



fenway community development corporation

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LOW-COST HOUSING AND AQUIFER DEPLETION

TESTIMONY PREPARED FOR THE BOSTON CITY COUNCIL, JULY 15, 1985

My name is Galen Gilbert. I am the Secretary of the Fenway Community Development Corporation, a neighborhood based organization devoted to saving and building low cost housing. This testimony is presented on behalf of the Fenway Community Development Corporation.

The Fenway is a neighborhood of apartment buildings, almost all of which are supported by wooden piles driven into the wet subsoil when the buildings were built. These piles will last for centuries if kept immersed, but if the water table is lowered then the wooden piles can decay. When that happens there are only two alternatives for the building owner. one is to undertake expensive foundation reconstruction, installing concrete beneath the basement. The other is to tear the building down. If the building owner cannot afford the repairs, then a vacant lot is his only asset. In the Fenway, if buildings are lost to this problem, the displacement of low income families would be enormous. Whole blocks could be flattened. High-rise development pressures would be all but irresistible.

In one instance we have seen this cycle already. A four story apartment building at Dalton and Belvidere Streets developed structural problems attributed to rotten piles. The repairs would have involved driving new posts through the roof, through each floor, into the ground, in dozens of places. The rents in the building were low and the owner could not justify that investment. Five years ago the residents were turned out and a vacant lot is there today. Commercial developers have approached the Fenway Community Development Corporation with plans for luxury housing on the very site and with only a fraction of the low-cost housing the former building afforded.

The Fenway Community Development Corporation is devoted to preserving existing housing where low mortgage and low investment

costs mean low rent levels for tenants. While some institutions such as Trinity Church, the Boston Public Library, and the Mother Church at the Christian Science Center have been able to afford foundation repairs, as have some houses in upscale neighborhoods, virtually no private building in the Fenway could afford that without a drastic increase in their rent levels. In most cases demolition would be the most economic alternative, for vacant Fenway land is one of the hottest investments in the city.

We believe that the greatest threat to our aquifer comes from transportation tunnels and sewer pipes improperly maintained and which have been found to have ground water leaking into them. The Green Line tunnels, the Storrow Drive underpass, the Turnpike tunnel, and underground sewer mains have all been associated with leakage and damage to buildings in their vicinity. Small earthquakes, wear from heavy trucks passing through or over tunnels, construction defects, and lapses in maintenance can all be causes of leaks in underground structures. Such leakage can be detected by the presence of water in tunnels when there is no precipitation present, and in sewer mains, by inspecting late at night when most sewer users are sleeping.

We believe that if such inspections reveal leakage, repairs and compensation to effected buildings should be arranged. Where several agencies are found to be at fault, a common compensation fund should be established with contributions by the negligent parties based on the estimated relative proportion of gallons of water leaked from the aquifer. We urge that the financial burden of repairs not be left on building owners, because that will only turn the Fenway into another West End. The burden should be spread among all the people who benefit from the use of the leaking tunnels or sewers--toll payers on the Turnpike, state tax payers for the T and the M.D.C., and Boston sewer rate payers for the sewers. Large groups of people benefit from these pieces of our metropolitan infrastructure and such groups should be made to pay the full cost.

It may be necessary to bring lawsuits to recover compensation for large numbers of damaged or at risk buildings. We request that the city Law Department bear the expense of such litigation on behalf of thousands of effected resident of the city. The economies of scale in having one law suit instead of hundreds are obvious. The aquifer is a vital natural resource and its defense should not be left strictly to private efforts.

The problem of aquifer depletion affects landlords and tenants alike in the Fenway and to deal with it we urge the following four specific actions:

1. That the Boston Public Works Department be given the responsibility for monitoring, detecting leaking from, and recharging the water table in all districts built on wooden piles;
2. That the city maintain parks and open spaces unpaved in areas where such will contribute to natural recharging of the water table, and that the Boston Redevelopment Authority consider this matter in making zoning maps;
3. That the Boston Water and Sewer Commission, the Metropolitan District Commission, the Massachusetts Water Resources Authority, the Massachusetts Turnpike Authority, and the Massachusetts Bay Transportation Authority be investigated to determine their responsibility for aquifer depletion through leakage into their tunnels and sewers mains and where such leakage is found that repairs be made; and
4. That if evidence of serious or long term leaking into the transportation tunnels and sewer mains is found, then claims for damages be made by the city on behalf of its residents against the responsible entities and a compensation fund be established to pay for relevant building repairs. If such compensation cannot be negotiated then the city Law Department should direct appropriate lawsuits.

We urge that these steps be taken immediately and that they be embodied in appropriate ordinances, budgets, and resolutions. Saving existing housing is far more economical and more important than new construction. The erosion of the municipal tax base caused damage to buildings would be more than the cost of all the steps recommended here.

Because of the threat to the homes of thousands of people, the most expensive thing the city can do, is to do nothing.

GALEN GILBERT

ATTORNEY AT LAW

**30 Edgerly Road
Boston, Massachusetts 02115
Tel. (617) 266-6029**

October 23, 1985

David A. Passafaro, Staff Director
Boston City Council
City Hall
Boston, Mass. 02201

Dear David:

As we discussed in Councillor Menino's office Monday, I am enclosing a copy of my Aquifer Depletion testimony. At the end are four recommendations which could be the basis of a City Council Resolution.

The second one deals with natural recharging. In the plans for the renovation of Copley Square, for example, I suggest that if the rain water that falls is directed into the ground it will benefit buildings for blocks around. If hydrologists and landscape architects support this suggestion then the B.R.A. should require natural drainage in the plans. This recommendation cost very little to implement and has tremendous long term benefits. Open spaces should be carefully looked at before they are paved over. In some critical areas the streets themselves could be designed to drain into the ground, much less expensive than artificial recharging.

On a smaller scale roof leaders from rain gutters on houses in back bay should be lead into the ground and not into city sewers. This will both benefit the foundations and will reduce combined storm and sanitary sewerage flows, a major water pollution problem. To make these changes might require a change in the building code, although I know in Hyde Park the Boston Water and Sewer Commission at its own expense is planning to disconnect roof leaders from the sewer system, in neighborhoods where there are capacity problems in the sewers.

I understand Councillor Scondras is negotiating to obtain private money to install new observation wells. While this is a good idea, I think we need to go farther so that we have a damage fund in place before any more buildings are torn down.

If there is to be a citizen study panel I would suggest that it be an advisory committee to the department head responsible for acting in this area. I would not want the panel to get in the way of action.

Very truly yours,

Galen Gilbert

cc: David Scondras
Peter Kwass, President, F.C.D.C.



Boston City Councillor

David Scondras

Boston City Council

NEW CITY HALL

ONE CITY HALL SQUARE

BOSTON, MASSACHUSETTS 02201

(617) 725-4225

May 7, 1986

Galen Gilbert
30 Edgerly Road
Boston, MA 02115

Dear Galen,

We are making progress on solving the ground water problem. Enclosed you will find a copy of the Boston Ground Water Trust Declaration for your review. Highlights of the legislation are:

1. Purpose: to set up a trust whereby tax deductible contributions can be collected and administered for the purpose of reactivating existing wells and sinking new ones so that the ground water levels can be monitored by the Inspectional Services Department. A second purpose is to analyze the data from the monitoring, conduct studies and make recommendations on short term and long term solutions to the problem.
2. Board of Trustees: The Board, which oversees the administration of the Trust, consists of nine members: three city officials; three representatives from the real estate industry, and three representatives from neighborhood organizations.

I hope to file this Trust into the City Council within the next few weeks. Public hearings will be held soon after that; I will notify you of the time and place when it has been set.

Your continued interest and input will help to make this important project a reality. If you have any comments or questions about this

document, please do not hesitate to call me or Elizabeth Conner, my
Legislative Aide.

I look forward to hearing from you.

Yours truly,

A handwritten signature in blue ink, appearing to read 'D. Scondras', with a stylized flourish at the end.

David Scondras

DS:EC:ec



Boston City Council

David Scondras
District B
725-4225

May 30, 1986

Galen Gilbert
30 Edgerly Road
Boston, MA 02115

Dear Galen,

On Tuesday, June 3, at 2:00pm in the Council Chambers of Boston City Hall I will file legislation creating the Boston Ground Water Trust.

You are invited to attend the filing and the accompanying press conference explaining this significant step forward in resolving Boston's watertable problem. Please let Gary in my office know if you will be attending.

Establishing the Ground Water Trust will be an important move in identifying any potential problems early and establishing the confidence our citizens and businesses deserve. Your interest and concern is appreciated.

The enclosed press advisory contains more information; if you have any further questions please give me a call.

DS:jfw

Yours truly,

David Scondras



Boston City Council

David Scondras
District B
725-4225

PRESS ADVISORY
CONTACT PERSON:
Gary W. Dotterman
(617) 725-4225

Embargoed until 2:00 pm, June 3, 1986

STEP FOUR: BOSTON'S WATER TABLE

On Tuesday, June 3, 1986, 2:00 pm, in the City Council Chambers City Councillor David Scondras will file an ordinance to establish the Boston Ground Water Trust. A press conference will be held at this time.

Councillor Scondras will be joined by John Larkin Thompson of the Coordinating Committee, Robert Beal, Rosalind Gorin, George Macomber of the Four Seasons Hotel and a representative of Trinity Church.

The Four Seasons Hotel will be making a leadership pledge of \$35,000 to the Trust which will fund the drilling of necessary observation wells to monitor water table levels.

Falling ground water levels, brought to public attention in the summer of 1985, have caused extensive damage to wood piling foundations in Beacon Hill and may threaten buildings in the Back Bay and Fenway sections of Boston.

Highlights of the legislation are:

1. Purpose: to set up a trust whereby tax deductible contributions can be collected and administered for the purpose of reactivating existing wells and driving new ones so that the ground water levels can be monitored by the Inspectional Services Department. A second purpose is to analyze the data from the monitoring, conduct studies

and make recommendations on short term and long term solutions to the problem.

2. Board of Trustees: The Board, which oversees the administration of the Trust, will consist of nine members: three city officials; three representatives from the real estate industry, and three representatives from neighborhood organizations.

Copies of the legislation are enclosed.

CITY OF BOSTON

IN CITY COUNCIL

June 11, 1986

Galen Gilbert
30 Edgerly Road
Boston, MA 02115

Dear Mr. Gilbert:

The Boston City Council's Committee on Urban Resources will hold a public hearing in the Piemonte Room, 5th floor, City Hall on Wednesday, June 18, 1986 at 1:00 p.m. relative to the following:

Docket 00679 - Ordinance creating the Boston Ground Water Trust.

You are cordially invited to attend.

FOR THE COMMITTEE,

Brian McLaughlin
CHAIRMAN

Sign language interpreters available upon request via Commission on Handicapped Affairs 725-3682 voice/TDD.