

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

May 3, 2017

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

Commissioners Not Present: Stephen Kunian, John Sullivan, Jr., Michael Wilson

Staff Present: Amelia Croteau, Maura Zlody

6:00 PM; Public Hearing

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

Representatives: Eric Bradanese (Engineering Alliance)

E.Bradanese gave an overview of the project. The property as it currently exists is a warehouse that the Applicant would like to redevelop into a 94 unit apartment building and first floor commercial space, with an underground parking facility and a patio for the commercial space. Based on the proposed grading scheme, they are proposing an intervening grade to the floodplain. Boston City base is 16.45 and all the elevations around the building and 16.5 or higher. They have submitted the information to FEMA and have received a Conditional Letter of Map Amendment. All stormwater will be handled onsite; they will handle the roof area, patio area and walkway area.

J.Orfant asked the Representative if by “all stormwater” he means the first one inch of runoff.

E.Bradanese confirmed that he meant “all stormwater” to mean the first one inch.

J.Orfant asked about the building type and if it was masonry, steel frame, etc..

E.Bradanese said that he was unsure and that he would report back with the building structures information.

J.Orfant said that the site as it currently exists is 100% impermeable. He asked what the permeability of the site will be once the construction is complete.

E.Bradanese said that the rear side along the 5 foot walkway will be landscaped. The end result will be about 90% impermeable, improving the site with 10% pervious surface.

J.Orfant asked if the Applicant has looked into the possibility of a green roof to help mitigate some of the stormwater.

E.Bradanese said that he would have to check with the Architect.

A.Ghirin asked if this project has been discussed with the Parks Commission’s Executive Secretary.

E.Bradanese said that there has been conversation with the Parks Department but he didn’t know if there had been direct conversation with the Executive Secretary.

A.Ghirin said that this project is within 100’ of a park, so they will need to go before the Parks Commission for approval. He recommended that the Applicant and/or Representative give Carrie Marsh, the Executive Secretary to the Parks Commission a call.

E.Bradanese said that he will absolutely have this project brought before the Parks Commission.

A.Herbst asked why they are only bringing the building a fraction above the floodplain.

E.Bradanese said that they have been working with Boston Water and Sewer and that there is an existing catch basin on Bremen Street. Boston Water and Sewer is allowing them to bring the catch basin up to make the grade. The highest they can get the catch basin up is at the proposed grade, so that specification dictates how high they can grade the site.

K.Kleisner asked if there would be living space or commercial space below grade.

E.Bradanese said that there would only be parking below grade. All the mechanicals, living space and commercial space are above the grade on the first floor or higher.

A.Herbst asked what the proposed first floor elevation is set at.

E.Bradanese said that the first floor elevation is set at 17.6 feet and the floodplain is at 16.45 feet. They are looking to permit the first floor space for a restaurant but have no set tenants at this time.

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

J.Orfant asked the Commission how they would want to address the scenario of implementing the green roof.

K.Kleisner said that it would be worthwhile to wait to hear back from the Architect to see if the proposed building would be able to support the load of a green roof.

J.Orfant said that he feels that they don't have a full enough application to make a determination.

A.Ghirin moved to move this project to the subsequent hearing date, K.Kleisner seconded. Hearing continued to 5.17.2017 (6:17 p.m., 4/0/0).

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

Representatives: None

A.Croteau explained that the reason for the extension was because her understanding was that the Applicant was being held up waiting for the issuance of a Chapter 91 license. The Applicant is asking for a 2 year extension.

J.Orfant asked when the original Order of Conditions was issued.

A.Croteau said that they were originally issued on July 9, 2014 and that they are set to expire on July 9, 2017.

J.Orfant said that Chapter 91 licensing can be a long process but he has never known it to take 3 years for a dredging project.

A.Croteau added that the Applicant states they are also waiting on the issuance of an Army Corps of Engineers permit.

J.Orfant asked when the Chapter 91 permit was issued.

M.Zlody said that Staff will find out when the permit was issued and will report back at the subsequent hearing on May 17, 2017.

Commission agrees to move to the subsequent hearing. (6:23 p.m.)

6:24 PM; Public Meeting

Acceptance of the Order of Conditions for:

- **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 for Rare Species)

A.Ghirin mentioned staffs comment of a bungee helix anchor system being a more ecologically friendly option.

A.Croteau mentioned that Staff had spoken with the Harbor Master and representatives from Coastal Zone Management (CZM) and that they all agreed that a bungee-helix anchor system would be a more ecologically friendly option.

M.Zlody mentioned that we are still waiting on the Army Corps of Engineers response to the project.

J.Orfant said that they should continue the case as it does not have a DEP File number so it is incomplete. He also asked that Staff request information from the applicant on the alternative anchoring system.

A.Croteau asked if the Commission wanted to hold off on hearing all cases until a DEP file number has been issued.

J.Orfant said that Staff should talk with Sammy Nabulsi regarding this issue. If the Commission agrees to have a hearing, they need to know what that does to the timing aspect. The Commission wants to be accommodating and move things along as best as they can, and they know that DEP is backed up with short staff and applications, but they feel they shouldn't be pushing through cases without DEP's comments.

Acceptance held until the issuance of a DEP file number.

Acceptance of the Order of Conditions for:

- **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)
- **Notice of Intent for DEP File No. 006-1494** from Michael Merullo for a proposed 6 unit multifamily dwelling located at 49 Leyden Street, East Boston, MA (LSCSF)

A.Herbst commented on Staffs comment for both the file numbers that a landscaping plan be submitted.

A.Croteau had said that those comments were on during the original hearing but a landscaping plan is something that Staff would like to see implemented as part of the new construction.

A.Herbst asked if the Commission should add a special condition requiring that the Applicant submit a plan for approval.

J.Orfant recommended that a Condition be added to submit a landscaping plan for staff review and approval prior to the continuance of construction.

A.Herbst asked if going forward the Commission would want to see the landscaping plan submitted as part of their Notice of Intent.

J.Orfant said that to be considered complete, if applicable, NOI applications should include landscaping plans

K.Kleisner moved to approve the Order of Conditions for DEP file number 006-1494 and 006-1495 with the additional condition of the submission of a landscaping plan for Staff review and approval prior to the continuance of construction, A.Herbst seconded. Conditions approved with the additional condition of the submission of a landscaping plan prior to the continuance of construction. (6:34 p.m., 4/0/0)

- **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)

K.Kleisner mentioned the Staff comments that the cable depth is set at -50 feet and the Army Corps of Engineers is requiring the system to be at a maximum height of -49 feet. Staff and the Department of Marine Fisheries recommend that the cable be buried with sand meeting the maximum height requirement of -49 feet.

K.Kleisner moved to approve the Order of Conditions for DEP file number 006-1512 with the additional condition that the cable be buried with approximately 1 foot of sand, A.Herbst seconded. (6:36 p.m., 4/0/0)

- Notice of Intent for DEP File No. 006-1506, 006-1507, 006-1508, 006-1509, 006-1510, 006-1511

A.Herbst moved to approve the Conditions for DEP File No. 006-1506, 006-1507, 006-1508, 006-1509, 006-1510 and 006-1511, K.Kleisner approved. Conditions approved. (6:37 p.m., 4/0/0)

Ratification of an Emergency Certification for sinkhole repair at Piers Park, East Boston, MA.

A.Croteau gave a background on her issuance of the Emergency Certification. Massport contacted Staff on April 19th with the request of an Emergency Certification and submitted pictures along with a narrative for the repairs to be done. Staff issued the Emergency Certification on April 19th and was able to conduct a site visit on April 27th and saw that the work was wrapping up. Staff recommends the Commission ratify the Emergency Certification.

A.Ghirin moved to ratify the Emergency Certification, A.Herbst seconded. (6:39 p.m., 4/0/0)

Ratification of an Emergency Certification for sinkhole repair at Neponset 2 Park, Dorchester, MA.

A.Croteau gave a background on her issuance of the Emergency Certification. The Department of Conservation and Recreation contacted Staff on April 21, 2017 with the request of an Emergency Certification and submitted pictures along with a narrative for the repairs to be done. Staff issued the Emergency Certification on April 21, 2017 and was able to conduct a site visit on April 28th and saw that all the work had been completed. Staff recommends the Commission ratify the Emergency Certification.

J. Orfant requested clarification about whether an after-the-fact NOI is required for emergency certifications.

A.Herbst moved to ratify the Emergency Certification, K.Kleisner seconded. (6:42 p.m., 4/0/0)

Report of the requested information for DEP File No. 006-1390 Friends of Daly Field, Brighton, MA.

M.Zlody told the Commission that Staff had received photos of the signage that is currently installed at Daly Field. She felt that the signage mostly consisted of what you couldn't do at the park which is reasonable in protecting the integrity of the fields. There were no hours of operation and how you could access the fields. There was small print on the primary sign for the facility that gave a phone number to call if you wanted to "permit" the fields. She had called the number to inquire about getting a permit to use the tennis courts. When she called the number she was put through to the permit line, she was directed to a voicemail box and had left a voicemail and to this day had still not received a call. When she went to the website, there is a standard description of how things operate at DCR facilities. It tells you that 80% of the time facilities are to be used for Community use, but when you see what the consultants sent Staff, Simmons has the right to use the facilities a majority of the time. There is not a lot of Community time available. She was also concerned that there is nothing that distinguishes the tennis courts from the other playing fields.

A.Croteau mentioned the proposed sign that was sent to Staff. She said that Staff felt the word "permit" was exclusive but was unsure how much the actual wording fell under the Conservation Commission's jurisdiction.

A.Herbst asked if the only relevant Condition regarding signage was Condition number 51 that states "adequate public signage shall be posted indicating the availability of the restrooms and fields for public use".

A.Croteau said that is the only Condition in the Order of Conditions that outlines signage.

M.Zlody asked what the Commission's interpretation of "adequate" was.

A.Ghirin said that he feels that a site visit is in order. Things like being able to walk along the shoreline that is something that one would expect from an area of public use to be able to do.

A.Croteau said that they had a paved walking path in between the fields and the wooded shoreline area to allow for public passage.

A.Ghirin asked if there was signage that points to the path, does it continue on to the Community Rowing facility next door, and so on. There is also the issue of fencing on whether or not the fences will be locked.

A.Croteau said that she has been told that the fences will never be locked. It is also a Condition in their Order of Conditions that the fences shall never be locked.

A.Ghirin mentioned that in the 2014 minutes, Commissioner Michael Wilson mentioned that public access rules should be clearly denoted on signage, it should be clear that this is public property that is maintained by a private organization and hours of operation should be clear. He asked if the sign details that the Applicant submitted to Staff is what they are planning to implement.

A.Croteau said that is what is being proposed. The Applicant had sent the proposal to Staff for review and approval but Staff wanted to bring it before the Commission to get their opinion.

A.Ghirin said that the Commission needs to know the dimensions of the sign and how big the lettering will be. There needs to be more specification on the Applicant's end. The picture of the existing sign and lettering that is currently on the property appears small. He added that a lot of people are going to learn about this park simply from just driving by and when you drive by the park you will not see the lettering on their existing sign. It is not viewable from the road. He noted that the size of the sign and the size of the lettering are not adequate. He said that he will go take a look at the facility and other DCR properties to stop and take some measurements for a standard requirement on sign and letter size.

K.Kleisner asked if Staff had spoken to the Applicant with their concerns to the word "permit".

A.Croteau said that she had spoken with a consultant from CLS Consulting and that the word "permit" simply meant that if you wanted to reserve the fields ahead of time, or ensure that the lights would be kept on, you needed to call or go online to reserve the time and you would receive a permit.

K.Kleisner said that she thinks the word "appointment" makes more sense.

M.Zlody mentioned that she had still not received a call back when she tried to call and get a permit.

A.Ghirin said that he will go out and conduct a site visit and report back to the Commission on his findings.

K.Kleisner asked why it said "open to the public 24 hours" and then also said "operational hours 6AM- 11PM".

A.Ghirin said that the "operational hours" refers to the restrooms.

A.Croteau mentioned that the property and fields are open 24 hours to the public but if you wanted the lights on past the operational hours, you could get a permit to reserve the field and to have the lights on, for a fee of \$50 an hour.

Discussion ends. A.Ghirin will report back with "adequate" signage information to relay onto the Applicant.

Approval of the Minutes

K.Kleisner moved to approve the minutes from the 4.19.17 hearing and meeting, A.Ghirin seconded. Minutes approved (7:03 p.m., 4/0/0)

A. Ghirin motioned to adjourn the meeting, A.Herbst seconded. Meeting adjourned. (7:04 p.m., 4/0/0)