

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

**April 19, 2017**

**Commissioners Present:** Joseph Orfant, Aldo Ghirin, Michael Wilson, Kristin Kleisner, Anne Herbst

**Commissioners Not Present:** Stephen Kunian, John Sullivan Jr.

**Staff Present:** Amelia Croteau, Maura Zlody

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**6:00 PM; Public Hearing**

**Notice of Intent for DEP File No. 006-15XX** 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: John McAllister (APEX), Mike Driscoll (DCR), Rozeta Nikolova (DCR)*

J.McAllister gave a brief overview of the project. There will be a total of 86 moorings installed within Boston Harbor at Spectacle, Peddocks and Gallops and Georges. The moorings will be conventional style moorings which will all be day-use only. The files have been sent to Natural Heritage and the Department of Marine Fisheries and both analyses have come back that this will not have any negative effects on the fisheries.

A.Ghirin asked about the radius around the moorings that are shown on the plans.

J.McAllister said that the swing radius is 110' and at the center is the mooring block. It provides a safe distance for each vessel.

K.Kleisner asked about the mooring system and if they would be using a bungee system.

J.McAllister said the mooring style is a mushroom type anchor with a connecting chain.

K.Kleisner asked if the chain would drag on the ocean floor.

J.McAllister said that the chain could drag during an exceedingly low tide.

K.Kleisner mentioned that DMF noted that these areas are suitable habitat for shellfish and several other species.

J.McAllister said that DMF did say that they don't see this project as a 'take' from the habitat. He noted that the Army Core of Engineers and Coastal Zone Management will be reviewing the project in May.

M.Wilson asked if the mooring floats will be seasonal.

J.McAllister said that DCR will be maintaining the floats and taking them out in the winter months so that they don't create a hazard. They will put 'winter sticks' on the ground hardware to make them visible for reinstallation. Another option is that since these will be mushroom anchors you could also pull the anchors and reset them each year which would be good for maintenance routine.

J.Orfant asked if there will be a maintenance contract.

M.Driscoll said that Boston Harbor Islands is looking to purchase a lobster boat with an A-Frame on it so that they can go out and pull the moorings, place them on the beach on Georges Island which would allow them to inspect the gear and chains.

J.Orfant opened up public comment. No comment

Discussion of the Draft Order of Conditions:

Condition 44 – The Applicant was concerned that the curtain itself would create more turbidity than the installation of the moorings itself.

- Consensus from the Commission was to modify the Condition to get eliminate the portion regarding the turbidity curtain.

M.Wilson asked about a perpetual maintenance condition regarding a maintenance plan.

M.Driscoll said that DCR would be responsible for the placement and maintenance of the mooring systems.

**A.Ghirin motioned to close the hearing, K.Kleisner seconded. Hearing closed (6:13 p.m. 5/0/0)**

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**Notice of Intent for DEP File No. 006-1495** from Michael Merullo for a proposed two family dwelling located at 95-95A Boardman Street, East Boston, MA (LSCSF)

*Representatives: Matthew Eckel (Drage & Toscano) Eric Bradanese (Engineering Alliance)*

E.Bradanese gave a brief overview of the project. The project is the second half of the abutting 49 Leyden Street construction. The construction for both 95-95A Boardman and 49 Leyden Street will be done in conjunction with one another. He requested that both Order of Conditions be accepted at the same meeting.

J.Orfant said that the Commission could accept both Order of Conditions together at the subsequent hearing.

E.Bradanese continued to talk about the project. The access for both properties will be off of Boardman Street. The grading for the property will remove the 95-95A Boardman facility out of the floodplain. All stormwater will be handled onsite; the parking area will contain pervious pavers.

A.Ghirin mentioned that the property is within 100' of Noyes Playground and that this project will require approval from the Parks and Recreation Commission.

K.Kleisner asked how high the grade is above the floodplain elevation.

E.Bradanese said that the grade is about an inch above the floodplain elevation. He added that there will be a two foot swale that runs along the side of the property that will help with any stormwater runoff.

M.Wilson asked about the limit of landscaping and if they could implement any trees.

E.Bradanese said that they would be able to add a few trees.

J.Orfant opened up public comment. No public comment.

Discussion on the Draft Order of Conditions:

- Conditions 69, 70, 71 – J.Orfant requested that the Conditions be eliminated.

J.Orfant asked if there would be an issue with the requirement that the overnight stockpiling and storage of materials within the 100-year floodplain.

E.Bradanese said that to his knowledge there is no issue.

**K.Kleisner moved to close the hearing, A.Ghirin seconded. Hearing closed (6:22 p.m. 5/0/0)**

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

J.Orfant noted that the application is incomplete due to the abutter not being notified in time. The Notice of Intent will be heard at the subsequent hearing.

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**Notice of Intent for DEP File No. 006-1507** from Wynn Design and Development for the Sullivan Square Transportation Improvements project located at Maffa Way/Spice Street/Cambridge Street/Main Street/D Street/Alford Street/New Rutherford Avenue/Beacham Street, Charlestown, MA (LSCSF)

*Representatives: Chris Gordon (President Wynn Design and Development), James Downing (Howard Stein Hudson), Keri Pyke (Howard Stein Hudson)*

C.Gordon gave a brief overview of the project. As part of the regulatory review process for the future casino Wynn Development and Design proposed in the past, they are required to do a fair amount of infrastructure improvements. A big chunk of this work will be done in Sullivan Square.

J.Downing continued to describe the project. They are looking to redevelop 1.7 miles of roadway improvements. Improvements will include fill and overlay, all traffic signals will be updated and coordinated with one another, there will be new pedestrian crossing along with bicycle lane accommodations on Alford Street, Main Street and on Cambridge Street. There will be some new drainage improvements. They will be adding new catch basins and new drainage systems on D Street, infiltration chambers, and dry wells will also be added.

J.Orfant asked how the trenches and catch basins would work within the floodzone in terms of separating the ground water.

J.Downing said that the infiltration chambers are small and they are working with Boston Water and Sewer to review any concerns that may arise.

M.Wilson asked about the portion along Main Street and if they had been in conversation with Climate Ready Boston since that area is part of the Climate Ready Boston initiative.

K.Pyke said that they have not talked with them directly. Most of their coordination had been with Jim Gilooly from Boston Transportation Department. Since this project is meant to be a temporary remediation to Sullivan Square.

J.Gilooly said that this work is intended to get them through three to five years. If the projects continue along the path that they are, they will have approximately 152 million dollars through the NPR which will allow them to rebuild Sullivan Square. The new reconstruction will consist of grids instead of the current oval at Sullivan Square which will help alleviate some of the already heavy trafficked area during construction of the casino.

M.Wilson asked if the roadway improvements have included any complete streets guidance.

J.Gilooly said that the permanent project will include complete streets guidance but since this is a safety and congestion management project and temporary in nature, they will not be adding any landscaping seeing as it would likely be destroyed in the reconstruction phase in 3 to 5 years.

A.Ghirin mentioned Ryan Playground and asked if anyone had contacted the Parks Department with these plans.

K.Pyke said that the project had been submitted to Rob Rucker and Liza Myers from Parks.

A.Ghirin said that he had spoken with Rob before the meeting and he wasn't aware of this project. He mentions sheet 8 and asked why a sidewalk is being constructed and placed onto the Park property.

K.Pyke said that the intent was to give a cyclist a place to wait before entering the rotary.

A.Ghirin asked if there was any federal money involved this project.

K.Pyke said that it was all private money.

A.Ghirin informed the applicant that Park land is being taken for a non-Park purpose. In accordance with Article 97, projects such as this require state legislature approval. Also, the Parks Department used state grant money to reconstruct parts of Ryan Playground. When grant money is accepted it encumbers the entire park with a provision that any sort of taking like this, even with state legislature approval, the applicant will have to replace the land. He advised some rethinking in the project footprint.

J.Orfant opened public comment. No public comment.

Discussion of the Order of Conditions:

- No comments from the Applicant regarding the Conditions.

**A.Herbst motioned to close the hearing, M.Wilson seconded. Hearing closed (6:44 p.m. 5/0/0)**

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**Notice of Intent for DEP File No. 006-1508** from CAP Long Wharf LLC for the proposed redevelopment of an existing building and associated improvements at 62-70 Long Wharf, North End, MA (LSCSF)

*Representatives: Bill Maher (Nitsch Engineering), Frank Basler*

B.Maher gave an overview of the project. The project will consist of a partial renovation along with the removal and installation of new utilities. Specifically, there will be new public sewer, gas, water and telephone. They will not be touching any of the boardwalk area to the north of the buildings. To the west of the buildings they will be installing a new transformer vault.

M.Wilson mentioned the Customs House project that was before the Commission a few months ago for waterproofing a basement and utility connectors. He asked if the project before them tonight is in addition to the Customs House project.

B.Maher said that it is all part of the same project. The utilities that currently run into the buildings are subgrade so there is some waterproofing that needs to be done to these buildings. They will be bringing the utilities that are currently underground, up to grade and on the first floor.

M.Wilson added that it would be short sighted, specifically for that area and for the amount of work they will be doing, for the Applicant not to consider raising the utilities higher so that they would be out of the floodplain.

B.Maher said that there are a number of existing utilities in that area which will be vacated and removed as part of the project. They will be reducing the number of utilities that come into the buildings and waterproofing all the piping.

M.Wilson said that this would be an opportunity for them to raise the utilities above grade and the sea level rise projections for the future.

F.Basler added that the transformers will be above grade. The building that is to be renovated is on the National Historic List so there are a lot of constraints due to the historic nature of the building.

J.Orfant asked if there is federal involvement in the project.

F.Basler confirmed that there is federal involvement and that they are seeking tax credit certifications.

A.Ghirin mentioned that they will be doing construction in park land that is protected by the Land Water Conservation Fund and that they will need approval by the National Park Service before they can proceed.

M.Wilson asked about the access of the boardwalk and access during construction.

B.Maher said that they contractor will gate off what they need on a daily basis and that there will be signs to direct foot traffic during construction.

M.Wilson asked for clarification on the elevation of the new transformer.

B.Maher said that it is set to be installed at 15 feet.

M.Wilson mentioned that elevation does not bring the transformer out of the 100-year floodplain.

F.Basler said the vault itself will not be out of the floodplain. The switch gear for the transformer will be on the third floor of the building but the transformer itself will be cordoned with a concrete barrier up to elevation 19 feet.

J.Orfant opened up public comment. No public comment.

Discussion of the Order of Conditions:

-No comments from the Applicant regarding the Conditions.

M.Wilson asked where they expect to stage construction materials.

B.Maher said that the contractor may temporarily store materials but will take them at the end of the day.

**A.Ghirin moved to close the hearing, K.Kleisner seconded. Hearing closed (7:00 p.m., 5/0/0).**

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**Notice of Intent for DEP File No. 006-1506** from Eversource Energy for the Second HEEC Cable Survey Project located in the Reserved Channel, Boston (DPA, LUO)

*Representatives: Les Smith (Epsilon Associates), Matthew Waldrip (Eversource), Karen Gilbert (Epsilon Associates), Maria Hartnett (Epsilon Associates)*

L.Smith gave an overview of the project. The resource areas associated with this project are Land under the Ocean and Designated Port Area. For this project they will be measuring and surveying down to the existing HEEC cable. They will be mechanical dredging down to eight feet. Once down to eight feet, they will convert to diver assisted dredging as to be careful and not puncture the line. They will conduct turbidity measurements and ensure that they comply with MassDEP standards. Once the dredging is complete, they will cover the cable with one foot of sand followed by a total of 9 feet of crushed stone.

M.Wilson asked if they located the cable by de-energizing it and then admitting a tone through the cable.

M.Waldrip said that it was his understanding that the cable is de-energized periodically in coordination with the MWRA and other stakeholders. It may have had something to do with the electromagnetic field of the cable.

M.Hartnett added that the cable will be excavated at the three pit locations and then the survey rod will be placed on top so there will be a direct measurement. The three locations are intended to supplement the geophysical survey data which will then be collected by a diver holding onto a handheld receiver.

J.Orfant opened up public comment. No public comment.

Discussion of the Order of Conditions:

- Condition 42 – The Applicant requested that this Condition be eliminated. Commission agrees.
- Condition 29 – The Applicant requested to be allowed to refuel on the water. The Applicant will develop a spill management plan for these refueling activities. Commission agrees.
- Condition 44 – The Applicant requested that the last sentence requiring the materials to be capped, be eliminated. Commission agrees.

**A.Ghirin moved to close the hearing, A.Herbst seconded. Hearing closed (7:09 p.m., 5/0/0)**

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**Notice of Intent for DEP File No. 006-1512** from Eversource Energy for the proposed mechanical and diver-assisted dredging, installation of a cable protection system, and the installation of an articulated concrete mat transition zone around the protective panels located in the Reserved Channel, Boston, MA (DPA, LUO)

*Representatives: Matthew Waldrip (Eversource), Karen Gilbert (Epsilon Associates), Maria Hartnett (Epsilon Associates)*

M.Hartnett gave an overview of the project. This project is the second phase of the first survey project for the HEEC cable. The previous survey showed that the cable is where it was expected but there is a portion of the cable which is shallow which is what they are proposing to go in to work and protect it. The Army Core of Engineers is requesting that the Reserved Channel be dredged as part of the Boston Harbor Deep Draft Navigation Improvement Project. The cable extends out to Deer Island but the proposed project is just west of the Conley terminal project site and is 2,080 feet long by 200 feet wide. Eversource will take responsibility of the project, conduct the dredging and install the cable protection system where the cable has proven to be the shallowest. The protection system will consist of either concrete panels or steel plates. To the north and south of the panel will be an articulated concrete mat transition zone. It is a series of concrete mats that will rest on top of the protective panels. The trench will then be anchored with rip rap stone to protect the cable from the large vessels at Conley Terminal. On the north side, the dredging will go to a depth of -49 feet mean lower low water, on the south side of the cable the dredging depth will be at -52 feet mean lower low water which is consistent with the other dredging project at Conley Terminal. The dredging will be done mechanically and once in a close proximity to the cable, there will be diver assisted dredging as to not puncture the cable. A majority of the work is to be done in the Federal channel, a small portion of the work falls within Massport Berth 11. Massport is conducting an independent sediment characterization and depending on where they find, if contaminated, the soil may be transported off to the CAD cells, if not, the soil will likely be taken offshore. Once done, the cable protection will be at elevation -50 feet and the seafloor will be at an elevation of -49 feet. Eversource will be following the time of year restrictions set by the Department of Marine Fisheries.

J.Orfant asked to confirm if they had conducted soil characterization for the proposed dredge area and if it was suitable for the marine disposals site.

M.Hartnett confirmed that the Army Core of Engineers conducted an evaluation of the entire channel which shows all soils are suitable for the marine disposal site. Massport is characterizing a small portion which was not assessed by the Army Core of Engineers.

M.Wilson asked in terms of the Notice of Intent, would the Applicant file separately if the soils needed to go to the CAD files.

M.Hartnett said that they included it into their Notice of Intent to say that if needed it would go up to the CAD files on Chelsea Creek.

M.Wilson added that may trigger a City of Chelsea, Massachusetts Conservation Commission review.

K.Kleisner asked if they would be burying the cable protection system with sand.

M.Hartnett said that they were going to leave the protection system as is, the Army Core of Engineers wants the system elevation at – 49 feet so they did not want to go any higher.

J.Orfant opened public comment. No public comment.

Discussion of the Order of Conditions:

- Condition 46 – The Applicant requested that the Condition be eliminated. A curtain in this area would be very challenging due to depth and how heavily trafficked the area is. Commission approves.

**K.Kleisner moved to close the hearing, A.Ghirin seconded. Hearing closed (7:23 p.m., (5/0/0)**

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**Notice of Intent for DEP File No. 006-1510** from P&G The Gillette Company for the replacement of two substations and the relocation of a fire pump at One Gillette Park, South Boston, MA (LSCSF)

*Representatives: Jim Ricks (Site Operation Manager, Gillette), Danielle Spicer (Green International)*

J.Ricks gave a brief overview. There are eighteen substations at the facility and they are proposing the replacement two along with the relocation of a fire pump system.

D.Spicer gave a more detailed overview. They are filing for a notice of intent because the area, under the new 2016 FEMA flood maps, is now within LSCSF. The current existing area is used for parking, so they are proposing to replace and relocate the two substations in the parking areas. There will be no change in regards to runoff or amount of impervious surface.

M.Wilson asked what the elevations of the substation and switch gears were.

J.Ricks said that they took into consideration sea level rise and typically they like to get 30 years out of a substation. The main cabling will be at roof level but there are a few connections that are subsurface.

D.Spicer said that the fire pump was going to be located on a 12” inch slab. The project is right at the flood elevation, the grading plans show a portion of the site in the floodplain and a portion of the site out of the floodplain. The site is currently at elevation 10’ and Boston City Base is 16.46’. Once they add the 12” slabs, they start to get a little bit above that. Their project is tied to match the existing building.

M.Wilson asked in terms of the proposed substation and the existing grade, it appears one of the substations is atop helical piles and there are some existing subsurface utilities that are tying in to some sort of vault that extends down under the building.

D.Spicer said that there is currently an 18” combined sewer which will be removed and replaced since that area will now be where the substation sits. There will be a heavy duty material which will replace the existing material but protect the sewer while the substation sits on top.

J.Orfant asked if it was feasible to relocate the combined sewer overflow.

D.Spicer said that since this project is small, it wasn't feasible for this project. She added that the fire pump will require a Boston Water and Sewer permit which is currently in the review period.

M.Wilson asked a question regarding the helical piles.

D.Spicer said that the piles go straight down to support the buildings and are staggered to avoid the utilities.

A.Ghirin mentioned that A Street Park is right next door so their property is within 100' of a park. The Park Commission will need to be notified.

J.Orfant opened up for public comment. No public comment.

Discussion of the Order of Conditions:

- Condition 38 – The Applicant requested that the portion of the Condition regarding the erosion sediment barriers be eliminated. Silt sacks will still be installed to prevent erosion materials from entering the catch basins but seeing as the site is impervious, silt fences aren't feasible. Commission agrees.
- Condition 41 – The Applicant requested that the Condition be removed. The Condition should be changed to say that the Applicant will submit their existing snow removal plan to Staff.

**A.Herbst moved to close the hearing, A.Ghirin seconded. Hearing closed (7:36 p.m., 5/0/0)**

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**Notice of Intent for DEP File No. 006-1511** from Cronin Holdings LLC for the proposed five exploratory borings and one test pit located at 150 Seaport Boulevard, South Boston Waterfront, MA (LSCSF, LUO)

*Representatives: Stephanie Krueel (VHB), Michael Kinsavy (Cronin Group), Lee Angler (Haley & Aldrich)*

S.Krueel gave a brief overview of the project. There will be three waterside borings, two landside boring and one test pit. The entirety of the land side site is within LSCSF and 100 foot buffer to the coastal bank which in this case is the seawall. The impact to the waterside borings is within LUO.

L.Angler said that the purpose of the program is to obtain supplemental geotechnical information for future construction within the area. The three waterside borings will be performed on a 20' by 40' barge. The borings will be conducted by a means of 4" casings extended to the mudline all the way to the bottom elevation of the explorations. All the water and cuttings will be recirculated and containerized on the drill barge. Upon completion of the waterside borings, the soil cuttings which have been containerized will be put back into their original borings holes.

J.Orfant asked if there was any way that this project could have been conducted under a Request for Determination of Applicability rather than a Notice of Intent.

S.Krueel said that a Request for Determination of Applicability is for work only within the buffer zone of a resource area and this project is within Land under the Ocean and Land Subject to Coastal Storm Flowage.

J.Orfant opened public comment. No public comment.

Discussion of the Order of Conditions:

- Condition 32 – The Applicant requested that the Commission remove the Condition as it does not apply. Commission agrees.
- Condition 39 – The Applicant requested that the Commission remove the Condition as they have outlined the erosion controls in the submission of their NOI. Commission agrees.
- Condition 41 – The Applicant requested that the Commission remove the Condition as they have outlined the erosion controls in the submission of their NOI. Commission agrees.

**K.Kleisner moved to close the hearing, A.Ghirin seconded. Hearing closed (7:50 p.m., 5/0/0)**

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**Notice of Intent for DEP File No. 006-1509** from Constitution Center INV. VAF. LLC for the proposed landscaping maintenance and improvements to the Harborfront located at One Constitution Center, Charlestown, MA (LSCSF, Coastal Beaches, Coastal Dunes)

*Representatives: Deborah Danik (Nitsch Engineering), Sherry Clancy (Constitution Center)*

S.Clancy gave an overview of the project. The project is looking to refresh the building that is a little bit tired and outdated. A good amount of the work to be done is inside the building, but the Commission's jurisdiction falls within the work that is to be done along the Harborwalk and in the parking lot. The proposal is for greenscape and hardscape improvements.

D.Danik went over the details of the plans. A portion of the site will be to revive the landscaping islands and areas along the Harborwalk. The grassy areas will be better delineated and improved with greenscaping rather than just grass. There will be a slight increase to impervious surfaces onsite but they have designed the greenscaping areas to accommodate for that to take on the extra stormwater and to recharge the storage capacity back into the ground. The front landing area, which is existing concrete is rather small so they will be pulling up the old concrete and replacing the concrete area with pervious asphalt.

A.Herbst asked what the size of the pervious asphalted will be and if there is a maintenance plan for the asphalt.

D.Danik said it will be 2,500 square feet and they will provide the Commission with one.

K.Kleisner asked if there will be in any additional catch basins.

D.Danik said they are following the existing drainage patterns and will not be adding any more basins.

A.Ghirin asked if there will be boat access at the facility.

S.Clancy said that the only access is onto the adjacent property. The proposed project site contains existing rip rap along the coastal bank and boats cannot access to their property.

M.Wilson asked if there will be lawn irrigation and what the source for the water is.

S.Clancy said that the entire property is not completely irrigated, they may add some irrigation to the new landscaped areas that don't currently have it, and the water comes from the City of Boston.

J.Orfant opened up public comment. No public comment.

Discussion of the Order of Conditions:

- Condition 32 – The Applicant sent in Oil Spill Prevention plan to satisfy the Condition. Condition satisfied.

M.Zlody asked if the Commission wanted to add a condition that requires the submission of a maintenance plan to Staff for the permeable pavement.

J.Orfant said that he would like to see that condition added and that guidance could be taken from the manufactures recommendations.

**A.Ghirin moved to close the hearing, A.Herbst seconded. Hearing closed (8:05 p.m., 5/0/0)**

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**5 Minute Break**

**8:10 PM; Public Meeting**

**Acceptance of the Order of Conditions for:**

**Notice of Intent for DEP File No. 006-1501** from the Massachusetts Bay Transportation Authority (MBTA), Charlestown Bus Facility for shoreline stabilization and yard improvements located at 80 Alford Street, Charlestown, MA (LUO, Coastal Beaches, Coastal Banks, Fish Runs, LSCSF)

M.Wilson noted that there was a comment letter submitted to the Commission regarding the support of the project, however they are seeking additional information on the level of mitigation promise of 1 to 1 restoration.

K.Kleisner noted that the letter referenced salt marsh restoration for the area.



**M.Hartnett** spoke to the project saying that they are committed to maintaining that 1 to 1 ratio. They can't do much more than what is proposed at the site so they will be buying into the Army Cores in-lieu fee.

**J.Orfant** asked what the Secretary's Certificate said.

**M.Hartnett** said that to her knowledge it did not reference salt marsh restoration. **J.Orfant** said that since the salt marsh restoration wasn't noted on the Secretary's Certificate, he sees their project as a fine accommodation. He said that the comments will be noted but he has no problem issuing a Final Order of Conditions.

**Notice of Intent for DEP File No. 006-1503** from the Massachusetts Bay Transportation Authority (MBTA) for geotechnical boring investigations located at the North Station Railroad Drawbridge over the Charles River, Charlestown, MA (Land under Waterbodies and Waterways, Riverfront)

**Notice of Intent for DEP File No. 006-1502** from Charlestown Marina, LLC for the reconstruction of the Pier 6 marina facilities and improved landscaping amenities at Pier 6 and Pier 8 and portions of the Harborwalk in between both Piers, Charlestown, MA (Tidal Flats, LSCSF, LUO)

**A.Ghirin moved to approve the Order of Conditions for DEP File No. 006-1501, 006-1502 and 006-1503, K.Kleisner seconded, A.Herbst abstained. Conditions approved for DEP File No. 006-1501, 006-1502 and 006-1503. (8:25 p.m., 4/1/0).**

**Notice of Intent for DEP File No. 006-15XX** from the Massachusetts Division of Marine Fisheries for an eelgrass restoration project located in Boston Harbor, Boston, MA (LUO)

**A.Croteau** gave an overview of the project change. The ILF mitigation proposal to plant eelgrass the Governor's Island Flat site in Boston Harbor will not receive approval from Army Corps of Engineers Regulatory Division due to the sites proximity to the airport and objection from the FAA pertaining to safety concerns with wildlife enhancement. Harvesting will still be performed at that site, but if the resources allow, they will be conducting test plots at the Great Brewster Island and Peddocks Island locations. The test plot will be minimal and consist of 250 shoots of grass in a 3 meter by 3 meter area.

**J.Orfant** said that this project is minimal and environmentally beneficial and that he believes the changes should be noted and the Order of Conditions should be approved.

**A.Ghirin moved to approve the Order of Conditions for DEP File No. 006-15XX, M.Wilson seconded, A.Herbst abstained. Conditions approved for DEP File No. 006-15XX. (8:27 p.m., 4/1/0)**

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**Request for an Amendment to the Original Order of Conditions for DEP File No. 006-1431** for the work being done at 25-65 Lewis Street, East Boston, MA 02128

*Representatives: Richard Jabba (Fort Point Associates), Eric T. (Lendlease Development)*

**R.Jabba** gave an overview of the changes. There will be a temporary sales center added to the property at the end of Lewis Street on Clippership Wharf. The building will consist of two stories at about 1,300 SF, will be onsite for approximately 2 years and the area will be landscaped.

**J.Orfant** asked if the temporary sales office will be in the footprint of the future building.

**R.Jabba** confirmed that it will not be in the within the footprint. The building is similar to a construction trailer.

**M.Wilson** asked if the building will be on pilings.

**E.T** said that the office is a triple wide trailer and the trailer will be wheeled in and tied down at an elevation of 19.6 feet which would put it out of the 100-year floodplain.

**J.Orfant** said that this project seems to be an insignificant change and that it does not impact the existing Order of Conditions.

**A.Ghirin moved that the Commission deem the addition of the temporary sales center an insignificant change to the project, K.Kleisner seconded. Change deemed insignificant. (8:32 p.m., 5/0/0)**

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**Request for Certificate of Compliance for DEP File No. 006-1390 from Friends of Daly Field** for the work completed at One Nonantum Road in Brighton, MA 02135 [*Lack of quorum 1.18.17 & 2.1.17 & 2.15.17 & 3.15.17 & 4.5.17*][*Hearing cancelled 3.1.17*]

*Representatives: Xinchu Yu (Fort Point Associates), Richard Jabba (Fort Point Associates)*

J.Orfant recuses himself from the project as he had affiliation with the project when he worked for the Department of Conservation and Recreation.

R.Jabba gave an overview of the completed tasks. The project was completed in September of 2016. Restroom signage was installed and the erosion controls were removed. There are some vegetation stakes in place which will be removed once the seeds have taken root.

A.Ghirin made a statement as a private citizen that viewing this site from across the Charles River and driving by on Nonantum road that this area no longer appears to be a publically accessible piece of property. There are Simmons College signs all over the property which he believes may violate the agreement that Simmons has with DCR. He intends to write a letter as a private citizen to the program directors at the graduate design schools at Harvard, MIT and Tufts and cc the DCR Commissioner indicating that this should be seen as a case study for poor design furthering public access.

R.Jabba said that in defense of Simmons, they are still working out some of the details with DCR in regards to additional signage.

A.Ghirin clarified that what he means by signage is the fences wrapped in nontransparent materials with Simmons located on the fences. He said that signage would be an understatement as to what is going on in terms of blocking visual access onto the site. He noted that this does not deal with the jurisdiction of this Commission but he will be submitting a letter as a private citizen.

M.Wilson said that in addition to the public restroom signage, there was supposed to be a sign at the gate as you enter into the fields outlining the hours of operation and public access.

R.Jabba said that public access signs have not yet been installed as they are still in determination with DCR and Friends of Daly Field.

M.Wilson asked about the soil testing for the site seeing as part of the property is rubber fill. He noted that as hard as Commissioner Lee fought for proper signage of the property back in 2014, he would like to see the proper signage in place.

A.Ghirin asked Staff to research the Order of Conditions and to whatever written submissions were made, along with the minutes as to what obligations were before they vote on the case.

**A.Ghirin moved to continue the case to the subsequent meeting, M.Wilson seconded, A.Herbst abstained. Case carried to the subsequent meeting. (8:44 p.m., 3/1/0).**

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**Request for Determination of Applicability** from Comcast for the installation of underground conduit utilities at 200 Beverly Street, West End, Boston, MA 02114

*Representatives: Mary Rimmer (Rimmer Environmental Consulting), Dave Fwelling (Comcast)*

M.Rimmer gave an overview of the project. There will be an installation of new utility services at the State Police Marine barracks at 200 Beverly Street. There will be 860 linear feet of 3" conduit, the trench will be about 1.5' wide by approximately 2' deep and will be backfilled each day. The road is scheduled to be paved by DCR around next week so they want to get the work done before the paving takes place. Straw wattles will be set in place between the area of work and the resource areas.

J.Orfant asked about if the DCR paving project has anything to do with the mitigation requirements of the Central Artery Project.

M.Rimmer said that she was unsure.

J.Orfant noted that this doesn't really pertain to the RDA at hand, but for some background, DCR had inherited all of DOT's mitigation requirements for the Central Artery Project at the Charles River Crossing. One of the outstanding requirements is the parking lot. According to the plans that were approved, the parking lot is supposed to go away and become part of the park.

A.Ghirin asked if the Commission should implement any conditions for this case.

J.Orfant said that the standard erosion and control conditions should be issued, along with a negative determination of applicability in compliance to what is within the application.

**A.Ghirin moved to issue a negative determination of applicability with the appropriate erosion and sedimentation control conditions, A.Herbst seconded. Negative determination of applicability granted. (8:53 p.m., 5/0/0)**

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**Request for Determination of Applicability** from the Department of Conservation and Recreation for repairs to the Hatch Shell roof located at the Charles River Esplanade, 47 David G. Mugar Way, Beacon Hill, Boston, MA 02108

Representatives: Daniel Padien (VHB), Deborah Robertson

D.Padien gave an overview of the project. The project will consist of the renovation and removal of the existing cladding that is on the half shell. There will not be any construction within the buffer zone or any alteration of vegetation, however a small sliver of the work will be within the 100 foot buffer zone. All the construction lay down will be outside the resource area.

J.Orfant asked what the value of the work will be.

D.Robertson said the value is estimated to be 1.7 million dollars.

J.Orfant asked if DCR had a waiver from DCAM to perform the work.

D.Robertson said that since the project value is fewer than 2 million dollars so a waiver isn't required.

M.Wilson mentioned that the limit of work comes close to the trees and he would like to see the trees be protected in some way.

D.Padien said that there will be a perimeter fence. He said that he is fairly certain that DCR would require the protection of trees as a condition but is willing to accept a condition from the Commission requiring the protection of the trees onsite.

**M.Wilson moved to grant a negative determination of applicability with the standard conditions including a condition requiring tree protection, A.Ghirin seconded. Negative determination of applicability granted. (8:58 p.m., 5/0/0)**

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**Request for Determination of Applicability** from Trooper Mark Charbonnier Memorial Scholarship c/o Steven Charbonnier for the construction of a permanent memorial located at 170 Granite Avenue, Dorchester, MA 02124

Representatives: *Magdalena Lofstedt (CDM Smith), Detective Bobby Charbonnier, Ivan Miskov*

M.Lofstedt gave an overview of the project. The project is for a memorial in the Neponset Park Two to honor two law enforcement officers, Mark Charbonnier and Ricky Devers. The proposed location for the memorial is within the 100 foot buffer zone, outside the 25 foot riverfront area and outside the 100 year floodplain. There will be two gravel paths that will go up to the memorial and the memorial itself will be atop pavers.

I.Miskov said that they host annual golfing tournaments and various other fundraisers to honor Mark and Ricky. However they would like to honor them in a more concrete way.

M.Lofstedt added that they have been approved under Chapter 97.

I.Miskov said that DCR will maintain the property.

J.Orfant recommends a negative determination of applicability due to the minimal impact to the resource area.

**K.Kleisner moved to grant a negative determination of applicability, A.Ghirin seconded. Negative determination of applicability granted. (9:06 p.m., 5/0/0)**

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**Ratification of an Enforcement Order** for 1625 VFW Parkway, West Roxbury, MA, for the illegal parking of buses within a wetland resource area.

A.Croteau gave a background on how the enforcement order came about. She went out to do a site visit to get familiar with the project site and saw that there were Eastern Bus Company buses parked on the property and extending well beyond the curb, hanging over the resource area and river front area. The enforcement order was issued on April 4<sup>th</sup>. She had been in contact with property owner and the gentlemen from Eastern Bus Company who was leasing the land to discuss the proper steps moving forward. It was concluded upon that a temporary fence was to be installed along the parking areas to prevent the buses from parking/overhanging onto the riverfront area. She requested that the installation of the fence be added to the enforcement order, but then the enforcement order be closed out since the property owner had complied with the requirements.

**A.Ghirin moved that the installation of a fence be added to the enforcement order and that the enforcement order be ratified and closed out, A.Herbst seconded. Enforcement order ratified and closed out. (9:09 p.m., 5/0/0)**

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#### **Approval of the Minutes**

**K.Kleisner motioned to approve the minutes as presented for 3.15.17, A.Ghirin seconded, A.Herbst abstained, minutes approved. (9:10 p.m., 5/0/0)**

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**A. Ghirin motioned to adjourn the meeting, A.Herbst seconded. Meeting adjourned. (9:10 p.m., 5/0/0)**