

## COMMONWEALTH OF MASSACHUSETTS

## CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

License Commission Board Members:

Michael Gardner, Commissioner  
Christopher Burke, Superintendent  
Gerald R. Reardon, Deputy Fire Chief

STAFF: Elizabeth Y. Lint, Executive Officer

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AT: Michael J. Lombardi Municipal Building  
831 Massachusetts Avenue  
Basement Conference Room  
Cambridge, Massachusetts 02139

DATE: Tuesday, March 1, 2012

TIME: 6:00 p.m. to 8:02 p.m.

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INDEX OF AGENDA**AGENDA MATTERS****PAGE****APPLICATION: VEOLIA ENERGY BOSTON, INC.**

Veolia Energy Boston, Incorporated has applied for a Special Variance from the requirements of the City of Cambridge's Noise Control Ordinance, Cambridge City Code, Chapter 8.16 pursuant to Cambridge City Code, Section 8.16.080 (Non-measured noise disturbances) to do work on Land Boulevard and Charles River Dam Road

P R O C E E D I N G S

ELIZABETH LINT: This is the continuation of the License Commission hearing from February 7.

It's March 1, 2012. We are in the Michael J. Lombardi Municipal Building, 831 Massachusetts Ave., basement conference room.

Before you are the Commissioners: Chairman Michael Gardner, Chief Gerald Reardon, and Superintendent Christopher Burke.

APPLICATION: VEOLIA ENERGY BOSTON, INC.

MS. LINT: Application: Veolia Energy Boston, Incorporated has applied for a Special Variance from the requirements of the City of Cambridge's Noise Control Ordinance, Cambridge City Code, Chapter 8.16 pursuant to Cambridge City Code, Section 8.16.080 (Non-measured noise disturbances) to do work on Land Boulevard and Charles River Dam Road.

CHAIRMAN MICHAEL GARDNER: Good evening.  
Again, if you could just for the record state and  
spell your names and your affiliations.

SHAUN DWYER: Shaun Dwyer, D-W-Y-E-R,  
Veolia Energy.

TOM HERLIHY: Tom Herlihy, H-E-R-L-I-H-Y,  
and I'm with Veolia Energy also.

PATRICK HASWELL: Patrick Haswell,  
H-A-S-W-E-L-L. I'm with Veolia Energy also.

CHAIRMAN MICHAEL GARDNER: So when we  
were last here on February the 7th, there was a  
lot of conversation about your plans and  
neighborhood concerns.

We continued the meeting until this  
evening to give you a chance to do some  
reconsideration and conversation, discussion  
about your own plans.

Andrea Boyer from the License Commission  
staff, as I understand it, also engaged with you  
on that, and I think that for the benefit of the

Commission, it would be helpful if you could just summarize a little about that process, your thinking on it and where you are with the request for the variance this evening.

TOM HERLIHY: Thank you, Chairman and Commissioners for giving us the opportunity to speak tonight.

We used that time, the continuous time, I think, to everybody's advantage. We were able to do a number of things.

I would like to outline very quickly because I think many people are aware of the benefits of our project. But we provide steam to Cambridge and Boston research and manufacturing process. Steam is used by the biotech industry and the manufacturing industry here in Cambridge.

All the major hospitals in Boston use our steam. The six major medical facilities use our steam.

And the plant that's been in Kendall

Square since 1949 has since been 1949 and continues to discharge water into the Charles River basin.

And it's been decided and judged that that is harmful to the ecosystem. And our project directly benefits that issue. We are taking the heat that would otherwise be discharged and we're going to be using it in Cambridge and Boston for the benefit of customers. And I think it's a very valuable project.

We actually will have the combination of the two pipes that go over the Boston from that plant will be the equivalent of removing 52,000 cars from the road each year. We meet the environmental goals of Cambridge and Boston. This project helps immensely in that effort, and it provides long-term benefits to the environment, to the people of Cambridge and Boston obviously everywhere else when you

consider the reach of the environment.

We're asking for the variance because of day work -- day work does not work for this project, in particular, conflicts with other construction that's going on in that immediate area.

The Department of Conservation and Recreation will not issue permits to what they described to us as traffic grid lock in that area if we work days along with other construction.

In the project completion date, if we don't use the night work will conflict with the Longfellow Bridge project which is already going to direct traffic onto Land Boulevard and Craigie Dam Road.

So we really need to be finished as soon as we can, and that is why we require night work.

Since the last meeting, we live tested on Land Boulevard, using actual construction equipment. And I have a letter report from our

noise consultant. I also have a full report, but it's not available for publication right now because I just received it. So I haven't even read it myself yet.

But we do have a letter documenting what the noise level readings were when we were out there. I was using the actual equipment that we were going to use. We communicated the test results through that letter to the stakeholder. So we sent that out to representatives of the neighborhood.

We've met with the management of the Sonesta and the Marlow Hotels. We've communicated our activities to residents, businesses and community groups, mainly electronically, but I've also personally met personally with some of the residents.

As a result of the information that we gathered and also the information that we received from people and their concerns, we

decided to take a number of actions that are further to our original request. Those are establishing a 205-foot buffer zone northerly from the northeast corner of the River Court Condominiums. So that would be from the River Court Condominiums towards Charles River Dam Road.

Also establish a 205-foot barrier zone southerly from the southwest corner of the Esplanade Condominiums, so that's in the direction of the plant from the condominiums.

CHAIRMAN MICHAEL GARDNER: We have a map which was -- this was provided, Mr. Dwyer, to us this evening. This is an updated map.

SHAUN DWYER: Dated 2/28/2012.

TOM HERLIHY: The areas would be the areas marked by the plus signs around the River Court Condominiums and the Esplanade Condominiums.

Also, we have tested, and personally I

like the results, but I'm not going to speak for anybody else, of white noise back-up alarms.

Those are the replacements for the piercing noise that's generated when a piece of construction equipment backs up.

There's an alternative out there. I heard it. And, like I said, I'm not going to pass judgment on it, but it's designed for the noise to dissipate before it travels a long distance, and we'll commit to using those alarms during night work.

The seams of the road plates, there's been a number of people asking about the banging of a plate when a truck passes over them. We are committing to welding the seams of the road plates when we leave them overnight.

We are also committing to keep saw cutting and pavement breaking to before 10:00 p.m. and any impact equipment to be before 10:00 p.m.

CHAIRMAN MICHAEL GARDNER: Could you just describe what you mean by "impact equipment"?

TOM HERLIHY: Jackhammers.

We will publish our 24-hour phone number and it will be answered by a person, and people will be able to call and get a live person on the other end of the line. We do have 24/7 operation and we do have people that are able to do that, and continue community outreach to keep the residents informed. You know, we did learn a lot. Hopefully the residents learned a lot and some of it positive.

And we'll continue that effort, and address concerns regarding egress from their building, traffic concerns and noise concerns and concerns that a construction project like this will bring to the neighborhood.

We'll hold at least two meetings in that respect because, you know, I think that -- to gauge level of our commitment. We would have at

least two meetings, and if necessary, more than that.

CHAIRMAN MICHAEL GARDNER: Are you talking about meetings preconstruction or during the construction?

TOM HERLIHY: Both.

I also have some comments because I received some feedback on the Longfellow Bridge route issue. We were looking at that one time, but several things steered us away from doing that. And one of them is the bridge schedule, the schedule for the bridge construction brings our line, hence the benefits of the line out about two to three years. And not knowing the exact schedule of the Longfellow Bridge, I can't tell you exactly how long that is, but it would be years away.

The optimum point for interface, our system where we -- what attaches to the system in Boston is not on the other side of the Longfellow

Bridge, but where it is, is at the corner of Nashua Street and Martha Road. So we pick up a better interconnection point by going in this direction. It eliminates -- if we went over the Longfellow Bridge, it would eliminate the redundant supply option to Mass. General Hospital. Mass. General Hospital currently relies on the 14-inch line from the power plant going over the Longfellow Bridge. There's a line that lives there now.

Our line would be the 18-inch proposed line. It would go in another direction, and if anything, God forbid, happened to that bridge, the hospital would still be able to receive steam from the power plant in Cambridge.

It also expands our reach to a broader number of customers. We are already talking to the Riverside Condominiums -- I'm sorry, River Court Condominiums and the Museum of Science about them becoming customers of ours because

this line in effect is in front of their building and we can geographically reach it with an economical cost by having this line replaced.

So as was originally stated at the beginning, we're asking for the variance from the night noise.

CHAIRMAN MICHAEL GARDNER: Could you describe again from the original discussion of the 205 feet north and south and the plus signs, what you mean by noise buffer zone?

TOM HERLIHY: It's strictly distance. So we would move further away. Our original proposal was to not work nights when we were directly in front of the building. We actually moved that line out 205 feet from both of those residential --

CHAIRMAN MICHAEL GARDNER: So the area in the construction where you had planned to do it all daytime, you've extended by 410 feet?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: North and south?

TOM HERLIHY: Right. 205 feet.

CHAIRMAN MICHAEL GARDNER: 205 each.

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: A total of another --

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: Any sense about what a percentage increase that is off the original plan day work? It looks like it's not quite 50 percent if this is drawn to scale.

TOM HERLIHY: Right. I don't know exactly.

SHAUN DWYER: I can answer that. The original is some 530 was the proposed day work and now we have increased it to 945. As you said -- it is to scale.

CHAIRMAN MICHAEL GARDNER: Okay.

And what will this mean with respect to

the extension of the time period it will take you to complete the work?

TOM HERLIHY: About 40 days.

CHAIRMAN MICHAEL GARDNER: Adding the buffer will add 40 days to the construction schedule?

TOM HERLIHY: Yeah. Because we're doing day work, it's slower than night work.

CHAIRMAN MICHAEL GARDNER: Would you just again remind us what, given the traffic constraints, the hours of the day work would be and describe what the work will happen during the day, and I'll ask you to do the same thing for the -- what your plan is for the night work?

TOM HERLIHY: We are proposing to work from 9:00 to 3:00. I'm not a hundred percent sure we'll get those hours from DCR, but that's our proposal, and we would be setting up a soft work zone so, you know, cones and barriers every morning would be set up, and we would work in the

area typical construction, we would be performing pavement breaking, excavation, setting of pipe, welding, backfill. Those types of operations.

CHAIRMAN MICHAEL GARDNER: Okay.

TOM HERLIHY: And we have 4:00 proposed.

CHAIRMAN MICHAEL GARDNER: So your proposal is 9:00 to 4:00?

TOM HERLIHY: Uh-huh, right.

CHAIRMAN MICHAEL GARDNER: So by 4:00, whatever plates you have to put down for that period are down, and the cones are up and whatever equipment you have is out of the way and traffic is back?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: And could you talk a little bit about the -- in the periods of night work, which on this schedule is everything that is not in pluses, along with the --

TOM HERLIHY: The pluses is just the additional. That's the buffer zone.

CHAIRMAN MICHAEL GARDNER: No, I understand that. So that section, which is bracketed by pluses, including the part near the River Court Condos, that's all day work?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: So, are we to assume all of the rest of what's here is night work?

TOM HERLIHY: Yeah. It's spelled out along the top what is day work and what is night work.

CHAIRMAN MICHAEL GARDNER: So what you were proposing is 7:00 p.m. to 7:00 a.m. Tell us what -- what would be happening during that 12-hour clock.

TOM HERLIHY: We would also be setting up a work zone in between the hours of 7:00 and 10:00, we would be doing our pavement breaking and any impact tool noise that we were going to make.

After that time, we would be doing the quieter work of excavation and placing the pipe, welding, and backfill operations.

CHAIRMAN MICHAEL GARDNER: What can we expect that you are doing in both in the middle of the night and as 7:00 a.m. approaches?

TOM HERLIHY: That would be the excavation. There could be some excavation going on, there would be some backfilling going on, there would be the placement of the pipe and the welding of the pipe, pipes encased in concrete. So we'd be placing concrete. Those types of things. Insulating, which is very quiet work.

CHAIRMAN MICHAEL GARDNER: Okay. You are done with the construction for the day and now you are getting ready for -- for the night and now you are getting ready for the traffic to come back. What's your --

TOM HERLIHY: About hour to an hour and a half beforehand we would put the plates on over

the excavation.

CHAIRMAN MICHAEL GARDNER: The plates would come down about 5:30 or so, between 5:30 and 6:00 in the morning?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: And do I understand that they would weld the seals on the plates?

TOM HERLIHY: The seams.

CHAIRMAN MICHAEL GARDNER: The seams. That's where two plates abut?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: Then you're moving your equipment out of the way and lifting the cones or whatever else you are doing to get ready for 7:00 a.m.?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: Okay.

Questions?

FIRE CHIEF GERALD REARDON: So you are

going to equip all the contractors and subcontractors with the white noise backup alarms?

TOM HERLIHY: Yes.

FIRE CHIEF GERALD REARDON: Are you going to have trouble with like, you know, who is delivering the concrete and stuff, or do they already have them or...?

There will be other stubs in there that you may not have on a regular basis.

TOM HERLIHY: I understand what you are saying. That's going to be put on the contractor to make sure that happens.

FIRE CHIEF GERALD REARDON: Okay.

TOM HERLIHY: This is something that we are committed to. We do realize that those alarms make a lot of noise. In fact, they generate a lot of complaints when working in Boston, I have -- our experience is that people complain just about those alarms. The beeping is

driving me crazy type of thing.

CHAIRMAN MICHAEL GARDNER: I walked by some excavation today, and when the beeper went on, it was by far the noisiest and most irritating sound, at least to me personally, compared to what the digging was.

TOM HERLIHY: Right. And you know if you would like to hear this alarm I would be happy to demonstrate it for you.

CHAIRMAN MICHAEL GARDNER: We were sent audio clips so we could hear it. I don't know if you've got it -- if you could do it right now, that I don't know, for purposes of people in the audience.

TOM HERLIHY: I don't have the clip, and besides, the whole idea of that white noise is it dissipates over a distance, so inside it wouldn't sound a whole lot different. But if you were outside, it would make a lot of difference.

CHAIRMAN MICHAEL GARDNER: I found

listening to it on the computer in the office to be a lot different, but...

FIRE CHIEF GERALD REARDON: Lechmere Canal Bridge, the pipe crossing there, that pipe will be in the utility duct, so it will higher than the lowest point of the bridge, it won't lower the height in that bridge at all in terms of the boat -- boats and everything else that go through?

TOM HERLIHY: Yes.

FIRE CHIEF GERALD REARDON: And the other thing, are you going to provide lighting, too, Gensets for the lighting?

TOM HERLIHY: Yes.

FIRE CHIEF GERALD REARDON: Have you looked at those quiet units that they use for theatrical and other units? They are whisper quiet, the bigger ones.

TOM HERLIHY: We haven't, but we certainly can.

CHAIRMAN MICHAEL GARDNER: What is that, Chief, to try to reduce the noise of the generators?

FIRE CHIEF GERALD REARDON: Yeah. I mean, the generators run constantly when you have lights at night and some of these newer ones are extremely quiet.

TOM HERLIHY: As part of our testing, we did place an air compressor, which is the loudest motor out on the street, so during that testing, we did simulate that type of noise.

FIRE CHIEF GERALD REARDON: Okay. Do you have any interconnects when you get over to Nashua Street and Marsh Road (sic-Martha Road), do you have interconnect back to the grid at all that goes to the General?

TOM HERLIHY: No. Well, I mean, the whole -- once you get to Martha Road and Nashua Street, you are in our system, so you are connected to everybody. That steam goes out into

our system and it could wind up at Boston City Hospital or Boston Medical Center, as well as Mass General, Spaulding Rehab.

FIRE CHIEF GERALD REARDON: Is Spaulding Rehab a customer, too?

TOM HERLIHY: Yes.

So is Shriners Burns Institute, Mass Eye & Ear, so is Tufts Medical Center and so is Boston Medical Center.

FIRE CHIEF GERALD REARDON: I know there might be a permit given, was the option of Cambridge Park Drive really pursued at all? I know it's on the other side of the buildings. Obviously, I would assume you could probably get total day work enclosure there versus traffic issues. I don't know if that was run by anyone at DCR.

SHAUN DWYER: We are not permitted, and based on the Cambridge Conservation Commission and what we think of how long it took us to do

the Chapter 91 for this, it doesn't fit into our current schedule to start construction due to the permit process.

FIRE CHIEF GERALD REARDON: Due to the permit process.

SHAUN DWYER: Yes.

CHAIRMAN MICHAEL GARDNER: Does that have to do with the fact it's closer to the water?

SHAUN DWYER: (Nods head.)

CHAIRMAN MICHAEL GARDNER: You are nodding your head yes, right?

SHAUN DWYER: Yes.

CHAIRMAN MICHAEL GARDNER: She can't pick that up.

FIRE CHIEF GERALD REARDON: It's white noise.

SUPERINTENDENT CHRISTOPHER BURKE: With respect to the live test results, those have not yet been sent to the stakeholders or they have?

TOM HERLIHY: They have in letter form.

I couldn't wait for the full report, frankly, because this hearing is -- I tried to get the full report. In fact, I did get it literally tonight.

Obviously, I need to read and review the report, so when I review it and they review it, it will be available.

CHAIRMAN MICHAEL GARDNER: Is there any reason to believe that the information contained in the summary letter with respect to the noise levels will have to be changed based on the full report?

TOM HERLIHY: No.

CHAIRMAN MICHAEL GARDNER: So from your point of view, the information in the summary letter is accurate?

TOM HERLIHY: Yes.

CHAIRMAN MICHAEL GARDNER: What is your sense about the loudest thing that's going to happen after 10:00 p.m., in terms of what

physical activity is that's likely to be the loudest and any estimate based on the testing that you did of how loud that would be?

TOM HERLIHY: Well, I think the operation of the equipment in putting whatever the spoils are in the excavation into a dump truck is my guess would be the loudest noise, and depending on what we pick out of there, obviously, if -- we use spoils from another excavation during our test, and the spoils from the excavation on Land Boulevard could be less or more rocky, you know, it could be the same kind of material, a different material, you know, so I couldn't tell you exactly, but it's the first couple buckets of soil into the dump truck are probably the loudest.

CHAIRMAN MICHAEL GARDNER: Because it's hitting against the sides of the truck or the floor of the truck?

TOM HERLIHY: Yeah, I mean, the bed of a

dump truck is a big steel box.

CHAIRMAN MICHAEL GARDNER: I thought you had talked about doing some baffling of the insides of the dump box to reduce that noise, is that...?

TOM HERLIHY: We're looking at things. You know, this is -- it doesn't end here. We are looking at ways to keep -- we are looking -- and if there's any ways that are practical and do the job, you know, we'll consider them and employ them if it makes sense.

FIRE CHIEF GERALD REARDON: Do you have to haul the spoils off site and replace them or are you able to replace them --

TOM HERLIHY: We have to take them off site. That's what I think.

CHAIRMAN MICHAEL GARDNER: So dumping the asphalt and whatever rock is in there into more or less empty truck is likely to be the noisiest?

TOM HERLIHY: That's my feeling and

that's based on -- I have done a fair amount of this kind of work in Boston and some in Cambridge also and that is my experience.

CHAIRMAN MICHAEL GARDNER: What is your expectation with respect to the number of loads you would be doing, how many fills you would do on dump trucks during a typical evening 7:00 to 7:00?

TOM HERLIHY: I would say four or five range. Three to four maybe.

CHAIRMAN MICHAEL GARDNER: We would expect that that would be taking place basically all evening long, there would be breakup up until 10:00 p.m., but you presumably would be clearing some of that breakup away during that time period as well, and then there would be more digging after 10:00 and basically up until about 5:30, is that fair?

TOM HERLIHY: Yeah, that's fair.

CHAIRMAN MICHAEL GARDNER: At what level

will the person at the end of the 24-hour line be in the organization, what authority will they have? Like if someone is calling with a complaint at 3:00 a.m., what is that complainant going to get on the other end of the line?

TOM HERLIHY: They're going to get someone that will take information and there will be a call list. I will be on the call list. I might be on call on a particular night or it might be Shaun on a particular night. It will be somebody with the authority to do something. And they'll be receiving a call from that person.

CHAIRMAN MICHAEL GARDNER: It's a two-stage process, you have a 24-hour call line and then the call taker, in addition to taking information, has the authority and there's the structure for them to be in contact with somebody in the managerial structure of the company with authority who is on call during the entire process?

TOM HERLIHY: Right. It's the same system we use currently. If we have any issues in Boston or Cambridge, it's 24/7 operation. We respond to calls all the time. Some of them not so bad. Some of them worse than others. And we use that same system.

SHAUN DWYER: It's important to note that we're acting as a civil contractor. We are doing it ourselves. We are going to have someone on site.

CHAIRMAN MICHAEL GARDNER: I wonder if any of you have seen or had the opportunity to review the letter that was forwarded to the Commission dated March 1st from Attorney Anthony Galluccio who had a number of bullet points here with respect to his concerns.

Did you get a chance to review that letter?

TOM HERLIHY: I did read it. I didn't read it in great detail mainly because I was

preparing for this and I had my own -- but I certainly did read it.

CHAIRMAN MICHAEL GARDNER: Let me just go through some of the bullet points that Mr. Galluccio outlined and ask you to comment on them.

One of the bullets asks that the project be segmented into zones. I take it that's what this map looks like what you have done, or that was your original contemplation, is that right?

SHAUN DWYER: Yes.

CHAIRMAN MICHAEL GARDNER: Ask that the night work be split to only four consecutive hours of moderate noise, the remainder be low noise.

I think what I understand you to be saying is you're going to have the noisiest period between 7:00 p.m. and 10:00 p.m., after that, there will be basically digging with intermittent periods of dumping into the dump

trucks, and then I'm assuming you are saying that the concrete pouring and the welding is not particularly noisy?

SHAUN DWYER: No.

TOM HERLIHY: The welding is not very noisy at all. Concrete pouring is noisier.

SHAUN DWYER: But not as noisy.

CHAIRMAN MICHAEL GARDNER: As digging and dumping?

TOM HERLIHY: Yeah.

CHAIRMAN MICHAEL GARDNER: And then after that, it's the laying of the plates?

TOM HERLIHY: Yeah. Unless part of the operation where we are actually patching, putting the patch on the excavation, but the part that's open that needs to be driven on needs, not prepared to be driving on yet, that would be plated.

CHAIRMAN MICHAEL GARDNER: You will putting down some temporary asphalt patches as

you move along to cover and then parts of it will still be open that will be plated?

TOM HERLIHY: Right. And we'll be doing full pavement after the job is over.

CHAIRMAN MICHAEL GARDNER: So can we expect that the dropping of the plates is particularly noisy?

TOM HERLIHY: The dropping of the plates can be noisy. It certainly can be noisy, but there are ways to do it without -- you know, it depends on the people who are doing it. If they do it with particular care to not making any noise, it can make a world of difference. If you are bouncing it off the pavement, you know, you can make noise with those plates.

CHAIRMAN MICHAEL GARDNER: So you bring it down and try to settle it onto the pad as opposed to dropping it from six inches or...?

TOM HERLIHY: Exactly.

CHAIRMAN MICHAEL GARDNER: And who on

site from the company will be responsible for making sure that's done well?

TOM HERLIHY: We'll have people on site. We have workers that will be doing that kind of work. But -- this work for me.

FIRE CHIEF GERALD REARDON: Are these subcontractors doing the work or is this going to be all --

TOM HERLIHY: We are subcontracting the civil work.

FIRE CHIEF GERALD REARDON: But the construction work --

TOM HERLIHY: And the actual welding work, we're going to be doing that. We're overseeing that. We are serving as the mechanical contractor, so we'll be welding in the pipe utilizing union people from the hall and we have some of our own employees, also.

FIRE CHIEF GERALD REARDON: Who are the backhoe operators and --

TOM HERLIHY: They will be working for the civil contractor that we choose.

FIRE CHIEF GERALD REARDON: You don't know who that's going to be yet?

TOM HERLIHY: No, we don't. We haven't awarded that contractor.

FIRE CHIEF GERALD REARDON: But when you write that contract, you are going to put in the issue about the noise and the plates on cribbing and so forth, the sliding them versus the dragging them, et cetera, et cetera?

TOM HERLIHY: We have had conversations with all of the contractors that bid on this, and we have talked a lot about the sensitivity of the area and the noise issue.

FIRE CHIEF GERALD REARDON: How did you make out with the Sonesta and the Marlow in terms of the City to get a meeting?

TOM HERLIHY: We got some feedback from the Marlow, but not a lot. And we got more

feedback and it wasn't very positive from the Sonesta.

FIRE CHIEF GERALD REARDON: And the work in front of the Sonesta is pretty much all night work?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: I'll talk you about the proposed schedule for that in just a minute, but if I could go back to the bullet points in Mr. Galluccio's letter.

He has a bullet point of "Categorized moderate or low decibel levels with agreement from the City" -- that's more on us than you.

"Establish a protocol for backup and other loud noise to be conducted in early evening and sparingly."

I'm not sure what "backup" means, but I take it you're going to have vehicles backing up all night long?

SHAUN DWYER: That's correct.

TOM HERLIHY: Yeah.

CHAIRMAN MICHAEL GARDNER: There's no way not to do that, I assume?

TOM HERLIHY: That would be very difficult.

FIRE CHIEF GERALD REARDON: My assumption he was talking about back-up alarms in that category.

CHAIRMAN MICHAEL GARDNER: Yes, right. I assumed that's what that meant.

"Agree to three or more community meetings for feedback to cover egress, traffic and noise as well as cleanliness, place and timelines established now, but not exact dates."

You've committed to two meetings, more, if necessary.

TOM HERLIHY: More, if necessary. I mean, the number of meetings is not an issue with me.

CHAIRMAN MICHAEL GARDNER: Protocol for

complaints to -- we're well into this, but please pronounce the name of the company again for me.

TOM HERLIHY: Veolia.

CHAIRMAN MICHAEL GARDNER: Veolia.

"The protocol for complaints to Veolia and monitored by City with consequences for violations from shutdown to possible fines or other penalties."

You've given us your structure for complaints to you.

TOM HERLIHY: Uh-huh.

CHAIRMAN MICHAEL GARDNER: "Procedure by the Veolia to monitor its work subcontractors are notified to residents the times of heavy disturbance and the work scheduled by zone."

Could you talk a little bit about, as you are moving forward, the kind of communication you would anticipate with the neighbors to whom you are getting closer, and whether or not there are any discreet kinds of events in the process where

there's -- you expect there to be more noise than usual, or is it pretty much everyday is the same and every night is the same?

TOM HERLIHY: I mean, I've worked in neighborhoods before where I have sent an email out with the general schedule. Construction is like a job. Some of the people -- you don't know when you come in in the morning exactly what it is you're going to face, although you do in general.

But with a schedule of what we're going to be doing, where we're going to be working maybe between what blocks periodically. I found email to be effective to that.

Sometimes people don't want to give their email addresses, but there's outlets like a community group that if you send it to them, they'll send it to their blast email list. Things like that.

But, I mean, I have no issue with letting

people know up front what the plan is in any given period of time.

CHAIRMAN MICHAEL GARDNER: The final bullet point is "Set a maximum decibel level for any construction that may be different after 10:00 p.m."

I did ask earlier, do you have any estimate about what the loudest thing decibel reading is going to be in the work you're contemplating after 10:00?

TOM HERLIHY: I don't really know. Putting an exact number on it would be tough. It would be, you know, in the 80s certainly.

I mean, it's the loudest noise, that's what we're talking about.

SHAUN DWYER: Not sustained, spike.

CHAIRMAN MICHAEL GARDNER: Anything more you would like to add at this point?

TOM HERLIHY: I don't think so except that, you know, we will employ, you know,

anything we can. When we were out there, I mean, it's going -- we're gonna use what's available to us to keep it as quiet as we can.

We think it's a good project and we realize that there's gonna be some noise, but I think in the longrun, it's a worthwhile project.

SHAUN DWYER: One thing I can offer that came from one of the projects being done that has a boring with different soil types, and I'm not going to be representative of all of Land Boulevard. It's not something we did, which is something that I had on me. And I would be more than happy to submit it and you can send it to more formerly from the people who did it. And it's showing mostly sand and clay as -- so I don't know if you're interested in seeing it.

CHAIRMAN MICHAEL GARDNER: I think we would like it as part of the record.

I was kinda gonna ask -- I was sort've surprised you're planning to do some excavation

and you sort've don't know what you expect to find down there. You have some borings, you have prior experience with from the other pipe that's been laid o...?

SHAUN DWYER: We are planning to do more borings.

CHAIRMAN MICHAEL GARDNER: Can you talk a little bit about from whatever the first day you are able to start construction once the permits are in place where on this map you would expect to start and how many days of construction before you move to another point?

Do you have any kind of timeline you can give us from day one?

TOM HERLIHY: Uh-huh. Yeah. We would be working the thousand-foot section on the map that we've -- we would be on the northerly side of that working towards in a southerly direction and that would be the first.

CHAIRMAN MICHAEL GARDNER: And that's

essentially around the Marlow and the Sonesta,  
that block of thousand, am I seeing that right?

TOM HERLIHY: Yes.

CHAIRMAN MICHAEL GARDNER: So, you -- in  
terms of the north, if I got it, that would be to  
the right-hand side of this map?

TOM HERLIHY: Yes.

CHAIRMAN MICHAEL GARDNER: You would  
start up there near where it says "Start Crew 1"  
and move south?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: And your  
estimate about how long that work would take?

TOM HERLIHY: About 83 workdays.

CHAIRMAN MICHAEL GARDNER: And tell us  
again about what your thoughts are of the nights  
of the week when you would be working and the  
nights you would not be working.

TOM HERLIHY: We would be working from  
Sunday night to Friday morning.

CHAIRMAN MICHAEL GARDNER: So 7:00 p.m.  
Sunday through 7:00 a.m. Friday?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: And then  
Friday night and Saturday, night you would not be  
on site?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: Just tell us  
why you think starting Sunday night is preferable  
-- working Sunday night into Monday is preferable  
over Friday night into Saturday morning.

TOM HERLIHY: That's normally a weekday  
schedule. That's Monday, Tuesday, Wednesday,  
Thursday and Friday, even though it's midnight  
because it's a long workday and it will go into  
the previous day.

CHAIRMAN MICHAEL GARDNER: What happens  
after those 83 days, where do you go?

TOM HERLIHY: Again, permitting, but it  
would be on the south side of the job in front of

the GenOn plant.

CHAIRMAN MICHAEL GARDNER: So the very extreme left-hand side of the chart?

TOM HERLIHY: Right.

CHAIRMAN MICHAEL GARDNER: Okay. And that's an estimate of 20 days. I now see that you got it in the map.

TOM HERLIHY: Yes.

CHAIRMAN MICHAEL GARDNER: So that's a day hopefully it's 103 to complete that?

TOM HERLIHY: Yes.

CHAIRMAN MICHAEL GARDNER: So you are not going to be doing any of the components -- any of these zones working any of them simultaneously?

TOM HERLIHY: That's not the plan today. I mean, you know, if DCR would give us the permits to do that, we would consider doing it.

CHAIRMAN MICHAEL GARDNER: What happens after you're done with that section?

TOM HERLIHY: Well, if the section, the

9045-foot section in between the two zones I just talked about is available at that point, we would be working in there days.

CHAIRMAN MICHAEL GARDNER: And what does it mean to be available?

TOM HERLIHY: It means --

CHAIRMAN MICHAEL GARDNER: You have the permits?

TOM HERLIHY: No. It means that, you know, there's other construction going on and in this project -- and we are deferring to it -- to make sure that they get their job done.

CHAIRMAN MICHAEL GARDNER: And if that's not quite ready yet, do you go to the extreme North End and work or...?

TOM HERLIHY: Yes. And, again, you know, the permitting, how we get the permitting would dictate some of that, but that's if you asked me today that's the plan.

CHAIRMAN MICHAEL GARDNER: You asked your

question about the canal bridge?

FIRE CHIEF GERALD REARDON: I did.

You're using trench boxes for this work?

TOM HERLIHY: Trench boxes will be part of it. Some of it is going to be stick shored. Some of it will be pump shoring.

FIRE CHIEF GERALD REARDON: The stick shore stuff you're not going to have to pile drive, though?

TOM HERLIHY: No.

FIRE CHIEF GERALD REARDON: You mentioned previously, too, there's no standing permits with Veolia or Mirant with us right now for either trench work or ...

TOM HERLIHY: Yeah, that was actually made -- I was made aware of that after the last hearing, and if you haven't already, you will be hearing from somebody.

FIRE CHIEF GERALD REARDON: Okay. What do you think the distance would be every night

for the trench opening, just ballpark, are you talking about 30 feet a night or...?

TOM HERLIHY: It will be a train. There would be 200 feet approximately, 200 feet open at any given time. Some of it being backfilled and some of it being dug and some of it being worked on.

FIRE CHIEF GERALD REARDON: So every night what are we looking at for a rough idea, 30 to 40 feet of progress? I know it depends on what you hit and what utilities you are run into --

TOM HERLIHY: No, it's not that much. I mean, we are estimating, from soup to nuts, about 12 to 13 feet.

CHAIRMAN MICHAEL GARDNER: A night?

TOM HERLIHY: Yeah. That's digging it, yeah. That's digging it, putting the shoring in, preparing the trench, lowering the pipe into it, welding the pipe, doing the insulation,

putting -- any rebar that needs to be put in,  
pouring concrete, backfilling it, and, you know,  
we still --

FIRE CHIEF GERALD REARDON: You're  
x-raying those joints every night, too?

TOM HERLIHY: Yes. We have to x-ray them  
also. So X-raying the joints and, you know, the  
compacting, compacting the soil and then putting  
the rough coat, the binder coat on.

FIRE CHIEF GERALD REARDON: What are you  
using for the insulation on this?

TOM HERLIHY: We're using a product  
called SturdiRock, it forms mineral.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: Are there  
going to be any periods of moratorium when you  
won't be working? There were conversations at  
the last hearing about the July 4th period, also  
a reference to, I think it was Bio 2012, which  
I'm not completely sure of the dates, but --

FIRE CHIEF GERALD REARDON: Yeah, it's pretty close to July 4th.

CHAIRMAN MICHAEL GARDNER: Have you got any consideration of that or any thoughts, or do you think it's...?

TOM HERLIHY: Yeah, we've certainly taken that into consideration. It really does us no good to be working at times when we won't get anything done anyway and we're just be in people's way. So, we'll certainly, you know, take things into consideration.

I'm not sure what the Bio 2012 thing is, to be honest with you.

FIRE CHIEF GERALD REARDON: July 4th.

SHAUN DWYER: We are committed to not working that weekend.

CHAIRMAN MICHAEL GARDNER: Committed to not working when?

SHAUN DWYER: Not working that weekend.

CHAIRMAN MICHAEL GARDNER: That weekend,

so the --

SHAUN DWYER: I believe the 4th is a  
Wednesday.

COMMISSIONER MICHAEL GARDNER: Right.

SHAUN DWYER: Wednesday, Thursday, Friday  
we have no intentions of working.

CHAIRMAN MICHAEL GARDNER: But you will  
be working Tuesday the 3rd into the morning of  
the 4th or you will stop at 7:00 a.m. on the 3rd?  
Assuming you may be --

TOM HERLIHY: We are not working the 3rd.

CHAIRMAN MICHAEL GARDNER: Not working  
the 3rd.

SHAUN DWYER: I think we took the whole  
week off. Eliminate that week.

CHAIRMAN MICHAEL GARDNER: Is there  
anything else you would like to add now?

TOM HERLIHY: I don't think so.

CHAIRMAN MICHAEL GARDNER: Okay.

Ms. Boyer, would you mind just coming up

and giving us a summary of your activities and findings?

If you could identify yourself for record.

ANDREA BOYER: Andrea Boyer, B-O-Y-E-R, investigator for the City of Cambridge License Commission.

I had been asked, after the last meeting, to touch base with Veolia, to speak to them about a couple of items actually were already discussed this evening based on the time frame of when the construction would take place, the heavier load of construction and when it may slow down in evening digging in the dirt.

I was also there when they had done a -- performed a noise reading from six different locations the other evening.

I showed you that on the map and I also sent an email of what those levels were.

They were very similar to the ones that

their company that they had hired. So it seems like we're all on the same page.

One of the questions that I had that hadn't been discussed, and I would like to ask and Shaun Dwyer and I had spoken about it last week. How much equipment will be on the site at any given time just to stipulate that, backhoes, how many, and the construction part. And it seems as if everything else was touched on.

CHAIRMAN MICHAEL GARDNER: Do you have any response to Ms. Boyer's question about how many pieces of equipment we can expect on site at any one time?

TOM HERLIHY: I would say an excavation, I would say three, three pieces of construction equipment and then, you know, trucks also.

CHAIRMAN MICHAEL GARDNER: So the construction equipment are excavators, three excavators.

TOM HERLIHY: Probably two excavators and

then an excavator to put the -- or some lifting -- something to lift the pipe into the trench.

Like I described, I contemplate something being dug at any given time, something even backfilled at any given time. Those both require machines. And then the piece that's worked on, you know, we have to have the pipe lowered into the hole.

CHAIRMAN MICHAEL GARDNER: Is that the piece of equipment that also lowers the plates?

TOM HERLIHY: Yes.

ANDREA BOYER: Then the other question I had is: How many jackhammers and saws at any one time would be ongoing before the 10:00 time frame to crunch up the asphalt?

TOM HERLIHY: I would think one. I would think one.

ANDREA BOYER: That was it. Everything else was touched.

CHAIRMAN MICHAEL GARDNER: In terms of our ordinance and the allowable noise levels for construction as outlined in the ordinance, without respect to time of day, were all of the readings in compliance with the levels in the ordinance?

ANDREA BOYER: The equipment that was at the site it was below the allowable 86 decibels per day time emanated from any -- emitted from any construction site.

CHAIRMAN MICHAEL GARDNER: Do you have any opinion with respect to what the residents could expect based on what was described this evening about the cycle of work on an evening, including the number of dumps, any -- from your experience -- estimate or information about how frequently and at what levels we can expect the highest readings of noise?

ANDREA BOYER: I agree with what was stated earlier. I think sawing or any

jackhammering would be the loudest. I think from the backhoes when we were at the locations it wasn't so much the dirt that was being dumped into the back of the truck as much as it was the claw that was on the backhoe that made some noise.

It seemed from that evening that it would go into the dump truck and then on regular construction it will actually move to dig so more so it will actually maybe be in 45-second intervals possibly. You can correct me on that. And, of course, depending on what they hit when they are down there in the dirt.

And the other situation that we had discussed that may be loud is the -- once the dump truck is up and dumping of the dirt, actually the back of the dump truck -- what is the --

TOM HERLIHY: The gate.

ANDREA BOYER: -- the gate would be

problematic, but we don't know what that sound will be just yet.

And I know that they've discussed trying to add something to the back of the truck. I'm not really sure if that would be able to be done.

TOM HERLIHY: I think those are the types of things that I think we can engineer solutions to mitigate some of that. I mean, it's basically the gate of the dump truck.

FIRE CHIEF GERALD REARDON: Slamming the back of the body.

TOM HERLIHY: I mean, I'm confident we can quiet that down. Might not be completely quiet, but I'm sure we can do something to dampen that.

ANDREA BOYER: So those were the items that we were thinking would be the most -- give the residents the most impact.

CHAIRMAN MICHAEL GARDNER: Any questions from the Board?

SUPERINTENDENT CHRISTOPHER BURKE: I do have a question.

A little bit more classification on the 24-hour phone line.

What type of response could a resident expect beyond speaking to a person? Is this phone -- is planned it have this phone on site and the person who answers it on site --

TOM HERLIHY: No.

SUPERINTENDENT CHRISTOPHER BURKE: -- to invest the cause for concern, or is it just a mechanism to record a problem?

TOM HERLIHY: No. The way our system works is we have a 24-hour customer service line. A person calls that line and gets a live person on the other end, and they dispatch somebody, the appropriate person depending on what the problem is to deal with the problem, and that's currently in place.

SUPERINTENDENT CHRISTOPHER BURKE: And

where would they be responding from?

TOM HERLIHY: Kneeland Street in Boston at night and Elton Street in Boston during the daytime.

SUPERINTENDENT CHRISTOPHER BURKE: What kind of call would generate a response?

TOM HERLIHY: Any call generates a response. Somebody says they hear a noise or they see steam coming out of a manhole or no heat calls, I mean, we take every possible call.

SUPERINTENDENT CHRISTOPHER BURKE: I would imagine in this situation, it's going to be a noise call.

TOM HERLIHY: Right. And there will be instructions if there's noise call, you know, on Land Boulevard, the person to call.

FIRE CHIEF GERALD REARDON: The assumption is that every period of days there will be a duty person responsible. Obviously it can't be the same person seven days a week, but

there would be a rotation of people who are responsible for that particular time and date?

TOM HERLIHY: Right.

ANDREA BOYER: One other thing, if I may ask. The trucks that are going to be waiting for more dirt to be loaded into them, there was at one time we had discussed maybe have an area for those trucks to be, not just all waiting to be idling and waiting to be loaded up, that there may be a staging area that they could be at.

I think at one time Shaun was going to get back to us on a place for that.

CHAIRMAN MICHAEL GARDNER: They are probably not supposed to be idling anyway.

ANDREA BOYER: Correct. There are certain things, though, with the brakes that certain trucks do have to idle for so long, longer than five minutes or so, but not altogether.

TOM HERLIHY: Right. We have spoken to

our contractors about exactly that and you know we will not have trucks lined up idling along the street making unnecessary noise.

CHAIRMAN MICHAEL GARDNER: How many instruction do you anticipate being required to be on site?

TOM HERLIHY: Besides the three pieces of equipment I mentioned?

CHAIRMAN MICHAEL GARDNER: Right.

TOM HERLIHY: I would say two at a max. One to receive dirt from the excavation and one possibly putting dirt into the excavation when we're backfilling.

FIRE CHIEF GERALD REARDON: You're going to run the job there, you are going to employ radios or something with these people to -- at the staging area to have someone send the trucks down or just cell phones?

TOM HERLIHY: Yeah, something like that. To be honest with you, I haven't gotten the

details of that worked out. But, yeah, it would be something like that. We would communicate with the trucks and either just do it on time arrival, so have them dispatched from wherever they are coming from just in time, something like that.

FIRE CHIEF GERALD REARDON: That never usually works out, but, right, if you have to stage them somewhere --

TOM HERLIHY: Yeah.

FIRE CHIEF GERALD REARDON: -- if you have a small radio system that you can turn around and just have someone at staging and send them down and bring them back.

TOM HERLIHY: Right. I mean, we have, you know, we have a shop where we're manufacturing pieces of pipe in Charlestown under the Mystic River Bridge that's totally industrial, that if we needed to put a truck there for a short period of time, it would not be

an issue.

CHAIRMAN MICHAEL GARDNER: Thank you.

ANDREA BOYER: Thank you.

CHAIRMAN MICHAEL GARDNER: Are there any members of the public who would like to be heard on this matter?

Please come forward.

MICHAEL MEDEIROS: Good evening.

CHAIRMAN MICHAEL GARDNER: State and spell your name for the record and identify your affiliation.

MICHAEL MEDEIROS: Sure. Michael Medeiros, M-E-D-E-I-R-O-S, and I'm the general manager at the Royal Sonesta Hotel.

And, you know, first of all, thank you very much for taking the time for the special hearing tonight, I appreciate it. And I have a lot of concerns. As you can see, there's buffer zones and I appreciate the reorganization of this, but there's no buffer zones in my area at

all.

But the first -- to clarify the response was no positive response from Sonesta. The reason why is because probably I didn't give them the answer they were looking for.

However, I did work with them in every possible way by being there late at night at the last minute to do the sound test. Unfortunately I wasn't available last night to do the white noise test because we were just notified right at the last minute. So I'm concerned about the organization of the entire job, especially the response time of when calling when there's a noise complaint and getting some dispatch not being on site. So I'm concerned about that.

During a conversation I had with Mr. Herlihy on the 20th was that the project's going to happen whether or not during the day, and it was all about the special ordinance from the License Commission for overnight.

I explained my concerns about what type of business we are again. I reminded him we're a hotel and people come there to sleep at nighttime.

I expressed my concerns about noise during the day because at one point he discussed, Mr. Herlihy, that maybe there was an option of doing Cambridge Parkway.

And so, it's interesting to find out tonight that really isn't an option maybe. But I expressed my concern that doing Cambridge Parkway wouldn't work as well because we have all our meetings room there, which effect my business as well as my sleeping of guests.

So, I have a lot of concerns because what I'm hearing tonight and what I heard in the meeting with Mr. Herlihy on the 20th at my hotel, is that there is another option of going over the Longfellow Bridge. But what was communicated to me is that the Mass Department of Transportation

would not allow them to do this work until three years from now.

If you look at this project in the entirety, if you add up the number of days, it comes out to around 11 months. If they did the work just during the day, it would be longer. So we are up to almost two years.

So the question is: Does this really need to be done now and why can't it be done in three years so that it don't affect the residents or the businesses on Land Boulevard? That's the number one question. And I asked that question to Mr. Herlihy.

And we all can't forget one of other options is, yes, it's a great thing to do for the environment, but there's also money that is going to be made from Veolia Energy. And approximately -- I asked how much are we talking about per month you would make on something like this if the project was done and it was quoted around

\$200,000 a month. So, you're talking about a million and a half dollars they gain per year on this.

Now, they gain and I suffer. And the community suffers. I'm going to lose a lot of my money financially. This is probably one of the best years. And keep in mind I pay taxes. And that means the City's going to get less money. Because if my occupancy is 80 percent and right now it's looking really well for the season, and the word gets out that I have all this construction going on, people just put on Trip Advisor that they can't stay at my hotel because of the noise level, my business is gonna go down.

So it's a losing project all around. And I just question that. I think for the testing, I think, you know, they had the equipment about the decibels, but it wasn't really a true test. It was one truck, one backhoe and it was the generator. Now, tonight we heard that there's

going to be more equipment.

So really is the decibel correct and also it was done during -- there was traffic, there was cars going on and this work is going to be done in the middle of the evening -- overnight, I mean, and there's not going to be traffic. So there's going to be less muddling of noise, therefore, the noise is going to echo.

So, I question if the test is really a true test or not.

And just the disorganization of getting everything done at the last minute doesn't give me any discomfort level that this project is going to go, in effect, without any issues, that I'm going to have problems with the noise that I'm going to pick up the phone and I'm going to get some person on the phone and it's going to take how long a response to speak to somebody in the street? My guests don't care who I speak to. They just want the noise stopped because that's

why they pay money to stay in the hotel. They want a night's sleep.

I just don't understand why this can't be delayed until three years because it will impact that many people.

So is it monetary reasons or is it environment because that's all I hear is environment from Veolia.

So I question that and I have a lot of concerns, and, you know, I would like to work with him, but, as he stated to me, work is getting done regardless.

So, basically, it doesn't really matter what I say to him, he's gonna get it done. It's just how long it's gonna take, and if it takes a long time during the day, it may not be worth it to them because they can't wait three years.

So, you know, I just don't think there's enough information to go on right now. I think there's a lot of unanswered questions. I think,

from what I'm hearing tonight, the saws cutting and the packing of the -- the compacting of the soil if that's going to be done at nighttime, there's no test done on that. I'm sure that's noise.

In fact, yes, it's the bucket that was making the most noise that evening. That was really the most noise that we heard.

But now you have other things in play. I'm not confident that this was really true the other night on our test, and I think more research has to go into it and I think better planning has to be done in organizing getting the community together of what the noises really going to be like at nighttime and I don't think that was done.

I think it was rushed -- in my opinion, it was rushed to get it done before this meeting, so...

CHAIRMAN MICHAEL GARDNER: What is your

sense in the summertime the noise or the sound levels in a typical hotel room with respect to whatever kind of cooling equipment and noise protection from the windows you can expect?

Do the rooms have air conditioning --

MICHAEL MEDEIROS: They have air conditioning.

CHAIRMAN MICHAEL GARDNER: -- which generates some baffling noise here or not?

MICHAEL MEDEIROS: It has some noise, just like when the heat was on the other night when they did this test. But in the summertime the guests have the option to open our windows. All of our windows open. Once they open the windows, they are gonna hear everything regardless what is out there.

CHAIRMAN MICHAEL GARDNER: I take it that's their choice?

MICHAEL MEDEIROS: That's the guest's choice, that's correct.

CHAIRMAN MICHAEL GARDNER: Okay.

MICHAEL MEDEIROS: Thank you.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who would like to be heard?

If you could, please state and spell your name for the record.

CHARLIE MARQUARDT: Charlie Marquardt, M-A-R-Q-U-A-R-D-T, 10 Rogers Street, River Court.

Thank you very much, Mr. Chair. This is really nice of you guys to have this meeting. I know one of you changed your schedule around to have this meeting tonight. So, I appreciate that. I think a lot of good effort has gone in so far, but I agree with Mr. Mederios, a lot of it is last minute. Getting emails to review to take a look at it, promise to have a report, a detailed report on Monday night, then Tuesday morning. Now we are being told we can see it after corporate's done with it. That's a little disconcerting when we're talking about a project

that's going to start, if memories serves me,  
they were hoping to start this month sometime.

They have all the contractors laid out.  
And I'm going back to what Mr. Mederios said  
about the 24-hour hotline. I'm fearful for the  
EEC, the Emergency Contact Center or whatever you  
call it, because once you make that phone call,  
I'm not going to wait 20 minutes for someone to  
call me back, and there was no mention ever of a  
call back. So how do they close the loop with  
the person they are going to call? It will be a  
phone call to them, wait a couple minutes, then  
call the Emergency Command Center and then call  
the State Police, and just it's going to be at  
night and people will be trying to get back to  
sleep and it's not a ten-minute loss of sleep,  
it's -- I don't know about you, but when I wake  
up in the middle of the night, it's an hour. It  
might be two hours, you never know.

You have to make sure that's taken care

of. I don't really see that.

I was somewhat disappointed when we heard we don't know about 2012 when it's -- it's probably one of the most important things for us and our clients around here in terms of Cambridge, for the hospitals and the biotech community.

I also noticed there was no mention of the graduations. I hate to have Harvard and MIT parents coming into the graduation, all of sudden being disturbed by this work out in front of the hotel. That's another big week for them.

I'm trying to think of the ways they make money or we make money. I've been looking at the budget that last couple years in the City of Cambridge, and the one place you've had positive results is in the increase in the meals and hotels tax. I'd hate to see that go down because last time I looked, our budget is looking tight again and I wouldn't want this to be impacting us

while benefiting Veolia.

And then I look at the test results, and we really are not hearing back what is acceptable. I know 86 is acceptable during the day, but that's like an eight-hour day, 86, that's your maximum you're going to have. You're talking about a 12-hour work night and is 86 acceptable at night.

You asked the question I believe what would be an acceptable number and everybody said no, we don't really know. I'd really like to know what that number is before we get started because how do we know what we're looking at? How do we know if there's been a number that went over? Otherwise you are relying on someone saying "Okay. That noise bothers me. I'm calling." You can have the crank calling at 60 or you can have someone getting really mad and calling at 85 and you really won't know because by the time someone is out there to make a

measurement of the test of the noise level, it's done, it's happened. There's no mention of ongoing monitoring of this.

So someone calls up and says "Bang, we had a noise. What was it?"

We don't know. You can't recreate it. And we don't want poor Ms. Boyer to be out there every night listening. We want her to be at home getting some sleep as well.

And then the more I think of this, I'm trying to figure out what Cambridge benefits from this. Yes, there's the environmental benefit, but all this steam is going into Boston. It's connecting into the Boston site.

This is an awful a lot of work in Cambridge impacting potentially Cambridge's revenue. Look at the meals, go back to the meals tax again and the hotel tax, these are the two big hotels. They're driving a lot of those numbers. So I would like to make sure we have

that handled, and maybe we could check with the Finance Department just to know what we're putting at risk by doing that.

The last thing is, talk about outreach and I know it's further up the street from me. I'm sort've amazed that there's no one here from the Thomas Graves Landing or Regatta Riverview. I mean, they're going to have work done next to them.

I'm not sure what the level of outreach has been to the residents. I know we had this discussion at the first meeting that the outreach was always being done to the building management and then you allow building management to get to the residents. That strikes me as somewhat over-relying on the building management to do your job. I thought we were going to have some more community outreach, and I was told community outreach after the noise variance is granted.

So, I'm a little bit concerned about that

because it seems to be putting the cart after the horse or before the horse or whichever direction you want to put it.

I know things can get done I know. I know that working with the Commission and Ms. Boyer that it can be worked out, but still, as Mr. Mederios says, it seems an awful lot last minute, and we don't want to be wasting your time every meeting, we want to get this over with.

So that's what I have for tonight.

CHAIRMAN MICHAEL GARDNER: Thank you.

CHARLIE MARQUARDT: Thank you.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who would like to be heard?

MAYA SILVIS: My name is Maya, M-A-Y-A, Silvis, S-I-L-V-I-S.

I also wanted to reiterate that I felt the sound test was minimally done. I printed out a number of emails that were sent through our building from residents.

CHAIRMAN MICHAEL GARDNER: What is your building, please?

MAYA SILVIS: River Court. They were sent to our manager and to Tom Herlihy. Basically all the emails state the same thing that we noticed that they were points in time the machinery wasn't running. I think even one of the residents went out when they were testing the sound, and they had to get someone there to start the machines back up because no one was around.

But there's -- I printed out four or five emails from people stating all the same things that we noticed. The sound levels were minimal, but part of the reason why is they weren't running machines. The saw that was run --

CHAIRMAN MICHAEL GARDNER: The readings were taken while the machinery was running.

MAYA SILVIS: Correct. But some of the machines were run without -- you know, for instance, the saw was run without anything

through it. So, in actuality, you wouldn't just be running a saw and not cutting any material. There was no material brought to even take a sample of what that would sound like.

The dumping of the fill. Actually, we went out there. The fill looked pretty clean. There were, like no rocks. They were very cautious in the way that they picked up the fill and sort've dumped it. There was no scraping or things you would expect to hear at a construction site where, you know, you're going to have to pick up material that's probably going to hit metal.

I felt like it was an unrealistic test and I have a pile of emails from other residents feeling the same thing.

And then I felt as well that everything was very last minute. The white noise test we found out about last evening, I think, around 4:00 p.m. the test to take place that evening as

well. So, it was really no notice. And, you know, I'm not sure how many people were even involved in hearing the test, and I really actually would've liked to have hear it myself. Because I think it's different to hear a video than to be there in person, and this is something that for over 100 days we are gonna have to sleep through, you know, and I think it's -- everything does seem rushed and unorganized.

I was also wondering if it was ever looked into to see if they could extend daytime work hours by detouring traffic perhaps off Land Boulevard into alternative routes, and if that might give them an extra two or three hours that could reduce the night work. I didn't hear anything about it, but I don't know that it was looked into.

FIRE CHIEF GERALD REARDON: You said you're at River Court, so you are in the daytime work zone.

MAYA SILVIS: South of us by the Athenian would be nighttime work time.

And there's nothing buffering us between that area. That's like, I guess you would call it, a park that's used right now for the drainage. There's gravel over it. So there's no buildings, there's nothing really between us to buffer sound at all. It's just an open area.

I can hear the train crossing the Longfellow Bridge at night. That's how open an area it is really.

CHAIRMAN MICHAEL GARDNER: Did you say you had a series of emails? Did you want to share those with us?

MAYA SILVIS: If you want to, I can give them to you.

ELIZABETH LINT: We have all of them.

CHAIRMAN MICHAEL GARDNER: Thank you very much.

Any other members of the public who would

like to be heard?

HEATHER HOFFMAN: My name is Heather Hoffman. I live at 213 Hurley Street, so if I'm lucky, I won't be hearing this work.

However, I wanted to point out that starting 20 minutes ago, there's a hearing on the Longfellow Bridge work that anyone who wanted to know what was going on with that had to decide whether to come this hearing or go to that one. And I think that you might want to know what is going on at that hearing before you make your decision as to whether this is actually necessary.

The other thing that I would suggest is that as other people have said, the enforcement of the Cambridge noise ordinance is depending a whole a lot on the goodwill of the person who's broken the noise ordinance, and I would suggest that maybe some really, really severe penalties be written in to any variance to make it so that

they will have extra incentive because as it stands now, you have to take them to court. And that really doesn't answer anyone's sleep deprivation. So, I mean, if I had my druthers someone high up in your company, probably your boss, would have to sleep at the Sonesta during the entire work period in the room closest to the construction. That would be how I would set it up. I understand that's not a reasonable thing, but I think that you really do need to make sure that there are very strong incentives for people to -- doing the work to respect the people who are trying to sleep.

Thank you.

CHAIRMAN MICHAEL GARDNER: Any other members of the public who would like to be heard?

State and spell your name for the record, Mr. Galluccio.

ANTHONY GALLUCCIO: Thank you, Mr. Chairman, Anthony Galluccio, A-N-T-H-O-N-Y,

Galluccio, G-A-L-L-U-C-C-I-O. I'm an attorney with Galluccio & Watson at 1498 Cambridge Street in Cambridge.

Thank you.

And I want to first just say thank you to the Commission and the executive director.

This is obviously a very critical process for the community and I want to thank Ms. Boyer for being out there in the community and listening to these concerns.

This is a critical process that I think gives residents a more convenient and local opportunity to weight in a way that they can protect the quality of their lives from unreasonable intrusion.

I represent the River Court Condominium Trustees, but we have taken a position which is one of working with the entire community. We're obviously trying not to make statements or create conditions that protect the interests of River

Court without keeping in mind that there are many, many residents in a number of different buildings and property owners as well as hotels that are affected by this.

We don't know the answer, Mr. Chairman. I know you received a copy of the letter and I know it was read into the record, so I won't repeat it. That was in an attempt really to just concrete some dialogue or some framework of a conversation that would potentially alleviate some of these concerns.

Notwithstanding that, we are certainly open to a rigid review of the necessity of this project.

There have been a number of folks who have raised the issue of the Longfellow Bridge. In this day and age, there are so many changes in the energy industry that this is an issue that comes up in many communities in a number of different forms, property owners converting to

natural gases, the more likely scenario where communities are confronted with roadways and public rights-of-way being torn up more frequently than they would like, and there's a really balancing act here of allowing folks to save money and take advantage of new opportunities in the energy market and balancing that out with the burden on the community and the commercial impacts that -- of slowing up commerce and also the intrusion on residents and businesses that that causes.

So, while this may seem unique to Cambridge, it really is a problem that's happening across communities in a number of forms.

I think Mr. Marquardt raises to me, the sort've of foundational issue, which what noise level becomes too burdensome especially in the evening time? If I were in a hotel, I'm not sure that my only concern would be during the evening.

And we have folks in -- at River Court that also sleep during the day that work off shift. So, it's not just a nighttime issue, but I think we've tried to focus particularly on that.

I would ask that if the Commission could really work with Ms. Boyer to figure out what that decibel level is where folks could begin to get a night's sleep and we can look at that night shift in a way where, you know, at the very least there would be some point in the night where someone could get some sleep.

We've -- you know, clearly, we would like to protect the whole evening. It's also clear the length of this project becomes a problem, especially as you get into the months where folks want to open their windows presuming that those months are particularly after the hot months of summer and before the cold months, but ideally finding some level.

And as Mr. Marquardt also mentioned and

Heather Hoffman, if we can have some compliance mechanism.

I am concerned that when and if this does start the ability -- we've heard some concerns about what happened at the courthouse, but the ability to communicate effectively with the company and that there be a mechanism where real penalty, real reaction can take place without overburdening the city as well. I mean, I don't think it's the City's infrastructure that should be overburdened in a compliance period either. It shouldn't just become the City's problem.

So to have a real practical monitoring program that we can work with and some reactions that are built in.

I suggest, and I saw the new plan, I've looked at it quickly, you know, the framework of having sort of quadrants so we can understand the schedule of work, I think, is a good one. I'm not sure just expanding the buffer zones in the

evening are going to do it.

I think we really have to find a decibel level that we, the Commission, and you folks are more expert in this than I am, and certainly Ms. Boyer, that folks would be comfortable if they were sleeping in a bed in that area that at that point they may be able to get some rest.

There was also a lot of concern about the white noise. I wasn't able to hear it. But I would like just to have a little bit more information on that as to whether a reasonable person could sleep through that decibel level and what that decibel level should be or could be.

And then there are other issues that I'm not sure can be dealt with in a blanket, but the issues of backing up trucks and sort've having a policy where they can have a plan for how much of that is going on, especially in the evening hours, and how much is reasonable and how much can get into position before the evening hours.

That's all -- not something I think that's gonna be able to be built into a policy, but has to be part of an overall monitoring plan.

So, we're just, you know -- we weren't able to get in a meaningful conversation where the company proposed certain conditions and we reacted.

So I think felt it was important to advance the conversation to give you folks some things to think about, to just look at a number of conditions that might be helpful. But we don't have the answers.

I would say that really with great appreciation, it's hard enough for folks to get to the License Commission, even more difficult to participate in a state process, so I just want it say on behalf of the residents how much we appreciate your willingness to really engage in this 'cuz to me, this is the practical way that the community has an opportunity to protect its

interests.

So thank you for your all your attention to it.

CHAIRMAN MICHAEL GARDNER: Thank you.

Let me speak generally to my fellow Commission members and to the representatives of the company, to Ms. Boyer and the audience at least to state my understanding of the white noise issue and to get a reaction from anyone with more expertise than me.

I think we have established that the expectation from the company would be that there will be vehicles backing up all night long as part of the routine work, and hence, there would be the need for safety signals to be used throughout the evening, and that at least the belief of the company is that the white noise signal --

FIRE CHIEF GERALD REARDON: Back-up alarms.

CHAIRMAN MICHAEL GARDNER: -- back-up alarms are less irritating, perhaps quieter, than the traditional beep noises that you are used to hearing in our common experience.

Have I said that accurately and completely, or is there more to add to that with respect to the white noise issue?

TOM HERLIHY: No, I think that is what the white noise alarms, back-up alarms are designed to do, to allow you to back the vehicles up safely and not have the piercing noise that you experience when traditional back-up alarms are used.

CHAIRMAN MICHAEL GARDNER: So in the public comment period, there was a lot of discussion about late notice about the white noise last evening, and I must say I'm not aware of exactly what happened last night, so could you advise us of that?

TOM HERLIHY: Yes. There was a request

after our regular noise test to -- people wanted to know if they could hear the white noise alarms.

So I said, "Yeah, I'll do it." And I hunted one down, and I had one installed on one of our trucks, and as soon as that was installed -- that was actually installed the afternoon of the test.

Now granted, had the hearing -- if the hearing is a week away, I would have had time to give four days' notice before I tested it, I would have. But from the time the request was made to the time the test was made, I didn't have that kind of time.

So when I -- as soon as I located one, I sent out an email that I had one and asked for any volunteers to listen to it. I got three. I was in three apartments in River Court that night and I listened with the residents to the alarm at the limits that we're talking about on this.

(Short break.)

CHAIRMAN MICHAEL GARDNER: We're back on after an intercession of some electricity.

Are there any members of the public here this evening who participated in or heard the white noise demonstration last evening?

Seeing none, just summarize any reactions that you recall from the people who did participate.

TOM HERLIHY: Those reactions would be my perception. I mean, it's easy for me to say what I heard and what I thought, but my perception and my recollection of the conversations were that two of the residents thought that it was not bad.

As a matter of fact, I would say that's on the third-floor apartment I was in, it's not bad, doesn't sound very bad at all.

Fifth floor I got a similar reaction. On the 14th floor, the reaction was quite different. The person said she would not be able to sleep

with that noise.

FIRE CHIEF GERALD REARDON: Now, who would be on scene at night working as the foreperson for Veolia? Would it be the -- there would be someone from the company working every night during the construction period?

TOM HERLIHY: Yes.

FIRE CHIEF GERALD REARDON: That person would be designated as the supervisor or the senior or the commander or whoever ...

TOM HERLIHY: Yes.

FIRE CHIEF GERALD REARDON: So, if someone was to call the 24-hour line, would they also have a number to talk to that person? I mean, is that the -- I don't want to put words in your mouth, but --

TOM HERLIHY: Yes. The person on site -- there would be a person on site that the plant -- if at nighttime, it would be the plant that was receiving the phone call, the plant would call

this person.

FIRE CHIEF GERALD REARDON: So they would have direct contact. So, in theory, this shouldn't take a long period of time to get a call, they get the number, relay it to this person, this person now says "Hey, we just got a call about noise," and they have the authority to take whatever actions involved to mitigate the noise?

TOM HERLIHY: Yes.

FIRE CHIEF GERALD REARDON: I mean, they have control over the construction -- basically ultimate control of the site?

TOM HERLIHY: They have control of the construction site. If there's something going on there that needed to be addressed, they would have the authority to do so.

FIRE CHIEF GERALD REARDON: I guess we're just going to bring this out to the forefront that it's not about their pay grade or they don't

have the right to tell so-and-so, they would have the authority at that site to do whatever it was to mitigate the noise?

TOM HERLIHY: Yes.

CHAIRMAN MICHAEL GARDNER: Ms. Boyer, do you have something you would like to say? Why don't you come forward?

ANDREA BOYER: Thank you, sir.

Just a question actually pertaining to the white noise machine. When I watched the video, and it could've been how it was recorded or how it was made, it seemed as if some of the vehicles was a little less loud than some of the bigger trucks. Are there different mechanisms for different pieces of machinery? For example, the forklift in the video seemed quieter than the dump truck one or the moving truck. I wasn't sure if you had options or is that the only company. Is there different --

TOM HERLIHY: To my knowledge, it's the

only company. It's a British company that's making these, and this is why I had such a hard time finding one, to be honest with you.

And yes, they come in different ranges, different noise ranges, and the one we were able to get and put on the truck was not the quietest one.

ANDREA BOYER: Would you be able to use the quieter ones, if possible?

TOM HERLIHY: I believe so. I would have to get a -- I have to make sure that they meet OSHA regulations -- personnel safety first before I can -- just so -- I guess the answer is I don't know.

ANDREA BOYER: Okay. Thank you.

CHAIRMAN MICHAEL GARDNER: If you could stay here for a minute, Ms. Boyer.

In terms of looking at the noise ordinance and 8.16.070 restrictions on noise emitted from construction sites, there are some

standards set in the ordinance and they're done in a couple of different ways.

One is the L10 level, which for residential area is 75 dBAs, for business or office, 80 dBAs and for industrial 85 dBAs, and then there's a maximum noise level of 86 dBAs, and I wonder if you could describe to us both the testing that you did and how in terms of enforcing this in the normal course, the way in which you would use these numbers?

ANDREA BOYER: For that specific part of the noise ordinance for me to do adequate testing, which I did testing the other evening, not to the full capacity, that would have to be done for that section of that noise ordinance.

For that section of the noise ordinance, 100 readings need to be performed under the Cal 10 sequence, which is another meter that I would need to take with me. It actually would do it in ten-minute increments. It would kinda break down

for the L10 any background levels to give me the highest number at any one time.

So then it will show me that on my noise meter for a construction site specifically.

CHAIRMAN MICHAEL GARDNER: What you did and the numbers you recorded was those maximum noise level --

ANDREA BOYER: Yes. I was actually close enough to the construction to use my other noise meter, which is a 2240, on a low sequence that is -- it's the equipment that their company used.

Was it AccuTech that you used?

TOM HERLIHY: Syntech.

ANDREA BOYER: Syntech, excuse me.

They use the meters that would've been for the L10 sequence. I was trying to get an idea of what the noise levels were and then utilize their report.

So at that evening I can say, oh, yes, it's close, but I'll have a full report by their

company. So I used the other meter for that night. But it was a dominated source of noise that I was able to use that meter.

FIRE CHIEF GERALD REARDON: Does that include a baseline noise for the area along with the construction noise?

ANDREA BOYER: It did. There were a couple times that in front of Hotel Marlow that I was able to -- there wasn't traffic because of the red lights stopping the traffic, you could get a clear read of that.

There were a couple reads I was not gonna be sure were clear because I was at the Royal Sonesta not facing the traffic to even know if there was traffic was coming by, so that was probably a combination at times. But I didn't know which one was or wasn't because I couldn't see the street.

CHAIRMAN MICHAEL GARDNER: Well, I'll ask the company and ask Ms. Boyer, the highest

reading I think we got here was a 74.3 dBA. What is the sense from the company if we were to grant a variance that had a maximum noise level for the period after 10:00 p.m. of 75 dBAs?

Do you have any information to know whether or not you could do your work in a reasonable efficient way with that kind of maximum level requirement?

TOM HERLIHY: I don't have any information. My sense, based on my experience, is no.

CHAIRMAN MICHAEL GARDNER: Is no?

TOM HERLIHY: Yeah.

CHAIRMAN MICHAEL GARDNER: And so what would the noise be that would peak above that?

TOM HERLIHY: Well, the numbers in the ordinance that pertain to construction sites are there because that's the noise made on construction, so that's the level of noise made on construction.

CHAIRMAN MICHAEL GARDNER: So are you telling us that you don't think because of the noise that's made on construction sites it's workable for us to give you a lower maximum noise level than the 86 dBA?

TOM HERLIHY: I think if we -- I think it's possible. I think that there's things we can do to lower the noise, but I don't have a number. I don't know what that number is.

CHAIRMAN MICHAEL GARDNER: Ms. Boyer, do you have any thoughts?

ANDREA BOYER: With what was there that evening and with the way that the -- I was shown over the years and through the classes that I have taken, for example, this is what the equipment of course being at the one of the buffer zones affecting the Riverside Condos, that noise was 58.7 to 60.1. The 60.1 would be when the hand, or whatever you want to call it, the claw on the backhoe was probably moving because

that would be the spike in the number.

FIRE CHIEF GERALD REARDON: The bucket sweeping?

ANDREA BOYER: Correct. If you added another backhoe to that, it doesn't double the noise, it adds to the noise.

So I know with HVAC units if I have something that's 60 and I had another one that is exactly the same right next to it, it will raise it to approximately 63. So you get three decibel change, it doesn't double it to 120, it's 63. So if we added another bucket truck -- I mean, backhoe to that, then it would be significant with what we have here. Would it be the 86 range? I think that would be true from that location. I think it would go up, but it wouldn't go up 25 decibels to 85 or 86.

So I think at that location, you know, there could be a number that would be less than 86, but that is something that they would have to

Speak with Syntech also about their experience.

FIRE CHIEF GERALD REARDON: Obviously all of this noise is gonna be predicated on the care and expertise of the operators. I mean, you can obviously slam something around and make a lot of noise. It's just like being at home tiptoeing through the house, you can make a lot less noise and obviously, a lot of it is going to depend on the diligence of the operators and the constant someone there saying "You are making too much noise. Don't go back to the way we normally do construction in other places." So I mean, someone has to ride herd of them.

TOM HERLIHY: I understand that. That's true.

ANDREA BOYER: I think what the idea of the Esplanade Condos or the Riverside Apartments or Condos and then with the hotel, for each of those zones, there may be something that may be able to be outlined possibly and followed. It

couldn't be something that could be across the board.

In front of the Canal Park Condos where the levels were 71, that couldn't -- that would have to be reflective of that location.

And adding some more equipment to that location where the level would be higher compared to the example that I just gave you.

So each area would have to be broken down for possibly an allowable decibel level.

CHAIRMAN MICHAEL GARDNER: Could you talk to us a little bit, Ms. Boyer, about the kinds of compliance readings that you would envision being able to do yourself as an ongoing monitoring completely separate from any complaint driven process to ensure compliance?

ANDREA BOYER: Yeah. I think when the project is approved and it started to go forward that we should, myself or the other person that does noise control, go out to get an idea exactly

where we are, you know, when all the equipment is up and running. That would be definitely a start of anything.

And then being in communication with Veolia and the residents and asking them, you know, what their feelings are about what those levels are and working with that.

If there's any way that we can be on premises and see something that can be changed, then speaking with them to say "This isn't working. We need to change it."

So it would be something that would be on a continuous basis.

CHAIRMAN MICHAEL GARDNER: Mr. Galluccio, I see you've raised your hand. Do you want to come forward and give us any thoughts you've got?

ANTHONY GALLUCCIO: Mr. Chair, I guess what occurs to me is the City's construction ordinance is a 7:00 to 7:00, I believe. So residents are not used to construction outside of

those hours, so I guess I'm unclear on why this particular project is able to do night work at all as a construction project, and I understand this hearing is to evaluate the application for a noise variance, I guess for that purpose, but I guess my threshold question is: Why night work at all? In other words, if this is a commercial interest, the steam has been going into the river for a very long time. So I'm not sure it's an imminent danger, and I guess if it's commercial interest versus commercial interest isn't the compromise just to say we will give you a noise variance for daytime hours only, and if they can do light work at night maybe, but to me, we would hold them to the same standard that we would hold other construction.

When I built my house, I would have been commercially in my interest to finish my house nine months earlier because I have to pay the bank for loans, and so forth, but we didn't allow

work at night because people have to -- have to have use of enjoyment of their own homes.

So, I guess I'm just wondering if could we consider no night work altogether and ask the company to provide a response on what that would mean. Property owners might say we would rather have six months more of work, but be able to sleep at night, and then we would just deal with the egress and the traffic issues during the daytime and they would -- the noise during the day. But I guess --

CHAIRMAN MICHAEL GARDNER: My understanding from the last hearing was that the limited amount of time that day work would be allowed butting up against other projects that were coming forward would mean you couldn't finish it.

But I'll let the company respond to that.

ANTHONY GALLUCCIO: And also, we're all novices at this, so we're looking at what is the

decibel reading for a vacuum cleaner which, I think, is 60 or 70. 70. So we're just -- I would ask you to take your time because we are all trying to process what it exactly means at 70 or 60 or 50, and then how does that impact one during -- for someone to get a night's sleep, Mr. Chair and members.

So, I think we're all trying to figure out what these numbers exactly mean, especially in the nighttime.

FIRE CHIEF GERALD REARDON: Ms. Boyer, I'm guessing, what do you think the background is here, 70, 75?

ANDREA BOYER: Definitely around 70 with the air flow and our conversation.

FIRE CHIEF GERALD REARDON: Even without the conversation, it's probably a noise for --

ANDREA BOYER: Yes, I would agree.

FIRE CHIEF GERALD REARDON: Give or take.

CHAIRMAN MICHAEL GARDNER: This is 70.

ANDREA BOYER: A vacuum would be louder.

ANTHONY GALLUCCIO: No one can sleep through my speeches, I'm certainly aware that.

ANDREA BOYER: When a bus goes by, I've had a reading where that -- one thing, too, is a reading has to be a consistent one. Like I can do this reading because it's a consistent air flow. A bus going by is hard to do because it's coming hitting my point and leaving, but when it's in front of me, it's about 85 with the exhaust going toward. If that gives you any sort of comparison, 85 bus going by.

FIRE CHIEF GERALD REARDON: You wake up when the buses start in the morning.

ANDREA BOYER: I don't.

CHAIRMAN MICHAEL GARDNER: Could you just revisit the issue of doing work only in the daytime, just advise us as to why you were seeking the night variance?

TOM HERLIHY: I hoped that I was clear

when I spoke initially.

But we are at a little bit of a different time here -- this one another time it might be different, but there's other construction going on in that stretch of road that the DCR has to consider and you know we have to consider consequently and, you know, we all have to consider a City advantage project. That certainly does change things.

If that time if it were open, if we were the only one out in the street and there was no other traffic concerns, then it might be profitable. But if we do it now, you know, it will be total gridlock is the way it was described to me --

CHAIRMAN MICHAEL GARDNER: Total what?  
Total gridlock.

TOM HERLIHY: And those are from the traffic engineers that are -- we're dealing with on our project and that also the city is dealing

with on their project. That has a lot to do with it. And, you know, it's the project completion date we're committed to making sure that we're out of the road before the Longfellow Bridge project detours traffic up Land Boulevard and down Craigie -- Charles River Dam Road.

If we're working at that time, that's gonna be another cause for grid lock. So we're trying to work with the traffic flows too.

CHAIRMAN MICHAEL GARDNER: I see one member of the public who hasn't spoken. I will give you a chance to speak. State your name and put it on the record, please.

NANCY STIENING: I just need to ask a question. I'm Nancy Stiening. I do live at The Esplanade. And what I would like to ask is how sure are you that you're going to get a permit to do the work in the daytime work that you are planning to do because that was not in your original proposal, you know, whenever it was two

weeks ago that you were going to do any daytime work until -- I'm glad to see you are able to do it, but how sure are you that you're going to be able to get a permit from that from DCR?

TOM HERLIHY: We had day work, but it was a tighter -- it was a tighter --

NANCY STIENING: There was no day work mentioned in that initial application, and so I mean I'm glad there is. But it's too bad it can't be expanded down further.

TOM HERLIHY: It will be in conjunction with or after.

NANCY STIENING: DPR -- I mean, DPW.

TOM HERLIHY: Yes.

NANCY STIENING: That I understand. But the people in my building don't know anything about this.

TOM HERLIHY: I'm sorry. Sure. I'm sorry. I didn't mean to interrupt.

NANCY STIENING: That's okay.

TOM HERLIHY: I'm sure as you can be in the permitting process that we'll get a permit as long as it doesn't interfere with the DPW project.

NANCY STIENING: Okay. Thank you. I'm sorry to interrupt the whole conversation but I was just wondering about that.

CHAIRMAN MICHAEL GARDNER: The report, the full report which is now with corporate, will that give us any additional information that might help us grapple with the issue of the maximum noise allowance?

TOM HERLIHY: The readings, the noise levels are in the letter report, which you know I'm gonna call it an executive summary type of report. It gives the meat and potatoes of it, but there's graphs, and quite frankly graphs and things that I don't know exactly what they mean yet.

But you know, it's not our intention to

keep people awake. I do -- I certainly understand, you know, this is not a one-sided thing. If we need to work with the City to come up with the number, that's not out of the question. I think that reasonable people need to come up with a reasonable solution. The City employs people, experts like Ms. Boyer, who has been helpful throughout this. She's been cooperative, as have the residents and have the businesses. I mean, we may not agree in the end but we certainly had access to the buildings we have had access to the hotels. People are reasonable with us. And I have no objection to for working with the City for the right noise level that allows us to do our work and doesn't keep people awake.

CHAIRMAN MICHAEL GARDNER: Well, I'll ask the other Commissioners if you feel comfortable with the proceeding onto a vote this evening either up or down or up with conditions or

whether you would prefer the opportunity to look at the full report and have further conversations with Ms. Boyer before coming back to a decision hearing which would not include additional testimony, but would propose some conditions or have an up or down vote. I'm just asking how --

FIRE CHIEF GERALD REARDON: I guess that the report that we have would be helpful to turn around and find out what the noise report was.

I guess the other question is, where are we in terms of deadlines for the project? How close are we to the deadline to start and getting paperwork through and -- I don't want to push something out two weeks and find out that it's going to put you back. I mean, it's our intention to start as soon as the DCR -- the DCR is in the process of drawing up an application. They'll issue us a permit and we have a start date of March 19th to Jimmy O'Connor receiving our permits now, and that's what the plan today

is.

FIRE CHIEF GERALD REARDON: Okay.

CHAIRMAN MICHAEL GARDNER: In terms of your schedule, Chief, are you here the week of the 12th?

FIRE CHIEF GERALD REARDON: Yes.

CHAIRMAN MICHAEL GARDNER: Superintendent? Let the record know I know.

SUPERINTENDENT CHRISTOPHER BURKE: Here and available, with the exception of...?

FIRE CHIEF GERALD REARDON: What date are we talking about?

CHAIRMAN MICHAEL GARDNER: How about --

FIRE CHIEF GERALD REARDON: The 13th --

CHAIRMAN MICHAEL GARDNER: Tuesday the 13th at 10:00 a.m.?

FIRE CHIEF GERALD REARDON: I can do that.

ELIZABETH LINT: I wouldn't be here, but someone can cover.

CHAIRMAN MICHAEL GARDNER: Are you confident that corporate will release your full report in time for us to have a timely review of it?

TOM HERLIHY: You should have that tomorrow.

CHAIRMAN MICHAEL GARDNER: Okay. Then I would make the motion that this matter be continued generally to a decision hearing to be scheduled for 10:00 a.m. on March the 13th, 2012 for a decision.

SUPERINTENDENT CHRISTOPHER BURKE: I will second that motion.

CHAIRMAN MICHAEL GARDNER: Motion having been made and seconded, all those in favor, signify by saying "aye."

FIRE CHIEF GERALD REARDON: Aye.

CHAIRMAN MICHAEL GARDNER: Aye.

SUPERINTENDENT CHRISTOPHER BURKE: Aye.

CHAIRMAN MICHAEL GARDNER: None opposed.

We'll continue this matter to the decision hearing on March the 13th at 10:00 a.m. on this -- on the information of the public at a decision hearing, we typically do not take additional testimony. We may have questions to ask of the applicant at that time. But it's a public hearing and any members of the public are invited to attend.

TOM HERLIHY: Thank you very much.

CHAIRMAN MICHAEL GARDNER: Any other items on the agenda this evening, Ms. Lint?

ELIZABETH LINT: There's nothing.

CHAIRMAN MICHAEL GARDNER: A motion to adjourn is always in order.

SUPERINTENDENT CHRISTOPHER BURKE: I second that motion.

CHAIRMAN MICHAEL GARDNER: A motion having been made and seconded to adjourn, we'll adjourn at 8:02 on the evening of March 1, 2012.

Thank you very much for your patience.

ATTACH TO THE LICENCE COMMISSION HEARING OF

3/1/2012.

ERRATA SHEET

INSTRUCTIONS: After reading the transcript of the Poles and Conduit Meeting of 11/1/2011, note any change or correction and the reason therefor on this sheet. DO NOT make any marks or notations on the transcript volume itself. Sign and date this errata sheet

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I have read the foregoing transcript of the License Commission Hearing of 11/1/2011, and except for any corrections or changes noted above, I hereby subscribe that the transcript is an accurate record.

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CERTIFICATE

Commonwealth of Massachusetts  
Suffolk, ss.

I, Jill M. Kourafas, a Notary Public in  
and for the Commonwealth of Massachusetts, do  
hereby certify:

This transcript of the Licensing  
Commission Meeting of 3/1/2012 is a true and  
accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 6th day of March 2011.

---

Jill Kourafas  
Notary Public  
Certified Shorthand Reporter  
License No. 149308

My Commission expires:  
February 2, 2017

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