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

**October 19, 2011**

**Commissioners Present:** Charles Button - Chairman, Vivien Li, John Lewis, Stephen Kunian, Aldo Ghirin, John Sullivan

**Commissioners Not Present:** Jeanne McHallam

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

**6:10 PM** **Request for Certificate of Compliance for Order of Conditions DEP File No. 006-1271 from the Massachusetts Department of Conservation and Recreation for the installation of a temporary float dock at Georges Island involving the demolition of portions of existing timber piers, removal of timber pile clusters, construction of a new timber deck and installation of steel mooring piles, Boston Harbor.**
Owner: Massachusetts Department of Conservation and Recreation
Representatives: Russel Titmuss, Bourne Engineering; Jack Murray, DCR; Karl Pastore, DCR; Kevin Mooney, DCR
Documents: Project plans and details as provided in the project Notice of Intent.

C. Button – Any initial staff comments?
C. Busch – This matter was continued from the last hearing due to changes in parameters regarding the Lovejoy Wharf float dock which was installed at Georges Island. The filing had intended the dock to be installed on a temporary basis, however, the DCR has determined that they would like to maintain the dock at the island on a more permanent basis. This subject is also part of the following filing from the DCR.
V. Li – For the record the Department of Conservation and Recreation is a dues paying member of my employer, The Boston Harbor Association.
J. Murray – As the Commission knows the DCR conducted a comprehensive survey of the Goerges Island Pier last March and it is was found to be structurally deficient. We met with our partners, the National Park Service and the Island Alliance to pull together a repair plan to ensure we would be able to maintain access to the island and continuity of operations on the island for the summer season. Part of that plan was to move the float from Lovejoy Wharf out to Georges and also conduct repairs on the main pier. The pier repairs were successfully completed and we found the Lovejoy dock greatly enhanced water transportation operations at the island. We would like to maintain the Lovejoy dock in place for the next three to five years until federal funding comes through for the full pier build out.
R. Titmuss – The request for certificate of compliance is for the repairs conducted on the piers and some demolition work and to close out the Order of Conditions specific to that work.
V. Li – There was a provision of the Order to give you an additional season to conduct the work and at which point you would remove the dock. The Order grants the use of the dock through December 2012, so it is a temporary condition. I think there is an issue of compliance with the Order. It would be premature to issue a certificate while the dock is in place.
R. Titmuss – My assumption was the Order was related to the pier work and installation of the dock.
J. Murray – I would like to ask the Commission to withdraw the request at this time.
V. Li – The record will reflect that the applicant has removed their request for a certificate of compliance.

**6:25 PM** **Notice of Intent from the Massachusetts Department of Conservation and Recreation to permanently stage a floating dock from Lovejoy Wharf at Georges Island and conduct pier and seawall repairs, involving the replacement of decking, cross bracing, piles, filter fabric and fill behind the seawall, and the installation of new floats, gangways and ramps, Boston Harbor (Land Under Ocean, Coastal Bank, Land Subject to Coastal Storm Flowage).**
Owner: Massachusetts Department of Conservation and Recreation

Representatives: Russel Titmuss, Bourne Engineering; Jack Murray, DCR; Karl Pastore, DCR; Kevin Mooney, DCR
Documents: Project plans and details as provided in the project Notice of Intent.

V. Li – For the record the Department of Conservation and Recreation and Bourne Consulting Engineering are dues paying members of my employer, The Boston Harbor Association.
J. Murray – Now that the season is over the agency would like to take on more extensive repairs at Georges Island in the order of $1.5 to $1.6 million dollar to get the pier more fully operational.
R. Titmuss – We again would like to maintain the Lovejoy dock in its current configuration. The primary work involves repairs to the main pier. There are issues with lateral stability on the pier due to failure of the batter piles and vertical piles. We are requesting to go in and make repairs to the piles; pulling existing bearing piles and replacing them either partially or in total. Cross bracing beneath the pier structure also needs to be replaced. We will also modify the drop landing which is only 30-feet long which provides for limited accessibility. We will extend the landing and ramps to provide for better access through the tidal cycles. We again would like to leave the Lovejoy dock in place as it provides for accessibility through tidal cycles.
C. Button – A copy of the plans we received were not stamped. We need a final copy for the file.
J. Lewis – What vessels will be using the pier?
R. Titmuss – Typically 100-foot vessels that bring visitors to the island.
K. Pastore – We had to limit the number of people this past year on the pier due to loading concerns which inhibited flow to and from the vessels.
S. Kunian – Will the pier be removed?
R. Titmuss – We are conducting repairs at this time, but in the future there will be a full replacement.
J. Lewis – Given the condition of the pier, timber debris may end up in the water.
K. Pastore – We have our operations staff that monitors the water sheet and will remove any debris that is observed.
S. Kunian – So these improvements will facilitate access to the island?
K. Pastore – The improvements will allow better accessibility to the island, however, we do not have ADA compliant accessibility.
R. Titmuss – The Lovejoy dock does provide for ADA access for smaller vessels. The improvements to the main pier will improve access but not be compliant.
S. Kunian – And the Lovejoy dock is needed for water transportation purposes at Lovejoy Wharf?
J. Murray – There is a Chapter 91 License that requires the state to assist the development of Lovejoy Wharf in the future and provide water transportation infrastructure. Having the Lovejoy dock at Georges does not preclude the state's capacity to provide a facility in the future.
S. Kunian – I just want to make certain that any determinations or permits we issue here do not negatively impact Lovejoy Wharf. I suggest we approve the project with a status report on Lovejoy Wharf at a future hearing.
V. Li – Unless there is something different there should be something else at Lovejoy. There is significant redevelopment in this area and the Mayor is speaking about the new development.
J. Murray – We are happy to entertain conversations with the City and Mayor's office relative to water transportation at Lovejoy Wharf. Again the state is under an obligation to assist with a water transportation facility at this location as outlined in the Chapter 91 License.
C. Button – Further questions or comments? Comments from the public? – No public comment.
S. Kunian – I would like to have the permit valid only through June of next year to ensure the work is complete and the island accessible.
J. Murray – The $1.6 million that we have to spend on the project must be expended by June 30th next year, so that serves as a substantial incentive to complete the work by then.
V. Li – I have two items to add to the permit: first that the DCR report to the Commission by December 31st 2011 regarding the water transportation facility at Lovejoy Wharf after consulting with the City and the BRA; and whatever is done at Lovejoy Wharf is consistent with the Chapter 91 requirements for the development of Lovejoy.
S. Kunian – I would state it differently. I would say that our approval of the project is subject to what is being proposed not interfering with the development of Lovejoy Wharf. And I would also like to schedule a status report with regard to Lovejoy Wharf within two months.
C. Button – I would also like an update on the work at Georges Island by April.
S. Kunian – I also want the June 30th expiration date for the permit and a condition that the south pier should be secured to prevent debris from entering the waterway
J. Sullivan – I move a three year permit with the other stated conditions.
J. Lewis – Second.

- **Motion made by J. Sullivan and seconded by J. Lewis to issue an Order of Conditions for the project as amended and close the hearing (voted 5/1/0)**

**7:03 PM** **Notice of Intent from the United States Coast Guard for waterfront repairs, including the cleaning and recoating of a steel sheet-pile bulkhead, fiberglass jacketing of two steel pipe piles, cleaning and recoating of steel pipe piles supporting Pier 2, and repairs to a portion of timber fender system at Pier 2, 427 Commercial Street, North End, Boston Inner Harbor (Land Under Ocean).**
Owner: United States Coast Guard
Representatives: Rebecca Skalaski, Childs Engineering; Lawrence White, C. White Marine; John David, Marine Sandblasting; John Burke, USCG
Documents: Project plans and details as provided in the project Notice of Intent.

C. Button – Any initial staff comments?
C. Busch – I did conduct a site visit of the project location yesterday to review the extent of work.
R. Skalaski – The proponent is proposing to recoat their bulkhead and jacketing of piles. Under Pier Two is where a majority of the work will occur, involving repairs to the timber fending system and replacement of piles. There are also sections of seawall where voids will be filled.
J. Sullivan – There is an 8" sewer line in the zone where recoating will occur. If there is corrosion it could leak.
R. Skalaski – I will have it inspected and report back on its condition.
A. Ghirin – It appears the site borders on a city park. Can you tell me how the process will be contained to limit impacts to the park.
R. Skalaski – There will be a containment boom and there will be full containment for the blasting and coating of the bulkhead.
J. David – We will be installing platforms to work from and wrapping all work areas which will be kept under negative air pressure. All spent material will be processed through a bag house. Debris will be containerized and disposed of off-site at proper facilities.
C. Busch – Will you be able to maintain the same type of containment around the piers?
L. White – Yes, we will use floats and drop containment under the pier to enclose the work area. The same containment systems will also be used for the coating of the bulkheads and piles.
C. Busch – What is the proposed blast medium?
J. David – We will use Black Beauty which is a coal slag and it is the most effective and easily containable medium. Steel shot is not practicable and sand is problematic due to dampness. We can recover about 99% of the material.
J. Lewis – Was there initially any coating on the sheet piling and piles?
J. David – Yes, there was a coating on those structures, but it has deteriorated significantly.
J. Lewis – Are there any holes in the sheeting?
J. David – Yes there are approximately 70 holes that need to be patched.
C. Button – Are there any questions or comments from the public? – No public comments.
C. Button – Is there a motion on the draft Order of Conditions?
J. Lewis – So moved.
S. Kunian – Second.

- **Motion made by J. Lewis and seconded by S. Kunian to issue an Order of Conditions for the project and close the hearing (voted 6/0/0)**

**7:20 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 – We have a request for a continuance on this matter until the November 16, 2011 public hearing to allow time to make modifications to the project drawings. They intend on reducing the scope and extent of the project.

- **Motion made by S. Kunian and seconded by J. Sullivan to continue review of the project Notice of Intent (voted 5/0/0)**

**7:22 PM** **Request for Determination of Applicability from Friends of Boston Latin School Crew for improvements to an existing boathouse and installation of stormwater management infrastructure and gravel pads, at 525 Western Ave, Charles River Reservation, Brighton, Charles River (100-foot Buffer Zone to Inland Bank).**
Owner: Massachusetts Department of Conservation and Recreation
Representatives: Robert Taylor; Terry Gardner, FBLSC
Documents: Project plans and details as provided in the project request.

C. Busch – The Commission may recall we issued a Negative Determination last spring for the placement of a float dock system in the Charles.
R. Taylor – We successfully installed the docks this past spring and have been using the DCR boathouse for boat storage. We have found that there are ongoing stormwater and ponding issues outside the boathouse and surrounding areas and walkways. We have 80 students everyday using the facility so the area can get muddy. To mitigate the condition we propose a rain garden and two subsurface rain storage structures that will collect rain water and allow it to infiltrate. We also would like to dewater the building by installing a perimeter drain along the drip line. This should improve the conditions for our use and those using the park. There are also frequent travel areas around the building, so to prevent erosion we would like to install some crushed stone paths.
A. Ghirin – The final plans that are submitted should be stamped.
C. Button – We also have comments in support of the project from State Representative Angelo Scacia, Councilor Maureen Feeney and Councilor Mark Ciomo.
J. Sullivan – Will the rain garden be a depression for rain water to enter and what is the size of the structure?
R. Taylor – We will follow up with DCR regarding vegetation to go into the garden and proper soils. I believe it will be two to three feet in depth.
J. Sullivan – We need more detail on the structure to be provided to the Commission when the design is finalized. The dry wells and the drain lines will also need to be periodically cleaned.
C. Button – Do we have a motion.
S. Kunian – I move a negative determination with submission of stamped plans.
J. Lewis – Second.

- **Motion made by S. Kunian and seconded by J. Lewis to issue a negative Determination of Applicability with amended project conditions (voted 5/0/0)**

**7:40 PM** **Project update from East of Air LLC and a request for the Commission to review modifications to site conditions subject to Order of Conditions DEP File No. 006-1267, to allow for portions of a temporary tent and carousel to remain in place, and permanently locate storage containers on the property, at 165 Tafts Ave., Boston, Boston Harbor (Land Subject to Coastal Storm Flowage, 100-foot Buffer Zone).**
Owner: East of Air LLC
Representatives: Dan Weiss, Counsel to East of Air LLC
Documents: Project plans and details as provided in the submitted modification request.

D. Weiss – I first want to report on our past season of activities at the property. We have really created a de facto public park with pathways and minor landscaping which the Winthrop community has been enjoying. We have four 24-foot containers on the Winthrop side and a pole tent, as well as a carousel on the Boston side which have been in use. What we are proposing is a conditional approval. There is currently a zoning dispute on the Winthrop side that is in the Board of Appeals. Based upon that decision we may decide to go to the Planning Board and seek a zoning change. If things go our way we can maintain all structures as they are currently situated on the Winthrop side of the property. If there are issues we may need to remove the containers and move them to the Boston side. This is one matter before the Commission, whether we can locate the containers in Boston. We have also had problems with the dance floor, which is comprised of large parquet which we had anticipated as being a temporary structure. To support the floor properly we had to construct a subfloor which is more of a permanent structure and will be onorus and expensive to remove each year. Heavy equipment would also have to cross the property to remove the floor as well which could damage surface cover. Regarding the carousel, we were not aware that there was a one ton beam support that is part of the structure and requires a crane to install. Needless to say the structure will not float away or be blown over due to its weight. We did have an engineer run figures on the floatation potential of the storage boxes and given the weight of the boxes and the material stored in them they will not be buoyant in flood conditions. There are also gaps in the boxes so in flood conditions they would likely be inundated with water further preventing their movement. Under the original Order we were granted permission to

install poles for a decorative sail. I propose that we use those poles to serve as anchors for the storage boxes. If the boxes did need to be removed we have a company in Foxboro that can come in with flatbeds and remove them within the day.
J. Sullivan – Another way to keep the containers from floating is to cut a hole in them and let them fill up with water. They can also be chained to the pole to keep them from moving. I think it make sense to leave the carousel center pole in place because there would be more damage done trying to move it.
C. Button – Do we want additional conditions for what is proposed?
J. Sullivan – With the conditions regarding an opening in the container and having them restrained with a chain or tether on an anchor.
D. Weiss – And to be clear, this does modify Special Condition 47 which will now allow for year round placement of these structures on the property.
S. Kunian – I move the proposed changes provided the Town of Winthrop does not allow for the current arrangement on the property.
J. Lewis – Second.

- **Motion made by S. Kunian and seconded by J. Lewis to modify the existing Order of Conditions for the property (voted 6/0/0)**

**8:10 PM** **Report from the Massachusetts Department of Conservation and Recreation on the annual seasonal cuttings of vegetation, pursuant to the Order of Conditions DEP File No. 006-0971, for the Charles River Basin Shoreline Vegetation Management Plan, Charles River, Boston (Riverfront Area, Inland Bank, 100-foot Buffer Zone).**
Owner: Massachusetts Department of Conservation and Recreation
Representatives: Rick Corsi, DCR; Nick Gove, DCR
Documents: Update document and plans associated with the VMP.

C. Button – Any initial staff comments?
C. Busch – This is the yearly update on the DCR's vegetation management plan. I did have to issue a Violation Notice a few weeks ago due to excessive cutting of vegetation along a portion of the river bank and we can discuss that after Mr. Corsi has reviewed the scope of work.
R. Corsi – Over the past year we have used our own staff as well as volunteers from the Charles River Conservancy and the Esplanade Association to deal with vegetation along the shoreline. We have to maintain certain parameters of height and manage invasive species as well as maintaining view sheds. Over the long term we need more substantial shore line restoration; over the short term we are trying to maintain what is in place. Regarding our volunteer efforts the CRC had a total of 24 events with 960 volunteers, working over 3,000 hours with a dollar value of $60,000, and the Esplanade Association which focuses only on the Esplanade had 21 events with 1,900 volunteers. What we are planning to do next year is rewriting the plan to cover the entire basin so there is greater consistency among towns. We need to sit down with our operations people and planning staff and go over a comprehensive plan starting in January.
S. Kunian – Regarding the long term stabilization work, why cannot volunteers start that work now.
R. Corsi – We could substitute nuisance plants with native species and have the work done by volunteers, but we have areas of more significant erosion which requires more substantial work with full design. It would make sense to have smaller pilot areas of restoration and see how it works.
C. Button – Any comments from the public?
M. Wellons – I would like to note that the DCR's restoration work and replacement of invasive plants at Magazine Beach in Cambridge was expensive and a total disaster. The plan was to remove the False Indigo which is native in North America and been in cultivation since 1724. The effort has removed soil and Purple Loosesstrife has moved in. Coppicing to a 3-foot level makes sense for security purposes and only needs to be done once every three years. I have seen substantial erosion of the river bank due to over cutting as well. The amount of cutting for the Head of the Charles is not necessary and it weakens the Indigo and causes bank erosion. It is also a significant expense. This area should not be used as a prototype for the Boston side of the river.
S. Kunian – The DCR would come before us for any type of pilot project?
R. Corsi – Yes, we would be in for any project. Regarding the False Indigo it is hard to control and has been labeled a nuisance plant, that is why the DCR continues to cut the plant. It will effectively crowd out other species.
S. Kunian – And what is the status of the program for the control of geese?
N. Gove – We do have a Cooperative Service Agreement with U.S. Fish and Wildlife, which includes egg adeling in the spring, hazing tactics as well as capture and removal of species that are non-migratory, however, our resource

are limited. We have had success, but to conduct a program on the scale of the entire reservation is not possible at this time.
S. Kunian – What was the issue related to the Violation Notice?
C. Busch – There was a notice issued for overcutting from the Anderson Bridge down to the Western Avenue bridge. Vegetation was cut below the established standards. I would like to discuss means and methods to prevent this from occurring again in the future. I would advise that we have a meeting yearly before the first cut to review the VMP and then another consult before the fall cut to make sure everyone is aware of what the standards are.
N. Gove – This was a case of operator error. They cut too low and too extensively. We need to establish a cutting schedule and inspections to ensure the VMP is properly implemented.
C. Button – What are the directives?
C. Busch – That there be submission of yearly cutting schedules, a spring meeting before the first cut and another meeting in the fall for consultation.
S. Kunian – So moved.
J. Lewis – Second.

- **Motion made by S. Kunian and seconded by J. Lewis to implement the noted directives relative to the Vegetated Management Plan (voted 6/0/0)**

**8:40 PM Update from Sterling Marine Equipment and Request for Certificate of Compliance for vessel salvage operations in Boston Harbor, subject to Order of Conditions DEP File No. 006-1253.**

C. Busch – The Commission had discussed the work being conducted by Sterling Marine Equipment a few months ago and there was mention made of a oil spill associated with the removal of the vessels.
J. Quinn – Yes we had a permit to remove six vessels. We removed two barges and a tug boat and processed them at our facility in East Boston and transferred the material to the Prolerized facility in Everett. We determined we were not making any money and have not removed any further vessels. With the tug boat we assume there was a small pocket of oil in the vessel. We did have a boom to contain the spill and sorbent material to mop up the product. It was a minor amount of material and everything was contained and cleaned up.
S. Kunian – Was there an obligation to remove all the vessels?
C. Busch – No, there is no requirement for the removal. The project was termed a salvage operation for profit.
S. Kunian – I'll move the Certificate of Compliance.
A. Ghirin - Second

- **Motion made by S. Kunian and seconded by A. Ghirin to issue a Certificate of Compliance (voted 6/0/0).**

- **Motion to adjourn made by S. Kunian and seconded by J. Lewis (voted 6/0/0)**