

Approved 8/6/2014

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

July 16, 2014

Commissioners Present: Aldo Ghirin, Jacob Kritzer, Vivien Li, Michael Wilson

Commissioners Not Present: Charles Button, Stephen Kunian, John Sullivan,

Staff Present: Stephanie Krueel, Executive Secretary

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- **Motion made by j. Kreizer and seconded A. Ghirin by to appoint V. Li as the meeting chair (4/0/0 6:22 pm).**
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6:22 PM Notice of Intent for **DEP File No. 006-1399** from Massport for Conley Terminal Improvements, Dedicated Freight Corridor and Buffer Open Space Project, East First Street, South Boston, Reserved Channel (Designated Port Area, Land Under Ocean, Coastal Banks, Land Subject to Coastal Storm Flowage)

Representatives: Lisa Standley, VHB; Jim Stolecki & Andrew Hargens, Massport; Paula Devereaux, Rubin & Rudman (representing Exelon)

V. Li stated that Massport and VHB are dues payer members of her employer, The Boston Harbor Association.

J. Stolecki introduced the project, which includes construction of a haul road, a pathway for mariners, and a buffer open space (outside of WPA jurisdiction).

A. Hargens provided background on the project and operations at Conley Terminal. The Coastal Oil site adjacent to the terminal was acquired so that a Dedicated Freight Corridor (DFC) could be constructed in response to increased demand at the terminal. This project does not include any in-water work. The road passes over the Coastal Oil site as well as property owned by MBTA and Exelon. The design process has extended over the past 18 months, and has included community input. The MBTA property was authorized for transfer to Massport in 2010 by an act of the Legislature. The MBTA provided a letter of support for the project. There is a signed letter of intent with Exelon for purchase of the property required for the roadway. Phase I, outside WPA jurisdiction, has begun. Phase II, which includes areas of the bridge, will begin construction late fall 2014.

L. Standley discussed the impacts to resource areas, which are essentially man-made coastal bank and land under ocean. LSCSF and buffer to coastal bank are also present. The western bulkhead will be constructed in the same location to provide an abutment (including rip rap revetments) for the bridge. Pilings will be driven into LUO. The existing steel & wood thermal barrier will be removed, opening the inlet to tidal flow. At the eastern end a portion of the wharf will be removed, and the bridge abutment will be constructed behind the existing bulkhead. Exelon will be filing an NOI for the removal of the existing oil tanks. Seafarer's Way, a secured, at-grade paved pathway, will be located within LSCSF and buffer to coastal bank. Drainage improvements include treatment of stormwater captured from the bridge and the parking lots. All exposed surfaces will be stabilized with grass. Piles will be driven from barges. Silt curtains and booms will be used to contain sediment during pile driving.

J. Kritzer asked if construction is contingent upon approval for oil tank removal. Ms. Standley replied in the affirmative.

M. Wilson asked about stormwater management for the raised portion of Seafarer's Way. Ms. Standley replied that stormwater will sheetflow to upland areas and infiltrate.

Ms. Standley reiterated that Massport will return to the Commission for future work, including stormwater management.

J. Friedman reviewed the profile of the bridge plan. Concrete-filled steel-pipe piles outfitted with fiberglass jackets will support the pre-cast concrete bridge. A Steel sheet pile coffer dam will be located at the

western abutment. Portions of the thermal barrier outside of the bridge piles will be pulled within 10 feet of bridge piles and then either pulled or cut one foot above the mud line elsewhere. On the eastern side a stub abutment will be located behind the existing seawall. On the east side the old wharf will be saw cut at one of its structural locations. The concrete bulkhead forming the shoreline behind it will be kept in place. The asphalt paved roadway within jurisdiction will widen out after it returns to grade to accommodate a truck turn-around and new operations building that will serve as the entrance to Conley Terminal. The walkway within Seafarer's Way will be 8-10 feet wide. Dewatering will be necessary as part of the west abutment construction. If the effluent is in fact contaminated, a remedial general permit will be required. Any dewatering necessary on the east side will be discharged on land as appropriate.

V. Li asked about the new building. Mr. Standley replied that a 1,000 sf guard building will be constructed behind the MBTA's power plant. It will be a stand-alone future project. The ultimate expansion of the terminal within the Coastal Oil site has not yet been designed.

V. Li asked if the bridge will prevent vessels from navigating the inlet. During the MEPA and Chapter 91 hearings the possibility of a water-dependent use at the inlet was discussed. Mr. Hargens replied that given the pile spacing and water depth a major industrial use would be possible, but very difficult at that location.

A. Ghirin asked about the fencing at Seafarer's Way. Mr. Friedman replied that there will be a chain link fence with barbed wire and a pass-controlled entry, similar to the existing Seafarer's Way. Mr. Ghirin asked if the fencing would collect debris during storm events, and if there is a plan for maintenance. Mr. Friedman replied that it would be part of Massport's general maintenance plan for the rest of Conley Terminal. Mr. Hargens added that an existing crew will take on maintenance for the pathway, as well as for the buffer open space.

Mr. Wilson asked if truck queuing on the bridge, resulting in idling, is anticipated. Mr. Friedman replied that there will be enough room on the new road to prevent queuing. In addition, trucks within Massport's property will be subject to anti-idling enforcement by Massport.

Mr. Kritzer asked for clarification regarding queuing. Mr. Hargens replied that future truck traffic growth will be accommodated on the Coastal Oil site. Mr. Kritzer asked if the Boston Harbor Lobstermen's Cooperative will be affected. Mr. Hargens replied that they will become a tenant of Massport. They will have improved access to their site and improved water and electric utilities.

Mr. Kritzer asked about the nature of the thermal barrier. Mr. Hargens replied that it was intended to be impermeable. Mr. Kritzer asked if there is concern about contaminants being released into the harbor upon the barrier's removal. Mr. Hargens replied that the enclosed area constitutes the inflow side, and does not contain any effluent. Ms. Standley added that there is no concern due to the state of deterioration, which has made it permeable. It was used for non-contact cooling water which does not contain contaminants.

Ms. Li asked if Exelon's proposal conflicts with the current proposal. Ms. Devereaux replied that it does not.

Mr. Wilson asked about the currently effective versus preliminary floodplain elevations. Mr. Friedman remarked that the bridge is designed to be inundated in the future.

There were no comments from the public.

S. Krueel added that DMF supports the project with the inclusion of a TOY.

The proponent has reviewed and accepted the draft special conditions.

Ms. Li noted that the DFC will be named for the late Tom Butler of Massport.

- **Motion made by V. Li and seconded by J. Kritzer to issue the Order of Conditions as written (4/0/0 7:02 pm).**
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7:03 PM Notice of Intent for DEP File No. 006-1398 from Trinity Border Street, LLC for Boston East Residential Construction, 102-148 Border St, East Boston, Boston Harbor (Designated Port Area, Land Under Ocean, Coastal Beach, Coastal Bank, Fish Run, Land Subject to Coastal Storm Flowage)

Representatives: Robert Ricchi & Jamie Fay, Fort Point Associates; Abby Goldenfarb & Christopher Stanley, Trinity Financial; John Schmid, Nitsch Engineering; Al Caldarelli, East Boston CDC; Jerry Friedman & Todd Undzis, HDR;

V. Li noted that FPA and Nitsch Engineering are dues-paying members of her employer, The Boston Harbor Association,

S. Krueel read portions of the July 16, 2014 letter from DMF.

A. Goldenfarb described the project, which is 60% open space. The project was approved by the City and community, as well as the Boston Civic Design Commission. She described the community facilities, including the Harborwalk and kayak launch.

C. Stanley briefly described the site plan and rendering. He noted that it adjoins a DPA site.

R. Ricchi explained that the DPA site is needed for construction staging of the residential development. He presented three recent photos of existing conditions and an illustration of the various boundaries on the site. The outfall is within the intertidal zone. The rip rap revetment will help stabilize the Harborwalk.

Mr. Ricchi then discussed how the design takes into account sea level rise. The ½ story underground garage will be floodproofed. Mechanicals will be raised to the first floor or above, which is 4 feet above the currently effective BFE. The Harborwalk will be raised 4 feet above ground elevation. The staging area will be utilized for construction staging for one year, after which it will be seeded.

J. Schmid described the proposed stormwater improvements. The outfall pipe will be constructed by the proponent, but then maintained by BWSC. A tide gate structure will be installed to protect the BWSC system. The proponent will also contribute to BWSC's Inflow/Infiltration fund.

J. Kritzer asked if the proponent had a response to DMF's letter. Mr. Ricchi replied that there needs to be rip rap to stabilize the Harborwalk across the grade change, so a soft solution would not be feasible. Pile cutting can adhere to TOY restrictions. The outfall is not within LUO, but the USACE has not made a final determination as to requiring mitigation.

Mr. Wilson asked if the outfall will interfere with the kayak launch. Mr. Ricchi replied that during low tide, kayakers will have to walk to the north side of the outfall to get to the water.

V. Li asked about the three legally separated parcels, and asked for clarification regarding their location. Mr. Ricchi referred to the aerial photo with parcel outlines. The staging parcel contains LSCSF and is in the DPA.

Mr. Stanley explained the characteristics of the three parcels. The City has custody of the staging parcel, which contains LSCSF and is in the DPA.

Ms. Li asked what would happen to the staging parcel after construction on the residential parcels is complete. Mr. Stanley replied that it will be temporarily seeded. In the meantime East Boston CDC will be working toward finding an acceptable maritime industrial use for the property.

Ms. Li expressed concern that if the DPA is developed as heavy maritime industry, the proposed location of the kayak launch may be in conflict with such uses and wanted to be sure that DPA uses have precedence over a recreational kayak launch next to a DPA.

Ms. Goldenfarb explained that the kayak launch was added to the project as a community benefit. A. Caldarelli added that if in the future it becomes incompatible, a new option will be devised. The DPA will take precedence over the kayak launch, as it is not essential to the residential development.

Ms. Li asked when a Chapter 91 license would be sought for the DPA portion of the site. Mr. Caldarelli replied within 6 months. The CDC is focused on providing low income housing and jobs, and takes credit for 400 jobs on the East Boston waterfront, and 800 jobs total in East Boston.

Mr. Kritzer is not convinced that the rip rap is necessary. He wondered if the Harborwalk could be moved further landward so that the DMF recommendation of the use of a softer option could be employed. He asked if the new trees would be native. Mr. Ricchi explained that due to site constraints, while 11 trees will be removed only 16 can be added. Mr. Kritzer requested that native trees be utilized. Mr. Ricchi replied that they will be native in order to qualify for LEED points. Mr. Kritzer asked if green roof options were considered. Ms. Goldenfarb replied in the negative. Mr. Kritzer explained that the Commission has asked other proponents to explore green roofs. Mr. Ricchi replied that a high albedo roof will be used, which has “green” benefits. Mr. Kritzer asked how the staging area will be reseeded. Mr. Ricchi replied that it will be seeded with native grasses.

Mr. Kritzer excused himself from the hearing.

Mr. Wilson asked about the landscaping plan. He noted that there’s no real shade along the Harborwalk, which is understandable to maintain views. However, perhaps some trees could be planted around the kayak launch or other areas where people will tend to gather. Mr. Ricchi suggested planters could be utilized.

Ms. Li brought up the City of Boston’s climate action goal of planting 100,000 trees by 2020, and noted that the Commission supports a 3:1 ratio for tree replacement when tree removal cannot be avoided. In the future, this ratio may become even higher to further discourage tree removal. Mr. Ricchi replied that it may be possible to add a few more trees to the site.

Mr. Wilson suggested scrub pines or similar vegetation could be embedded in the rip rap to help naturalize the water’s edge.

Mr. Ghirin asked for clarification regarding public access to the waterfront. J. Freidman replied that the promenade is 20 feet wide. Mr. Ricchi described the open space pathways/entry points. Mr. Ghirin asked if bollards are planned at the entry ways. Mr. Ricchi noted that there will be no curb cut at the promenade and it will be surfaced with pavers, so as not to read as a roadway. Mr. Ghirin asked about the central accessway through the 1-story archway. The proponent confirmed that there will be Harborwalk signage and will read as publicly accessible.

Mr. Wilson asked about the “rain gardens” depicted on the NOI site plan. He asked if there will be infiltration. Mr. Freidman stated that a rain garden infiltration system will not in fact fit, and will not be part of the final plan. This will allow the artist live/work/sell units to work better and allow free flowing foot traffic in front of them.

Mr. Schmid committed to trying to incorporate the Commission’s concerns as the design progresses.

Ms. Li explained that it would be easier to make improvements to the DPA portion of the site while construction equipment is already mobilized. Mr. Schmid replied that development of the staging area will require a SWPPP plan, which will be submitted to the Commission. Once the grass is stabilized, the E&S structures will be removed. Ms. Li explained that it would be easier to make improvements while the equipment is mobilized. Ms. Goldenfarb explained that the two sites have to be completely separate for financing purposes.

Ms. Li asked for questions and comments from the public.

Nancy Girard, Commissioner of the Environment Department, suggested that all areas where impervious surfaces are proposed be considered for pervious pavers to improve infiltration.

Ms. Li wants to ensure that the two uses on the site do not conflict. The DPA is part of the project site because it is necessary for the project and contains resource areas. She’d like to hear from the Harbormaster and Boston Pilots regarding potential conflict for the kayak launch. She wants to ensure that the two sites do not conflict. The site is currently one parcel and is viewed as one site. Ms. Goldenfarb stated that Trinity Financial is only taking title to the residential parcels, and the Chapter 91 license is only for the residential site.

Ms. Li wondered if the City, as owner of the staging parcel, supports the project. Ms. Krueel confirmed that Sheila Dillon of the Department of Neighborhood Development is a signatory on the NOI.

Mr. Wilson expressed his belief that it is possible for the site to do better regarding green space, and requested an alternative analysis so there is a better understanding of what could be done on the site. He also would like to see habitat value added along the seawall edge.

Ms. Li asked if the Chapter 91 license has been issued. Mr. Ricchi replied that the OOC is required prior to issuance. The comment period closed in April.

Ms. Li asked the Commissioners if they would prefer to continue the hearing to allow time for submittal of specific information. Ms. Goldenfarb noted that anything that delays the Chapter 91 license delays the start of construction.

Mr. Ghirin asked if the draft conditions address the DMF comments.

S. Kruel replied that the second item regarding conversion of intertidal habitat to rip rap is not addressed. J. Fay noted that only 65 sf is being converted. Mr. Fay requested that the Order be approved tonight, and is willing to submit any additional information necessary.

Mr. Wilson replied that previous applications have included more robust landscaping plans at this point in the permitting process. Mr. Ricchi provided an 8.5" X 11" black & white tree planting plan to Mr. Wilson.

Ms Li explained that she does not feel that a continuance would be an undue delay given that the Commissioners just received the NOI on July 2, only two weeks ago. The Commissioners discussed potential amendments to the draft order to allow for more information to be provided.

- **Motion made by and seconded by to issue the Order of Conditions with the following amendments (3/0/1 8:15 PM):**
 - **Amend #39: "The Applicant shall submit a landscaping plan to the Commission for review and approval within 60 days of issuance of this Order. The plan should show, among other elements, best efforts to maintain existing trees. In instances where that is not possible, a tree replacement plan with a minimum ratio of 3:1 replacement of similar caliper if possible and similar tree canopy shall be included...."**
 - **Add #42: The Applicant shall submit an alternatives analysis pertaining to the permeability of all paved surfaces planned on the site to the Environment and Parks Departments for review and comment within 60 days of issuance of this Order.**
 - **Add #43: 43. The Applicant shall submit to Commission staff notice of comments from the Boston Harbormaster, the Boston Harbor Pilot Association, and the East Boston CDC of the plans for the kayak launch. Any modifications required by these organizations to the plans approved by this Order shall be detailed in writing with this submittal so that Commission staff can determine if further conditions are required.**
 - **Amend #66: "All landside areas disturbed during construction, including those on the Staging Parcel, shall be stabilized as soon as possible upon completion of construction...."**

8:15 PM Updates and General Business

- Review of Minutes: 6/4/14, 6/18/2014
 - **Motion made by and seconded by to approve the minutes of the June 4, 2014 hearing as corrected (3/0/1 8:16 PM).**
 - **Motion made by M. Wilson and seconded by A. Ghirin to approve the minutes of the June 18, 2014 hearing as corrected (3/0/1 8:16 PM).**
- Request for Certificate of Compliance for DEP File No. 006-1291 from BWSC for Rehabilitation Of Drainage Outfall 061, Charlestown
 - S. Kruel described the project and her findings during the site visit.
 - **Motion made by M. Wilson and seconded by A. Ghirin to issue the Certificate of Compliance (3/0/1 8:17 PM).**
- *FEMA* Preliminary Map update

- S. Krueel explained that WHG has submitted their draft evaluation of the Preliminary maps. They found that the boundary extent is largely accurate, save for a portion of the South Boston Waterfront; However the Base Flood Elevations (BFE) are in fact much lower than FEMA has calculated. The results of their analysis indicated that a technical appeal is warranted. They are moving forward with testing of a hydrodynamic model with the Blizzard of 1978. If the resulting map is significantly different from the map redrawn on a technical basis, the City will petition FEMA to either extend the appeal period to allow WHG more time to run the model with the full dataset, or to begin the entire map appeal process over. Approximately 1,000 information flyers were distributed to affected properties in East Boston, Charlestown, North End, West End, South Boston, and Dorchester at the end of June. The Commission has received only a handful of inquiries about the mapping since the beginning of the appeal period.
- V. Li asked if Chris Busch is continuing to work on this project. Ms. Krueel replied that Mr. Busch will be the point person for the project moving forward until the Executive Secretary position is filled. In addition, Nancy Girard and Carl Spector in the Environment Department will be available to answer questions on floodplain and mapping topics.
- M. Wilson asked about the timeline for map adoption. Ms. Krueel replied that August 27th is the end of the appeal period.
- Quarterly Administrative Approval Update
 - S. Krueel provided information about 5 administrative approvals issued between April 1, 2014 and the present day.
- Ms. Li thanked Ms. Krueel for her outstanding service to the Commission, and all Commissioners and those present strongly concurred

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- **Motion made by A. Ghirin and seconded by M. Wilson to adjourn the meeting (3/0/1 8:21 PM).**

Respectfully submitted,

Stephanie Krueel

Stephanie Krueel
Executive Secretary