. Sullivan – We are not mandating a pathway, only requiring access to water to remove marine debris.

- **Motion made by J. Lewis and seconded by T. Pollak to continue the hearing to the April 6, 2011 public hearing (voted 4/0/0).**

**8:40 PM Request for Determination of Applicability from the Fallon Company for installation of a 48-inch storm drain at 50 Northern Avenue, Fan Pier, South Boston, Boston Inner Harbor (100-foot Buffer Zone to Coastal Bank).**

Owner: The Fallon Company

Representatives: John Schmid, Nitsch Engineering; Richard Martini, The Fallon Company

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

V. Li – For the record The Fallon Company and Nitsch Engineering are dues paying members of my employer, The Boston Harbor Association.

C. Busch – There are currently two or three existing Orders specific to the Fan Pier Development; request that the proponent provide a summation of the overall project and the phase involved with the matter before the Commission.

R. Martini – Provided an overview of the Fan Pier development; what has been constructed to date and the current phase of development.

J. Schmid – Reviewed work subject to the RDA; installation of a new storm drain within the buffer zone. A tide gate is also to be installed just outside the buffer zone. The drawings have been before the BWSC. A NPDES application will be submitted for the project as construction is over one acre in area.

T. Pollak – Which area will be serviced by the line?

J. Schmid – Discussed area on plan that will direct stormwater to the line.

- **Motion made by J. Lewis and seconded by T. Pollak to close the hearing, accept the draft project conditions and issue a Negative Determination of Applicability for the project (voted 4/0/0)**

**8:50 PM Notice of Intent from the Boston Parks and Recreation Department for the rehabilitation of two pedestrian footbridges in the Back Bay Fens, involving the removal and replacement of bridge decks and metal railings, patching of approach paths and repairs to eroded areas, adjacent to the Kelleher Rose Garden and Clemente Field, Muddy River (Bordering Land Subject to Flooding, Inland Bank, Bordering Vegetated Wetland, 100-foot Buffer Zone).**

Owner: Boston Parks and Recreation Department

Representatives: Liza Meyers, BPRD; John Burkhardt, PB; Amy Campo

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

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

L. Meyers and J. Burkhardt – Provided an overview of the project components and project area, including erosion and sediment control measures to be installed.

J. Sullivan – Will the deck be saw cut out and where will the falsework be located?

J. Burkhardt – The deck will be cut, however, no falsework necessary as the existing arch slab will stay in place and catch any material.

C. Busch – How will materials to be reused be stored to ensure materials are not stolen.

L. Meyers – Materials will be secured within construction area. Each bridge will take only two weeks to complete.

Hope to conduct work during the summer

V. Li – Opens comment to the public – no comment

V. Li – Questions regarding the draft Order of Conditions – no comments

- **Motion made by J. Lewis and seconded by J. Sullivan Motion to close the hearing, accept the draft Order and issue an Order of Conditions for the project (voted 3/0/1, T. Pollak recused)**

**8:50 PM Notice of Intent from the Massachusetts Department of Conservation and Recreation for the replacement of deteriorated stormwater drain line piping and installation of redesigned outfalls at two locations along Nonantum Road, Charles River Reservation, Brighton, Charles River (Land Under Waterbodies, Bordering Land Subject to Flooding, Riverfront Area, Inland Bank).**

Owner: Massachusetts Department of Conservation and Recreation

Representatives: Robert Lowell, DCR; Siona O'Flynn Patisteas, AECOM

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

V. Li – The Massachusetts Department of Conservation and Recreation and AECOM are dues paying member of my employer The Boston Harbor Association.

V. Li – Any initial comments from Commission staff – no comments

S. Patisteas – Provided an overview of the scope of the project and project location. Summation of resource areas involved and discussed proposed impacts. Plans modified to allow for soft solution options above the top of the stormwater outfalls.

R. Lowell – Casco Construction will be conducting work and should be four to eight days of work at each location.

J. Sullivan – Are the outfalls concrete flair ends.

S. Patisteas – The lines are PVC, and the outfalls are concrete flairs.

J. Sullivan – Issue currently with hot water being discharged to Charles River further down stream near western Ave.

R. Lowell – Topic not specific to project but can discuss. Have been speaking with Charlie Jewell regarding matter. There is a discharge, approximately three gallons a minute, with algae and about 105 degrees fahrenheit. There is a

manhole owned by DCR close to discharge and when inspected the lid was over 80 degrees farenheit and steam was visible when the cover was lifted. Hot water discharge due to something passing through manhole, however, uncertain as to what it could be. Need to inspect steam lines in area. Likely condensation coming into contact with a steam line or similar piece of infrastructure.

J. Sullivan – BWSC can provide tv and other equipment to inspect the area if DCR provides labor and police detail.

R. Lowll – Inspection can be coordinated between the two agencies.

V. Li – Comments on draft order – no comments.

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

**9:00 PM**

**Minutes:** Upon a motion by T. Pollak and second by J. Lewis the Minutes of the February 16, 2011 Public Hearing were approved (vote 4/0/0).

**Motion made by T. Pollak and seconded by J. Lewis to adjourn the public meeting (voted 4/0/0).**