

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

October 22, 2014

Commissioners Present: Vivien Li, Stephen Kunian, Michael Wilson, Jacob Kritzer

Commissioners Not Present: Charles Button, John Sullivan Jr., Aldo Ghirin

Staff Present: Van Du, Acting Executive Secretary

- **Motion made by V. Li and seconded by M. Wilson to appoint S. Kunian as the meeting chair (4/0/0, 6:15 PM).**
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6:15 PM Notice of Intent for DEP File No. 006-XXXX from Massachusetts Port Authority for North Outfall Access Improvements at Logan International Airport

Representatives: James Stolecki of Massachusetts Port Authority

V. Li stated that Massachusetts Port Authority is a dues paying member of her employer, The Boston Harbor Association (TBHA).

Jim presented the proposed project, which is at one of the four major stormwater outfalls at the airport. Massport is required to sample the outfalls twice a month (during storm event and dry event). Proposed project is to improve access to the outfall and enhance safety. Prior to construction of the improvements, Massport will install stormwater control and erosion sedimentation (silt fence) control.

V. Li asked about sampling method in the event of snow. J. Stolecki stated that employees currently just walk down through the snow to the location where they need to take sample. He stressed the improvement of the walkway therefore will ensure safer condition. There is currently very limited access for the sampling and boom maintenance (get changed routinely).

J. Kritzer asked whether the project will have negative impact to the runoff. J. Stolecki state no and that impact would be very insignificant.

J. Kritzer asked whether there is a creek in the surrounding area. J. Stolecki stated that it is correct, but the creek is quite removed from the project site.

S. Kunian asked for question or comments from public.

V. Li asked about usage of heavy equipment for this project. J. Stolecki stated that there will be usage of boats for duration of a few weeks (check recorder).

Project proponent reviewed draft order and made suggested edits.

Commission reviewed and accepted suggested changes.

- **Motion made by V. Li and seconded by M. Wilson to issue the Order of Conditions as amended (4/0/0, 6:25 PM)**
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6:26 PM Notice of Intent for DEP File No. 006-1407 from CLE Engineering, Inc. for the float replacement at Fox Point, UMass Boston

Representatives: Carlos Pena from CLE Engineering, Inc., Chris Sweeney & Zehra Scheneider Graham from UMass Boston

V. Li stated that UMass Boston is a dues paying member of her employer, TBHA.

C. Pena presented the proposal.

V. Li asked whether the proposed dock is in compliant with ADA requirements. C. Sweeney stated that this proposal is only an interim step to achieve that—proposing maintenance step to keep the float from sinking, or would have to take the facility out of service.

V. Li commented on the importance of having this project in ADA compliance, and raised concern that this is yet another piecemeal project, not consistent with the University's 25-year master plan.

C. Pena emphasized that this is just interim maintenance step.

S. Kunian asked for project timeline and whether the project will be complying to ADA requirements.

S. Kunian raised concern that the proposed project description seems more to be more like improvements than maintenance.

V. Li also raised concern about inconsistency with making the project accessible to “all.”

S. Kunian asked about the cost of this project. C. Sweeney estimated about \$200,000

S. Kunian asked about the cost of the project with ADA compliance. C. Sweeney estimated about \$1.5 million.

C. Sweeney stated that the funding of this project is from UMass budget, while the other projects are not.

J. Kritzer understood the need to maintain the facility. However, he agreed that project proposed sounded more than a maintenance task. J. Kritzer raised concern about re-disturbing the site once the project site can no longer be maintained and reconstruction of something permanent has to take place, etc. Then, there would be more impacts to the resource areas.

J. Kritzer asked about proposed timeline of the project. C. Pena stated the construction will be quick, 1-2 day maximum.

J. Kritzer commented that he had seen small projects with more turbidity than expected.

M. Wilson raised concerns about users (contractors, city, etc.) subjected to ADA compliance. C. Sweeney stated that the University does not receive funding to support that facility.

M. Wilson for clarification on Exhibit G map submitted by the project proponent.

V. Li pointed out that Exhibit B of the proposal lists all external partners using the facility, and asked whether project proponent can confirm that these existing partners will not need to have ADA compliant access at all.

Vivien suggested continuance to hear more from the public and other groups.

S. Kunian asked for questions and comments from the public.

S. Schneider expressed concerns about funding not available to make the project ADA compliant, and that further delay of this repair would keep many students from using the facility.

J. Kritzer asked whether the project proponent can collaborate with the listed partners for additional funding. C. Sweeney stated that many organizations listed do not have ADA facilities either.

J. Kritzer asked whether a conversation has taken place with the other partner groups in term of repairing & complying to ADA criteria?

J. Kritzer asked whether this facility is currently still in use. C. Sweeney stated yes, but the winter will pose risks.

S. Kunian asked about timeline and duration of the project. C. Pena anticipated that project will possibly start in summer 2015.

V. Li suggested: to continue this hearing and ask the project proponent to include appropriate personnel with the authority back for discussion at the next hearing; to approve a plan that require additional structure with ADA compliance in the OOCs.

M. Wilson asked clarification on legal issue related to ADA compliance criteria.

- **Motion made by V. Li and seconded by J. Kritzer to continue for 2 weeks. (4/0/0, 7:16 PM)**
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6:30 PM Request for an Amended Order of Conditions for DEP File No. 006-0991 from Civil Environmental Consultants, LLC. For the revisions to the plan for Born Again Church, Inc. construction of church, additional housing project, and utility infrastructure, Mattapan

Representatives: Attorney Tim Berns for Born Again Church, Inc.; Ken Bouffard from Civil Environmental Consultants, LLC.

T. Berns and K. Bouffard presented the proposal for amended OOC, revised plan for lot 1. This project was approved by BSWC at the time of original proposal (2005).

S. Kunian asked for questions and comments from the public.

Walter Applewhite, representing Councilor Tim McCarthy (Mattapan district), requested more concrete plans and a more transparent community process. The Councilor is not for or against the project, but wants to be sure that abutters and neighbors have a chance to weigh in on the project. W. Applewhite suggested that the Church goes back to community with a clear plan for discussion.

West Grant, an abutter on Stonecrest Road, expressed concern that he and his neighbors did not received any notification about the project proposal and future construction of the homes.

An abutter living at 8 Stonecrest Road raised concern about impact of the construction of the church and impacts to the neighborhood on Stonecrest Road.

S. Kunian asked W. Grant whether he has concerns regarding the building of the church. W. Grant stated no.

S. Kunian clarified that nothing of this proposal is regarding the housing project. The project proponent will need to submit a separate notice of intent for that proposal.

J. Kritzer explained the history of the case and how it was straightforward, and expressed surprise with the number of people showed up at the hearing today. He wanted to know whether any part of the project has fundamentally changed since.

V. Li asked whether Councilor McCarthy's office can facilitate the community meeting, if the Commission decided to move for continuance. W. Applewhite stated yes.

S. Kunian stresses that the Boston Conservation Commission also feels strongly about having a robust community process.

M. Wilson asked project proponent to come back with more clarity on what being proposed.

- **Motion made by J. Kritzer and seconded by V. Li to continue for 2 weeks (4/0/0, 7:45 PM)**
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6:45 PM: Notice of Intent from Mazzal Holding Corp. for a new building construction at 1625 VFW Parkway, Boston

Representative: Nissim Tribelsi of Mazzal Holding Corp.

N. Tribelsi presented the project proposal.

V. Li asked for the stamped plan for the proposal. N. Tribelsi stated that he will send one to the Commission later.

V. Li asked for the number of rooms included in this proposed hotel. N. Tribelsi stated up to 69.

V. Li asked whether construction will take place on the existing asphalt. N. Tribelsi confirmed and stated that all will remain the same.

V. Li asked whether the project received approval from BSWC. N. Tribelsi confirmed not yet.

M. Wilson asked for clarification on the existing 20 ft easement. N. Tribelsi stated that they will have to build around the easement.

N. Tribelsi stated that they are also in the process of working with MWRA.

J. Kritzer asked for clarification of the lot to the right of the parking lot.

J. Kritzer asked whether existing vegetated area will remain intact. N. Tribelsi confirmed that nothing will be touched.

V. Li asked about the footprint of the hotel and whether it will be the same footprint of the burnt-down old McDonald's. N. Tribelsi confirmed yes.

S. Kunian asked for a landscaping plan. N. Tribelsi stated that he will send one to the Commission later.

J. Kritzer asked for clarification on note #14 (on lot 25) of the existing site plan. N. Tribelsi stated that it is already approved by the Boston Planning Board. J. Kritzer asked for a copy of confirmation to be submitted to the Commission.

S. Kunian suggested an additional condition requiring the submission of recorded site plan before construction.

M. Wilson asked about the plan for mitigating groundwater. M. Wilson also stated that he would feel more comfortable if BSWC signs off on the stormwater plan.

S. Kunian asked about usage of the basement. N. Tribelsi stated it is for storage.

- **Motion made by M. Wilson and seconded by J. Kritzer to issue the Order of Conditions with the following amendments (4/0/0, 8:13 PM):**
 - Approval from BSWC on stormwater plan
 - Landscaping plan to submitted within next 30 days, which should include a fence to stop grass from going into the wetland resource area, showcase of where tree will be planted and what types of tree be included
 - A stamped site plan prior to construction
 - A recorded land permit prior to construction

8:14 PM Updates and General Business

- Administrative Approval for the request from BETA Group regarding the Blue Hills Parkway traffic & roadway improvements project which is located partially in Mattapan Square
 - **Motion made by J. Kritzer and seconded by M. Wilson to ratify the administrative approval (4/0/0, 8:16 PM)**
- Administrative Approval for the request from LEC Environmental Consultants, Inc. for proposed improvements of bus shelters adjacent to the Georgetowne Homes, Hyde Park
 - **Motion made by J. Kritzer and seconded by M. Wilson to ratify the administrative approval (4/0/0, 8:19 PM)**
- Review of 2015 BCC public hearing calendar

- **Motion made by J. Kritzer and seconded by M. Wilson to approve the 2015 BCC public hearing calendar**

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- **Motion made by V. Li and seconded by J. Kritzer to adjourn the meeting (4/0/0, 8:20 PM).**

Respectfully submitted,

Van Du

Van H. Du
Acting Executive Secretary