

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

August 6, 2014

Commissioners Present: Aldo Ghirin, Vivien Li, John Sullivan Jr., Michael Wilson

Commissioners Not Present: Charles Button, Jacob Kritzer, Stephen Kunian,

Staff Present: Van Du, Acting Executive Secretary

- **Motion made by A. Ghirin and seconded by M. Wilson to appoint V. Li as the meeting chair (4/0/0, 6:14).**
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6:14 PM Notice of Intent for **DEP File No. 006-1400** from Port Norfolk Yacht Club for Pile Replacement at 170-181 Walnut St, Dorchester, Neponset River (LUWW)

Representatives: Milton Fistel (Fistel & Associates, Inc.); and Mike Sweeney (PNYC)

M. Fistel introduced the project, which includes the removal and replacement of timber piles at Pier 1 and Pier 2, which were damaged during the winter 2013-14.

V. Li asked when the work will start and whether there is a boat pump-out facility. M. Sweeney indicated that the work would start in September or October, if possible, and that there will be a pump-out facility onsite.

A. Ghirin asked for clarification regarding the plan to remove and replace the timber piles. M. Fistel responded, stating that a total of 14 timber piles will be removed and disposed at an offsite landfill.

M. Wilson asked whether notice had been given to abutters, and if so a copy should be submitted to the Commission.

V. Du added that DMF supports the project.

J. Sullivan asked the proponent to submit to the Commission a plan by a registered engineer indicating the location of piles that remain below the mud line.

V. Li asked for questions and comments from public.

Dick Mulligan, Senior Project Manager, BRA, spoke in support of the project.

The proponent reviewed the draft conditions and requested the pile driving work done in October. Current written condition #46 stated that "pile driving or extraction or dredging is prohibited in the fish run from February 15th to November 15th ..." Letter from *Marine Fisheries* indicated only no in-water pile work will be carried out from February 15th to June 15th.

V. Li suggested adding a reminder that the use of a pump out facility is required, as the Boston Harbor is in a no-discharge zone.

- **Motion made by A. Ghirin and seconded by M. Wilson to issue the Order of Conditions with the following (4/0/0, 6:27 pm):**
 - **Condition 46: Change date from Feb.15 –Nov.15 to Feb.15-June15**
 - **Reminder that the use of a pump out facility is required, as the Boston Harbor is in a no-discharge zone.**
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6:27 PM Notice of Intent for **DEP File No. 006-1401** from Exelon New Boston for Oil Storage Tank Removal & Remediation, 776 Summer St, South Boston, Reserved Channel (Buffer to Coastal Bank)

Representatives: James Borrebach, OHI Engineering, Inc.; Paula Devereaux, Rubin & Rudman (representing Exelon); Julea Hovey, Exelon

V. Li stated that Rubin & Rudman is a dues paying member of her employer, The Boston Harbor Association.

J. Borrebach described the project, which entails the dismantling of three above ground storage tanks and the remediation of a #6 fuel oil release that occurred at Tank 3 in early 90s. The project will happen in three phases: dismantling, assessment/reporting to DEP, and remediation. There will be series of reports prepared for DEP, will be submitted to the Commission as well.

V. Li asked about duration of the project. J. Borrebach responded that the physical tank removal will take about 3-4 weeks, and the remediation will take 5 weeks.

A. Ghirin asked whether there is a dust control plan for the project. J. Borrebach stated that dust suppression will be performed using water on regular basis, in accordance to the Health and Safety Plan produced by a certified Industrial Hygienist.

A. Ghirin asked about the time of day and during the week when the work will take place, and he was also concerned about how nearby park users will be protected. J. Borrebach indicated that the work will take place from Monday through Friday, between 7am-3:30pm, with the last truck expected to leave around 1:30pm as materials will be disposed in Maine. Excavation will continue onsite until 3pm.

M. Wilson asked about the extended area and whether there is a wash-off station so debris will not be trekked in and out of site. J. Borrebach indicated that after remediation work is completed, the crushed concrete path will be removed and replaced with asphalt.

V. Li asked whether the proponent has been working with CLF Ventures and meeting with the community. P. Devereaux and J. Borrebach replied in the affirmative, also indicated that they have meetings with the community twice a year.

V. Du added that DMF supports the project.

The proponent has reviewed and accepted the draft special conditions.

- **Motion made by A. Ghirin and seconded by M. Wilson to issue the Order of Conditions as written (4/0/0, 6:41pm).**
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6:42 PM Notice of Intent for DEP File No. 006-1403 from Mass DCR for Schaffer Paper Remediation & Park Conversion, 75 Taylor St, Dorchester, Neponset River (Riverfront Area, Coastal Bank, Salt Marsh, LSCSF)

Representatives: Sean Hale of Epsilon Associates, Inc.; Krista Wolfe, Anne Leifer, and Varouj Hagopian, GEI; Ruth Helfeld, DCR

V. Li stated that Epsilon Associates and GEI are dues paying members of her employer, The Boston Harbor Association.

S. Hale described the project, which proposes the remediation and conversion of the contaminated former Shaffer Paper site into a passive use, naturalistic public park.

S. Hale described the site, which is currently covered with impervious surface. S. Hale indicated that 86% of the impervious surface on site will be replaced with pervious open space.

S. Hale stated that the proponent was going through MEPA review, and will shortly file the Water Quality Certification, Category 2 Application, and Chapter 91 License application under DEP (DEP File No. 006-1403).

S. Hale discussed the jurisdictional activities along the bank: The project site is divided into four different edge types along the bank. Edge type A is adjacent to a condominium development, has the healthiest salt marsh area on site. There will be no machinery, just people entering site to remove trash and debris. Edge type B is area with the most work proposed, and equipment will be used to remove large pieces of debris and timber in the upland area. Edge type B is largely composed of deteriorating bulkhead with a concrete on top, high salt marsh has grown on top of the existing pavement. No hard construction will be used, and the project will include replanting where existing salt marsh currently is. Edge type C is relatively healthy salt marsh, no construction proposed, and equipment will be used to remove large pieces of debris and timber in the upland area. Edge type D is the unstable, unsafe area. The proponent had discussions with CZM and EPA, proposing to remove part of the seawall with subsequent relocation of salt marsh into reconstructed bank.

V. Li asked for clarification on the remediation plan.

A. Leifer responded, stating that the site is listed by DEP as salt marsh site. Site was lumber yard for a while in early years and became a variety of industrial facilities in early 1900s. After DCR took over the property, a lot of

remediation had already been done. What is left is contaminated soil with metals and PCB from upstream of Neponset River. Plan is to excavate and remove from site the high level of metal (primarily lead). At this point, the proponent is not proposing to remediate the mud flats, will wait until the rest of the river be remediated.

V. Li asked whether the proponent received funding for the project. R. Helfeld stated that they received an allocation 4.2 mil from the state Legislature.

A. Ghirin asked whether there is a proposed name for the park. R. Helfeld indicated there is not at this time.

J. Sullivan raised concerns about the project not removing pilings in the water, which are a deterrent to navigation and boating, and can become hazards when they break off overtime.

A. Leifer stated that the project tries to avoid disturbing the sediments, which contain high level of PCB. The piles are helping to trap a lot of contamination.

V. Hagopian stated that the pilings are outside of the project site, and it would be beyond the scope of proposed work. He also expressed extensive cost to the project for pile removal, which the project has limited budget. The piles are also site for birds.

V. Li asked whether the project will pick up pilings that break off

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

D. Mulligan, BRA, reiterated that pilings can become hazards, and that it would be a missed opportunity in the grand scheme as the site will be a fantastic area after work is completed.

V. Li asked for estimated cost to remove pilings. V. Hagopian indicated that an engineering estimate of a couple hundred thousand dollars.

A. Ghirin asked whether there will be access to water for kayakers. R. Helfeld indicated budgetary issues. A. Leifer indicated that there is contamination left in mud flat, and so it doesn't meet the condition of "no significant risks" that would allow for access.

A. Ghirin reiterated Commissioner Sullivan's concern of leaving pilings, for safety reasons if there are other kayak or access points along the bank.

V. Li asked whether there will be interpretive signage on site. R. Helfeld responded that the proponent would like to do that, but will need to look at budget which is stretched to the max.

A. Ghirin asked when the project is expected to complete. S. Hale stated the completion is expected in about a year.

V. Li commented that the community is very excited about this project

J. Sullivan asked whether it would help the proponent's efforts to raise more money, if the Commission adds additional condition to remove the pilings. R. Helfeld stated she does not know.

S. Hale stated that the proponent had site visit with DEP and presented that part of the project, but DEP did not raise objection to it. S. Hale restated that pilings help stabilize the sediments and restore habitat values, and also some aesthetic value.

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

R. Helfeld raised concerns that the problem would be budgetary concern, and that project might not be completed if the conditions cannot be fulfilled.

V. Li stated that the proponent will have 3 years to complete the project, and the proponent can come back for continuance if needed.

The proponent reviewed the draft special conditions. S. Hale requested the Commission to review the proponent's suggested edits.

- The Commission agreed to remove condition 34
- The Commission agreed to change to "10 days" under condition 42
- The Commission agreed to remove the language of 100-yr flood plain under condition 50, as long as the proponent submit a swift plan to the Commission
- The Commission declined suggested changes to condition 51
- The Commission agreed to suggested edits by the proponent to condition 53
- The Commission declined suggested changes to condition 55 and 56

S. Hale asked the Commission to consider working with DCR outside of the formal requirement of the order of conditions. The proposal has a defined project limit, and piling removal is outside of this project limit. He is concerned whether it is the best way to compel DCR to address this issue.

J. Sullivan stated that the proponent has the right to appeal an Order of Conditions, and the State can decide whether to overturn it.

S. Hale stated that the proponent had discussions with EPA and CZM, and indicated that the pile removal is not a concern for them at all. He suggested that adding the condition will have implication for what the proponent has filed under MEPA. R. Helfeld raised concern that the entire project might have to be redefined and cause delay of the project. V. Li responded that the proponent might just need to amend and not re-file the permits.

M. Wilson suggested a continuance, and the proponent can come back with more information.

- **Motion made by A. Ghirin and seconded by M. Wilson to move the continuance for 2 weeks (4/0/0, 7:35pm).**
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7:36 PM Notice of Intent from Excel Academy Charter School for Construction of a New School & Parking, 415 Bremen St, East Boston (LSCSF)

Representatives: Chelsea Christenson, Nitsch Engineering, Inc.; Steve Michener, Studio G Architects; James Huegas, Pacific Charter School Development; Aaron Buzay, Excel Academy Charter School

V. Li stated that Nitsch Engineering, Inc. is a dues paying member of her employer, The Boston Harbor Association.

S. Michener described the project, which proposes the demolition of abandoned buildings and parking lot for the construction of a new school building and associated driveway, parking area, and utility improvements on a 2-acre site. Site was formerly a parking lot for Logan Airport, and is adjacent to the East Boston Greenway. The proponent has met with proponents of the Greenway to discuss ways to work together to open up the planned Greenway path in the back of the site.

C. Christenson presented the site plan.

V. Li commented that BNAN and City of Boston worked together very hard to get the area to where it is now.

V. Li asked whether there will be a bike repair station, interpretive sign/exhibit about the neighborhood diversity, climate change, stormwater management, etc. S. Michener indicated that there is no plan to consider for those items at this point, but the project has extensive bike rack in the back of campus to accommodate faculty and students.

V. Li asked whether the school will utilize Ryan Field on the other side of the site for athletic events. A. Buzzay stated that the proposal currently does not include a gymnasium onsite at this point, and so they plan to use local resources including the field and Greenway.

A. Ghirin asked the proponent to clarify the discrepancy where the connector to the Greenway is shown differently on each presented site plan. S. Michener explained that one is an aerial photograph of the site. Plan submitted to the Commission was old (c-200), new plan is C-300 which being presented tonight. The project proposes to elevate the site to be out of the 100 yr flood plain by 3 ft., so courtyard will also be brought up and there will be slope walking up from greenway path to site.

A. Ghirin asked whether the project received its permit from Parks and Recreation Dept. S. Michener indicated that they plan to get permits from Boston Parks & Rec in the fall.

M. Wilson asked about the proposed catch basin. J. Sullivan then asked whether the plans were sufficient for not only one inch overflow but two inch overflow as well. Proponent stated that the project will decrease the amount of impervious area, and overflow would go to the catch basin in the Greenway. J. Sullivan asked whether the Parks Department is aware of this, and C. Christenson replied that the Department is aware of this, as well as the need for approval of the walkway.

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

V. Li asked the proponent to submit a plan that shows possibility for adding interpretive educational signage similar to one at the East Boston Public Library. The proponent agreed to consider.

V. Li asked the proponent to consider adding bike repair station, similarly to the East Boston Public Library. S. Michener expressed that the school will expect to have a cooperative relationship with the public library, and having another bike repair station might be redundant. V. Li agreed and withdrew her bike repair station request.

The proponent reviewed draft of special conditions and requested the removal of condition 52, stating that the site is only on edge of the 100-year flood plain and the project will need the ability to store construction materials onsite. The Commission agreed to remove condition 52.

- **Motion made by A. Ghirin and seconded by M. Wilson to issue the Order of Conditions with the following amendments (4/0/0, 8:02pm):**
 - **Additional educational signage on site**
 - **Remove condition #52**

8:03 PM Updates and General Business

- Ratification of Emergency Certification issued on 7/18/14 to Shipyard Quarters Marina for removal of piles and the wave attenuator at Pier 8.
 - V. Du explained S. Krueel's administrative approval to issue the Emergency Certification.
 - Michael Parker, Rackemann, Sawyer & Brewster (representing the abutters), asked questions regarding removing the rest of the piles. M. Parker indicated that the piles are still presenting hazards to the area. He also raised a concern regarding the time of operations.
 - V. Li clarified that the site visit was made on July 14 by S. Krueel and she authorized work on the Emergency Certification to start on 7/18 through 8/17.
 - V. Li asked Lois Siegelman, President of Friends of the Charlestown Navy Yard, whether the work has commenced. L. Siegelman described the current condition at the site, and raised concerns regarding the opponent's understanding of removal vs. relocation of the piles, and proper disposal of debris which is currently left on floating docks.
 - J. Sullivan suggested making sure the opponent's representing engineering firm submit final plan.
 - **Motion made by A. Ghirin and seconded by M. Wilson to ratify the Emergency Certificate (4/0/0, 8:19pm).**
- Request for a Certificate of Compliance for **DEP File No. 006-1358**, Mariner Tower LLC, Telecommunications Tower, 150 William F. McClellan Highway, East Boston
 - V. Du described the project and her site visit on July 22 (with S. Krueel).
 - **Motion made by M. Wilson and seconded by A. Ghirin to issue the Certificate of Compliance (4/0/0, 8:20pm).**
- Request for a Certificate of Compliance for **DEP File No. 006-0240**, Boston Edison Co., Dredging within Thermal Barrier, 776 Summer St, South Boston, Reserved Channel (work never initiated)
 - V. Du described the project invalid, as work never commenced.
 - **Motion made by A. Ghirin and seconded by M. Wilson to issue the Certificate of Compliance, invalid project (4/0/0, 8:21pm).**
- Review & Approval of Meeting Minutes: 7/16/14
 - **Motion made by M. Wilson and seconded by A. Ghirin to adopt the minutes as written (3/1/0, 8:22pm).**

- **Motion made by V. Li and seconded by M. Wilson to adjourn the meeting (4/0/0, 8:23pm).**

Respectfully submitted,

Van Du

Van Du
Acting Executive Secretary