

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

November 16, 2011

Commissioners Present: Charles Button - Chairman, Vivien Li, John Lewis, Antonia Pollak

Commissioners Not Present: Jeanne McHallam, Stephen Kunian, John Sullivan

Staff Present: Chris Busch, Executive Director

6:17 PM Notice of Intent from DCK Realty Trust for structural repairs to an existing building and foundation repairs, including the replacement of pile caps and installation of helical anchors, at 90 Commercial Wharf, North End, Boston Inner Harbor (Land Under Ocean).

Owner: DKC Realty Trust

Representatives:

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

C. Busch – This matter was continued from the October 19, 2011 public hearing. I did speak with the proponent's consultant and he had indicated that they wished to continue review of the filing to a future hearing date, however, I did not receive formal notice of such a request. Given the lack of representation this evening I would assume that the continuance request stands and recommend that the Commission continue the matter to the next scheduled public hearing.

C. Button – Do we have a motion to continue until the December 7, 2011 hearing?

J. Lewis – So moved.

A. Pollak – Second.

- **Motion made by J. Lewis and seconded by A. Pollak to continue review of the Notice of Intent to the December 7, 2011 public hearing (voted 4/0/0).**

6:20 PM Request to amend Order of Conditions DEP File No. 006-1254 from Boston Harbor Industrial Development LLC for the installation of a temporary construction trestle and modifications to the foundation of a proposed wind turbine, Pappas Way, South Boston, Reserved Channel (Land Under Ocean).

Owner: Massachusetts Port Authority

Representatives: Roy Okurowski, CEC; Les Smith, Epsilon Associates; Brendan Cambell, Jay Cashman, Inc.

Documents: Project plans and details as provided in the amendment request.

R. Okurowski – We are before the Commission to amend the Order for some minor project modifications. The first change relates to the foundation for the wind turbine. After geotechnical study we have determined that the initial pile supported foundation will not provide adequate support for the turbine. We propose a single 9-foot diameter caisson pile drilled down to bedrock to serve as the foundation. The net change to resource area is 47 square feet additional impact to Land Under Ocean. The second issue is to build the caisson we need to get a crane out to the pile location which will require the installation of a temporary trestle. To construct the trestle temporary piles need to be installed. The trestle and piles would be removed once the caisson is installed and the wind turbine bolted to the foundation.

V. Li - On the land side there will be interpretive signage, correct?

B. Cambell – Correct. We have not finalized the content of the sign or the proposed mitigation at this time. There will be approximately 37,000 square feet of mitigation proposed.

V. Li – What is the mitigation time line.

B. Cambell – Right now we are involved with permitting through the Army Corps, Chapter 91 and water quality. The Army Corps is coordinating with National Marine Fisheries and we expect comments back by November 17th. After

that we will respond to comments and then finalize the mitigation project, which at this time involves removal of debris from the Commission's property in East Boston.

V. Li – How long will the construction and mitigation take.

B. Cambell – Both projects will be done at the same time. We will need to come in before the Commission to permit the mitigation project.

C. Button – Questions or comments? - No public comment.

C. Busch – Will you be using slurry in the caisson?

B. Cambell – Right now we are writing the specification, but it would be closed system to prevent any spillage of slurry.

C. Button – Any issues with the draft Order of Conditions?

B. Cambell – No issues.

V. Li – I would like to add some items to the draft Order. First that the interpretive signage will be about the land under ocean or related to the marine life within the Reserved Channel; second, that the proponent file a Notice of Intent with the Commission within a month after necessary approvals are received; and third, that mitigation is coordinated with the Division of Marine Fisheries.

C. Button – We have a comment letter submitted from the Division of Marine Fisheries which proposes a relocation of the permanent to the footprint of the temporary trestle, which would have less coverage of watersheet and impact to resource areas.

C. Cambell – There are several issues with what they proposes. First that location would place pedestrians right onto Pappas Way rather than entering into the park; second, there is a transformer that needs to be installed landside and there is not room on Pappas Way; and lastly we already have the project approved as is and we do not want to go back and have the project re-reviewed.

C. Button – I do see as it a negative as it relates to pedestrian access to the pier.

C. Button – There is also a letter from Dick Mulligan of Peninsula Yacht Club specific to the wave screen at the Summer Street Bridge.

C. Button – Do we have a motion?

A. Pollak – I move the draft Order as amended.

V. Li – Second.

- **Motion made by A. Pollak and seconded by V. Li to issue an Order of Conditions for the project as amended and close the hearing (voted 4/0/0)**

6:50 PM Request to amend Order of Conditions DEP File No. 006-1130 from the Massachusetts Port Authority to conduct additional geotechnical borings for the replacement of the Runway 33L light pier, Logan International Airport, East Boston, Boston Harbor (Land Under Ocean).

Owner: Massachusetts Port Authority

Representatives: Lisa Standley, VHB; Steward Dalzell, Massport

Documents: Project plans and details as provided in the amendment request.

V. Li – For the record Massport and VHB are dues paying members of my employer The Boston Harbor Association.

L. Standley – Currently there is a 2,600 foot light pier at the end of Runway 33L which needs to be replaced due to structural reasons. The original Order was issued for borings to advance design of structures associated with the runway safety area project at the end of 33L. We need to conduct additional borings now for the design of a replacement light pier which will extend off the end of the pier for the runway safety structure. The project contractor will follow all of the conditions of the original Order. Also, the work and proposed pier will be outside of the eelgrass bed.

C. Button – The work will be conducted from a barge and is only for borings?

L. Standley – Yes, we will be back to the Commission to permit the new pier.

S. Dalzell – We would anticipate there would be less impact to resource areas with a new pier as it will be concrete and involve many fewer piles than what is currently in place.

C. Button – Questions or comments? - No public comments.

C. Button – Do we have a motion?

J. Lewis – So moved.

V. Li – Second.

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

7:00 PM Request from New England Development LLC for the Commission to review modifications to the Pier 4 Project, subject to Order of Conditions DEP File No. 006-1107, involving development of an interim Harborwalk; reduction in footprint of a proposed building; the reconfiguration of piles and float docks; and, restoration of an existing seawall, 130-140 Northern Avenue, South Boston, Boston Inner Harbor (Land Under Ocean, Land Containing Shellfish, Land Subject to Coastal Storm Flowage, Coastal Bank, Land Subject to Tidal Action, 100-foot Buffer Zone).

Owner: New England Development

Representatives: Katie Barnacle, AECOM; William Cronin, New England Development; John Shewit, Ghoulston and Storrs

Documents: Project plans and details as provided in the modification request.

V. Li – For the record AECOM, Ghoulston and Storrs, Norris and Norris and New England Development are dues paying members of my employer The Boston Harbor Association.

K. Barnacle – We have submitted revised plans for the project and we are requesting Commission approval of the minor modifications we are proposing. There are three areas I would like to review. The first is specific to Phase I of the project which is the parcel closest to Northern Avenue which will be a residential building. There are two other phases and schedule for build out of those phases has yet to be determined. The first revision relates to the footprint of the building and a change in use. Initially the building was to be office space and it is now proposed for residential use, and the footprint of the building will be reduced by 5,600 square feet to avoid impacts to existing underground utilities. The second change relates to the water commons which comprises a water transportation stop and a touch and go dock for recreational boaters. It was first envisioned as an L-shaped structure, however, we have determined from a vessel utilization perspective that shape does not function well. All the benefits proposed will be included and it meets the requirements of the Chapter 91 License. We will move some of the activities from the dock to landside and have a more linear array of docks which will allow for better vessel access. Thirdly the seawall will be maintained, rather than having steel sheeting driven in front of the wall and filling with concrete behind the sheeting. We have found the wall is in better shape than anticipated so we are proposing only a shoring of the toe of the wall. Sheet piling will be driven in just off the wall and below the mean low water line. Concrete will then be filled behind to stabilize the wall. This will reduce impacts to Land Under Water and allow the seawall to still act as habitat. As the phasing proceeds we would also like to come in for partial certificates of compliance and would like clarification from the Commission that this is acceptable.

C. Button – What is the change in plans that has been submitted with the initial revised plans.

K. Barnacle – There is an area of seawall where there has been a failure and we will need to expand the revetment, however, we have determined that that will be part of a future phase so we have removed that from the proposed modifications.

V. Li – There is an area adjacent to Anthony's which is fenced off where there are holes in the deck. Who's property is that?

K. Barnacle – That area is on the Pier 4 site.

V. Li – Will that area be repaired as it's a safety concern?

W. Cronin – We intend to improve that area and its condition.

V. Li – Will that work be conducted during Phase 1?

W. Cronin – Yes.

C. Button – We do not have any plans for this area.

W. Cronin – If we have to do a separate filing we will do that. Until January 10th the Aithanis' own the property, so we can better assess the condition of the area once the property is transferred.

A. Pollak – Regarding the first phase is there potential to plant more trees in the new open space area.

W. Cronin – We don't have the landscape plan finalized, but we can come back with a more developed plan, but the intent is to have the area well landscaped.

C. Button – Any questions or comments? – No public comment.

C. Busch – Is the Commission amenable to issuing partial certificates of compliance as phases of the project are completed.

J. Shewit – We do have three major buildings proposed, each one will be built and separately financed. It is very important from a lending standpoint that each phase be dealt with discretely and clearly so as each building is completed we can close out all associated permitting. The lenders need that closure and predictability.

C. Button – Do we have a motion?

V. Li – I would like to have a discussion about some additional conditions. We have spoken of trees, maybe we should add something related to a list of trees to be planted. I would also like to suggest that under Phase 1 that there be adequate signage so the public knows where civic uses will be located. Finally, the proposed repairs to

the area adjacent to the ICA will be reviewed by Commission staff to determine if additional Commission review is necessary.

J. Lewis – So moved.

V. Li – Second.

- **Motion made by J. Lewis and seconded by V. Li to approve the proposed project modifications as amended and close the hearing (voted 4/0/0).**
- **Motion to adjourn made by A. Pollak and seconded by J. Lewis (voted 4/0/0)**