

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

May 17, 2017

Commissioners Present: Anne Herbst (Acting as Chair), Aldo Ghirin, Kristin Kleisner, John Sullivan, Jr.

Commissioners Not Present: Joe Orfant, Stephen Kunian, Michael Wilson

Staff Present: Amelia Croteau, Maura Zlody

6:00 PM; Public Hearing

A.Ghirin moved to appoint Anne Herbst the active Chair for the evening in the absence of Joe Orfant, K.Kleisner seconded. Anne Herbst appointed as Chair for the evening (4/0/0, 6:02 p.m.)

Continuation of the Notice of Intent for DEP File No. 006-1505 from Michael Merullo for a proposed 94 unit mixed use development located at 135 Bremen Street, East Boston, MA (LSCSF)

Representatives: Eric Bradanese (Engineering Alliance), Jillian Wiedeunayer (NFA Architects)

E.Bradanese gave a brief overview of the project since the last hearing. The Commission continued the hearing because there were some questions that the Representative could not answer at the May 3, 2017 hearing. Since then the Representative had submitted landscaping plans to the Commission including a species list.

K.Kleisner asked if the building type was feasible to support a green roof.

J.Wiedeunayer said that it wouldn't be feasible for them to implement a green roof but they do have a green area on top of the parking garage. Since there are 94 units proposed, there will be a lot of mechanicals housed on the roof.

J.Sullivan asked if they had received approval from the Boston Water and Sewer Commission (BWSC) yet and where are they holding the inch of water.

E.Bradanese said that they have received approval. The additional inch of water required to be held is handled by all the pervious areas, the patio area is handled by a perforated pipe system and any runoff from the roof areas is contained via a chamber system.

J.Sullivan asked if they were in a Groundwater Conservation Overlay District (GCOD).

E.Bradanese said that he believes they are.

J.Sullivan said that if they were in the GCOD District, a green roof would be above and beyond the requirements of the BWSC. The required first inch of runoff is contained so that will take care of any pollution issues that BWSC is concerned with.

A.Ghirin asked if "field grass" as they have listed on the landscaping plan is listed on the perennials and groundcovers list (referring the Massachusetts native species list).

J.Wiedeunayer said she believes it is. She asked if there were any additional questions.

A.Ghirin added that he wants to ensure that any plant species on the landscaping list is not on the States invasives list.

J.Wiedeunayer said that all the plants are indigenous and that they are all designed to be drought resistant. They will have a permanent irrigation system in the court yard area but it might be taken out after the first year.

A.Herbst opened up public comment. No public comment.

Discussion regarding the Draft Order of Conditions. The Representative and Applicant had no issue with the Conditions as presented.

A.Ghirin moved to close the hearing, K.Kleisner seconded. Hearing closed (4/0/0, 6:09 p.m.)

Notice of Intent for DEP File No. 006-1515 from the Childs Engineering Corporation on behalf of CSREFI Independence Wharf, Boston, Inc., for the repairs to the existing foundation to deteriorated concrete on the underside of the first floor and several caissons supporting the building at 470 Atlantic Avenue, Financial District, Boston, MA (LUO, Rocky Intertidal Shores, LSCSF)

Representatives: Rebecca Skalaski (Childs Engineering), Mary Doyle (Independence Wharf)

R.Skalaski gave an overview of the project. This is a continuation of a project that was performed a few years back. The project was for maintenance of the underside of the foundation. There were portions of the repairs that were not able to be completed the first time around, and the portions that still need repair are proposed for this project. The project will consist of repairs to the underside of the waffle slab on the first floor, some of the grade beams and repairs to a few caissons. The caissons were repaired a few years back, but the concrete beneath the fiber glass jackets is deteriorating. The UV light is causing the fiberglass jackets to fray and come apart at the seams.

K.Kleisner asked how long the project is anticipated to take.

R.Skalaski said that they are ready to start the work whenever they can get a contractor on board. They anticipate around 90 days from start to finish.

A.Herbst opened up public comment. No public comment.

Discussion regarding the Draft Order of Conditions. The Representative and Applicant had no issue with the Conditions as presented.

A.Ghirin moved to close the hearing, K.Kleisner seconded. Hearing closed (4/0/0, 6:13 p.m.)

Notice of Intent for DEP File No. 006-1516 from the Childs Engineering Corporation on behalf of Four Hundred Atlantic Ave., LLC, for the repairs to the existing concrete piles supporting the exterior patio and Harborwalk at 400 Atlantic Avenue, Financial District, Boston, MA (LUO)

Representatives: Rebecca Skalaski (Childs Engineering)

R.Skalaski gave an overview of the project. The project is for the repairs to a few concrete piles that are encased in fiberglass jackets. The jackets are deteriorating and coming apart at the seams which is causing the concrete piles to weather. The intent of this project is to go in and remove all the fiberglass jackets to see what repairs need to be done. There were some visible repairs that need to be made to three of the piles. Once they take the jackets off the three piles they anticipate more repair will need to be done in order to make the piles sound.

J.Sullivan asked after they repair the concrete, what will they use to jacket the pile.

R.Skalaski said that they use a similar fiberglass jacket as what is on the piles currently.

J.Sullivan asked if other places are seeing the same issues with fiberglass jackets deteriorating.

R.Skalaski said that overtime you see the deterioration with the freeze and thaw of the seasons and the UV light in the summer. She added that a lot of the jackets now are UV protected which helps the life of the jacket.

A.Herbst opened up public comment. No public comment.

Discussion regarding the Draft Order of Conditions. The Representative and Applicant had no issue with the Conditions as presented.

A.Ghirin moved to close the hearing, K.Kleisner seconded. Hearing closed (4/0/0, 6:16 p.m.)

Notice of Intent for DEP File No. 006-1518 from CLE Engineering Inc. on behalf of the United States Coast Guard, for the repair of 15 steel piles and one steel brace located at 466 Hanover Street, North End, Boston, MA (LUO)

Representatives: Scott Skuncik (CLE Engineering)

S.Skuncik gave an overview of the project. The project is for the repair to 15 piles at the US Coast Guard Facility. The piles also support the overhanging roof. The proposed repair is to install a steel shell jacket around the piles but the jacket itself won't extend past the mudline. They will put the shells on and weld the seam, and they cover the shell in a protective marine coating. All work will be conducted via a barge mounted crew. The piles that support the roof structure will be reached by a man lift that will be mounted on the barge.

J.Sullivan asked how thick the jackets are.

S.Skuncik said they are about 1 inch thick.

K.Kleisner asked if they will have a boom in place around the worksite.

S.Skuncik said that they will have a boom in place; however most of the debris is not floatable. A majority of the debris will be shells or barnacles from the existing pilings.

J.Sullivan asked how they intend on installing the 10' long 1" thick steel jacket.

S.Skuncik said that they will be in two pieces which they will swing in and field weld on site.

A.Herbst opened up public comment. No public comment.

Discussion regarding the Draft Order of Conditions. The Representative and Applicant had no issue with the Conditions as presented.

A.Ghirin moved to close the hearing, K.Kleisner seconded. Hearing closed (4/0/0, 6:21 p.m.)

Notice of Intent for DEP File No. 006-1517 from Everett Property, LLC for sediment remediation within a portion of the Mystic River in order to comply with the requirements of the Massachusetts Contingency Plan located at Alford Street, Mystic River, Charlestown, MA (LUO, Coastal Beaches, Land Containing Shellfish)

Representatives: Chris Gordon (President of Wynn Design), Natalie Brown (Project Manager, Wynn Design), Ken Fields (Fort Point Associates), Matt Grove (AMEC Foster Wheeler)

K.Fields gave an overview of the limited project. The remediation project is designed to take out contaminated sediments left behind from Monsanto that previously occupied the property. The dredge project will entail dredging in land under the ocean and intertidal habitat which both are classified as land containing shellfish. However, the shellfish habitat in the area is slim to none due to the contamination. In land under the ocean they are proposing to dredge 1,560 SF and in the intertidal habitat 57,590 SF. After they dredge the material they will cap everything back to the existing elevations. They are working with the National Marine Fisheries Services to develop a material that will replace the contaminated material that they are taking out. There are 5 barges in the area one is completely on the Everett side of the project, two overlap the jurisdictional boundaries and two are entirely in Boston. They will remove the barges first and then continue on to the site dredging operations. They will be putting down access mats in the intertidal zone to access the outfall construction and to access equipment on the barge. The mats will be constructed of wooden platforms. There is no concern to the resource area for these mats because everything will be dredged and taken out once they are done.

J.Sullivan asked if they own all the land they are performing work on.

C.Gordon confirmed that it is all their land, but the land is right next to the Boston Water and Sewer Commission's land. The barges are jagged so we are not 100% certain that a corner of the barge is not touching your property, but we think they're all on our property.

J.Sullivan said that it would be helpful to have a written okay from Boston Water and Sewer just saying that if the barges are on their land, that you will repair any land you dig up.

C.Gordon said they will double check on land and contact the owners of the Boston Water and Sewer land.

K.Fields said that he wanted to update the record. On figure 6 Everett and Boston were reversed. K.Fields distributed new plans with the towns properly displayed.

A.Ghirin asked if the dredging was happening as a regulatory exercise to meet the needs of MCP, what will happen after the entertainment facility is built, what will happen to this land?

K.Fields said that on the Everett side there will be a docking facility to facilitate water transportation to and from the resort.

C.Gordon added that they don't envision this space to be a swimming space. But the Harborwalk will be all along the Everett side.

A.Herbst opened up public comment. No public comment.

Discussion regarding the Draft Order of Conditions.

Condition 30: There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas or 100-foot Buffer Zone (hereinafter "buffer zone") associated with those resource areas. Any equipment used in any wetland resource area or buffer zone that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be repaired outside of any wetland resource area or buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas or buffer zone. Equipment must not be re-fueled within any wetland resource areas.

K.Fields stated that a majority of the work will be conducted from vessels or equipment on barges. The fueling component of the condition is not practical.

Commission agreed.

Condition 45: All practical best management practices must be implemented during in-water or waterside activities to minimize turbidity and other water quality impacts, including but not limited to a floating boom with an attached silt curtain to contain work areas. The silt curtain should be maintained in good operating condition, should rest on the mud line at all times, and should have adequate shore-line anchors, tie-downs or other mechanisms to ensure proper position and performance. Any visible plume of turbid water caused by project activity outside the area contained by the silt curtain will constitute inadequate performance and require immediate adjustment and/or repositioning of the curtain. Deployment of the curtain should occur in such a way that it will not interfere with water traffic. The boom may be removed when work directly requiring the use of a boom has been completed. The contractor must also have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet.

K.Fields stated that "a copy of the Water Quality Certificate for the navigational dredge project in Everett, which overlaps with the Sediment Remediation Project, is submitted along with these condition comments, and should be viewed as an example of what the Sediment Remediation Project Water Quality Certificate will include for the management of turbidity. The turbidity curtain should not rest on the bottom sediment surface as currents may cause the curtain to sweep contaminated sediment into the water column (see WQC condition #8). The bottom of the curtain will be between 12 and 36 inches from the bottom. This should be sufficient to contain suspended sediment as it settles. The Water Quality Certificate requires the submission of a specific monitoring of turbidity, and actions to be taken should monitoring show results above appropriate set levels (see Condition #11). Dredging in contaminated sediment has potential to release sheen. Sheen within the turbidity curtain should be contained within the turbidity curtain."

Commission agreed to allow for oil to be contained within the turbidity curtain.

Condition 50: The Applicant must submit a plan indicating dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering plan must treat decanted water according to additional conditions deemed necessary by Commission staff.

K.Fields added that "and be consistent with the Water Quality Certificate" be added to the end of the paragraph.

Commission agreed to allow for the language to be added to the end of the Condition.

Condition 52: Excavation equipment may access the inter-tidal area only during periods of low tide and utilize rubber-tired vehicles.

K.Fields requested that instead of “rubber-tired vehicles” it read “temporary access mats”. The barge removal and installation of the BWSC outfall protection structure will likely require a mini-excavator and other equipment in the intertidal zone. The equipment will track across the tidal flats using appropriate matting and or low pressure equipment. Temporary access mats are 16’ wide by 8” thick. There should be no concern for protection of this area as it will be subsequently dredged and restored to pre-existing elevations.

Commission agreed.

J.Sullivan asked how they will get the equipment on the mats.

K.Fields said that there is an access area on a corner of the property.

M.Gove added that the intent is to access the area where the barges are now, pull out the barges and then use the disturbed area to put in the mats for the equipment.

J.Sullivan asked if it would be easier to just pick up the equipment via crane.

M.Gove said that they are trying to keep the plans open for the contractors to allow them to pick their means and methods. They may choose to do all the work via barge.

J.Sullivan asked when they are proposing to start construction.

C.Gordon said that they would like to start in October, due to the time of year restrictions, and be done by February.

A.Ghirin moved to close the hearing, K.Kleisner seconded. Hearing closed (4/0/0, 6:42 p.m.)

6:45 PM, Public Meeting

Request for Determination of Applicability from CDM Smith on behalf of the Boston Parks & Recreation Department for the Jurisdiction of an Intermittent Stream on Boston Conservation Commission Land, for 100A, 100B, 100C, 100D, 90 & 44 Allandale Street, Jamaica Plain, MA

*Pulled at the Request of the Applicant.

Request for Determination of Applicability from TRC Environmental Corporation on behalf of NSTAR Electric Company d/b/a Eversource Energy, for geotechnical boring and test pit investigations at Eversource Substation #385, South Boston, MA

Representatives: Kevin O’Brien (TRC Environmental Corporation), Matthew Waldrip (Eversource)

K.O’Brien gave an overview of the proposed project. The borings are to take place at Eversource Substation #385. Within land subject to coastal storm flowage (LSCSF), there will be 27 geotechnical borings and 5 test pits. The test pits will be 15’ long by 5’ wide by 15’ deep and the borings are approximately 1’ in diameter. Each boring will take approximate one day and each test pit will take approximately 2 hours.

J.Sullivan asked how they would access the property.

M.Waldrip said the access will be off the adjacent street. There is a gate on K Street which would give them access. They will not access through the public Harborwalk.

J.Sullivan asked what the purpose of the investigations is for.

M.Waldrip said the borings were for future placement of equipment on site and fence installation. He noted that they do not have the plans yet because they would need to design the equipment around the information the geotechnical borings will provide.

J.Sullivan asked if they were going to be performing any environmental investigations to look at soil composition.

M.Waldrip said that they will be precharacterizing the soil. The plan is when the work is being performed; they will take a “grab sample” of the soils. They don’t expect to have any excess soil from this work so shipping off the excess soil is not a concern for this project.

K.Kleisner asked for clarification on how long the borings would take. She noted that the Notice of Intent says 2-3 days but the Representative said 1 day.

K.O’Brien said that it depends on the conditions they run into. It could take a day, or it could take up to three. They will not know until they start the drilling and digging.

J.Sullivan asked if the sheet flow of the site currently drains into the Reserved Channel.

K.O’Brien said that he believes one of their Conditions is no work in the rain, and erosion controls will be deployed.

J.Sullivan asked what they will do with the area post construction. There will still be a small mound of dirt from the borings and it will take time for all the material to settle. He asked what they plan on doing to control any deposition of dirt into the Reserved Channel, should there be a significant rain event post construction.

M.Waldrip said that he believes if it the area was previously paved, they will repave it so that loose dirt will not wash into the Channel, but he will have to double check. He said that if there is any dirt that has to sit overnight that it will be surrounded by straw wattles and covered with a tarp to prevent deposition.

J.Sullivan asked when they plan on starting the work.

M.Waldrip said they would like to start as soon as possible. They are waiting on contracting a company to perform the work, but a ballpark estimate for construction start up would be the end of June.

A.Herbst asked if there were any additional comments from Staff.

A.Croteau mentioned that Staff’s only additional comment was that she believes this work should constitute filing for a Notice of Intent. In Staff’s opinion, there is a significant amount of work to be done within the resource area and buffer zone.

A.Ghirin asked if there were conditions prepared for the Applicant if they were to consider this as a Request for Determination of Applicability rather than a Notice of Intent.

A.Croteau said that if the Commission decided to grant a negative determination of applicability, that Staff could issue Conditions that the Commission felt appropriate.

A.Ghirin moved to issue a negative Determination of Applicability with the appropriate erosion control conditions and a condition that Staff inspects the site on a weekly basis, K.Kleisner seconded. Negative Determination of Applicability granted with conditions (4/0/0, 6:55 p.m.)

Request for an Extension to the Original Order of Conditions for DEP File No. 006-1394 for the proposed maintenance dredging of the Old Colony Yacht Club, located at 235 Victory Road, Dorchester, MA (LUWW, Buffer to Coastal Beach & Salt Marsh)

Representatives: Dick Mulligan (Old Colony Yacht Club)

D.Mulligan gave an overview of the project. They are requesting an extension because there is a federal dredging project that is set to take place just down the river and Old Colony Yacht Club would like to hire the same company after the federal dredging is completed, to dredge their property. This would allow them to save a considerable amount of money since the dredging barges and equipment will already be in the area.

A.Herbst asked how long the extension request is for.

D.Mulligan confirmed it is for three years.

K.Kleisner asked when the dredging will take place.

D.Mulligan said that it all depends on how the dredging goes for the federal project.

A.Ghirin moved to approve the extension permit for three years, K.Kleisner seconded. Three year extension granted (4/0/0, 6:59 p.m.)

Acceptance of the Order of Conditions:

Notice of Intent for DEP File No. 006-1514 from the Department of Conservation and Recreation Office of Waterways (DCR) for the proposed installation of the Boston Harbor Islands Mooring Field Program, Gallops, Georges and Spectacle Islands, MA (LUO, NHESP Priority Habitats of Rare Species)

Representatives: Mike Driscoll (DCR), Chris Stillman (APEX Companies)

A.Croteau said that she had spoken with the folks from DCR and APEX at a Chapter 91 meeting regarding the use of a bungee-helix anchor system. The Applicant had said that a helix anchor system wasn't feasible given the subsurface material at the mooring sites and the weight of the boats. However, the Applicant had looked into a "banded" system which is essentially a hybrid containing a mushroom or pyramid anchor but instead of a chain that would scour the bottom of the ocean, there would be a bungee cord.

M.Driscoll said that they had looked into the banded system but then decided they would prefer to use the chain system because it would be easier for DCR to pull up the chain and anchor to be able to perform any maintenance work that may be needed. He noted that they met with the City of Boston Harbormaster and were told that the area can get rough at times. By chance if there is a squall and boats were out there, a chain would be more stable and would hold better than a bungee system. He added that it would be DCR's first choice to use the chain system.

J.Sullivan asked who will own all the moorings and how many there will be.

M.Driscoll said that DCR will own and maintain the 86 moorings.

J.Sullivan asked what anchor system they were using.

C.Stillman said they want to use the mushroom anchors

M.Driscoll said that a mushroom anchor and chain system would enable them to conduct maintenance on the systems and would allow the systems to be mobile if need be. With a banded system, a diver would have to go down and hook the anchor to the crane to pull up an anchor which would increase the cost of maintenance.

J.Sullivan asked how they would permit the boats.

M.Driscoll said they would have to call a service number. It would be similar to renting a campsite.

J.Sullivan requested that the Applicant submit an updated plan for the system to be installed, outlining the mushroom anchor, how many feet off the anchor it is, how big the chain is.

M.Driscoll said that he could submit that to the Commission.

K.Kleisner moved to accept the Order of Conditions contingent upon Staff review and approval of the updated plans for the anchoring system to be installed, A.Ghirin seconded. Order of Conditions contingently approved, Staff will wait on updated plans before issuing the Order of Conditions (4/0/0, 7:13 p.m.)

Acceptance of Meeting Minutes from May 3, 2017

K.Kleisner moved to approve the meeting minutes from the May 3, 2017 hearing and meeting, A.Ghirin seconded. Minutes approved (3/1/0, 7:20 p.m.)

A.Ghirin moved to adjourn the meeting, K.Kleisner seconded. Meeting adjourned (4/0/0, 7:21 p.m.)