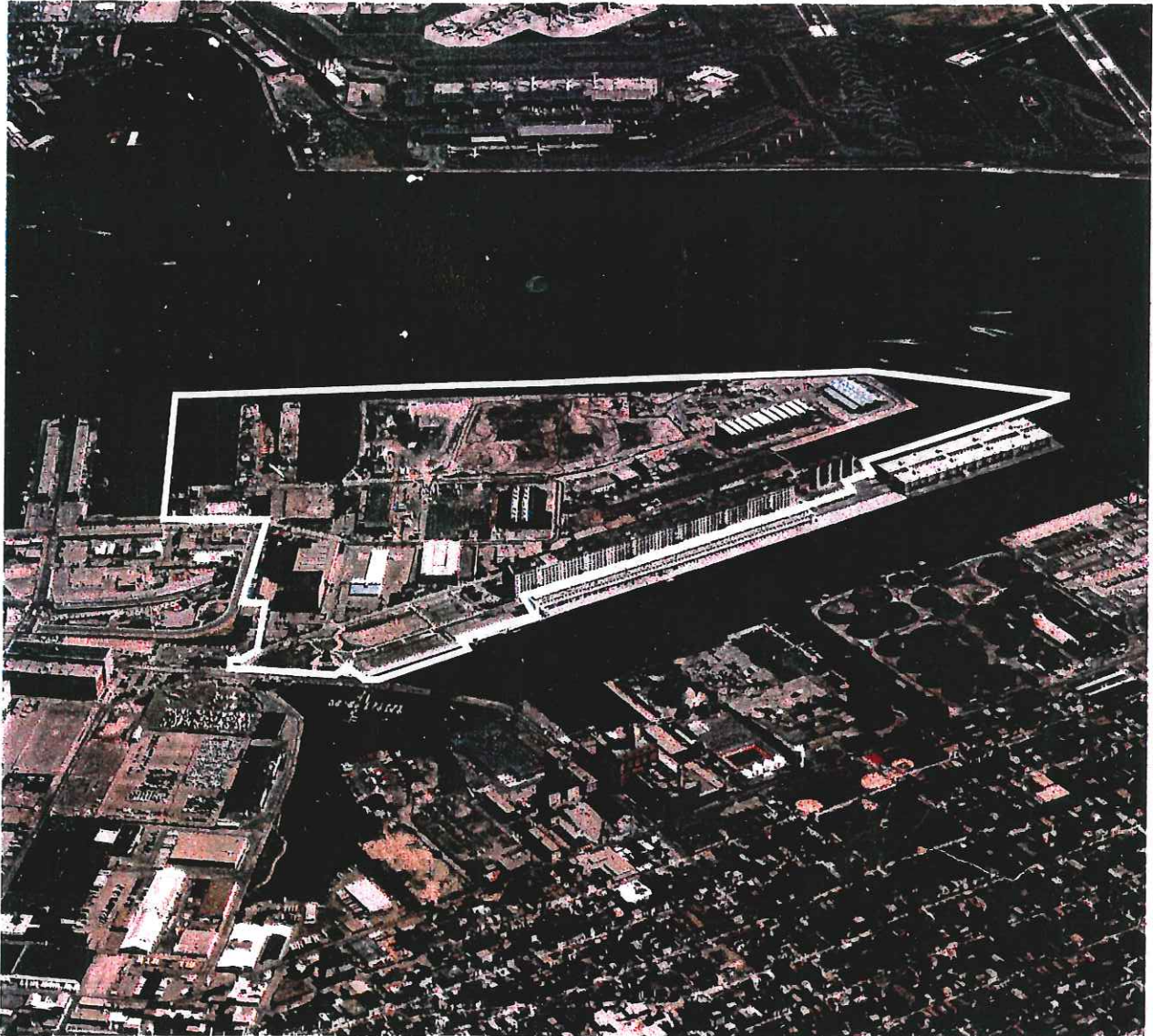


**FINAL MASTER PLAN**  
**MARINE INDUSTRIAL PARK**  
*EOEA #8161*



*Submitted to:*  
**Executive Office of Environmental Affairs**

*Proponent:*  
**Boston Redevelopment Authority /  
Economic Development Industrial Corporation**

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## **FOREWORD**

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In 1977, the City of Boston, acting through its Economic Development and Industrial Corporation (EDIC), secured ownership of the 167-acre South Boston Naval Annex from the U.S. Department of Defense. The Marine Industrial Park (MIP), as the area is known, was intended to create jobs and economic activity which would enhance the City's economy and provide employment for City residents. In 1983, the EDIC purchased another 24 acres on the MIP site, which was formerly part of the South Boston Army Base. Today, over 3,500 jobs are based in the MIP. The MIP provides space for a wide array of marine related, industrial and light industrial, and other types of businesses. The availability of large parcels of open land and low-cost industrial buildings, and the unique maritime infrastructure, has enabled the MIP to provide space for many new and expanding businesses.

The MIP has provided many special benefits to the City. The former Army Base building, with 1.6 million square feet, has become a major industrial and commercial employment center. The Coastal Cement Company has developed a state-of-the-art cement import facility, fully containing the transshipment of regionally significant cement imports. Temporary space has been provided within the MIP to the Boston Sand and Gravel Company for the preparation and distribution of concrete, allowing the company to serve the needs of the Central Artery/Tunnel Project and other large construction projects while limiting travel by concrete trucks in residential and other areas of the City.

The City's long term commitment to Dry Dock No. 3 and, to a lesser extent, Dry Dock No. 4, at the MIP, has allowed for continued ship repair and refitting as contracts are secured by private operators, generating an average of 200 to 400 jobs per year over the past ten years. In 1996, the BRA/EDIC signed a lease with Boston Ship Repair, Inc., an affiliate of a New York ship repair concern at Dry Dock No. 3.

The MIP also plays a critical role in Boston's seafood industry and is now the center of seafood processing in the City. The MIP has long been home to two prominent seafood dealers, John Nagle & Sons and Stavis Seafood. Another local dealer, Paul's Lobster, was recently relocated from Northern Avenue to the MIP. The Boston Seafood Center opened in 1997, providing 67,000 sf of space for four seafood companies displaced by the CA/T Project and Transitway. A new 70,000 sf building is now under construction for North Coast Seafoods and an additional 65,000 sf building is being developed on Massport's Marine Terminal. Additional land within the MIP has been reserved for the seafood industry, to be developed as needed.

A series of public open spaces has been developed within the MIP to provide the public with the opportunity to see the working port in operation. The headquarters of the Boston Harbormaster and the mainland embarkation point for vessels serving the Thompson Island Education Center are located in the MIP. A public viewing platform was erected in 1996 to

provide a view of the operations of Dry Dock No. 3. In 1997, Parcel A, the gateway to the park from Summer Street, was improved with benches and landscaping and provides view towards Reserved Channel.

The combination of economic activity, job generation, business opportunity, port-related operations, public services, and public access afforded by the MIP define it as an important and highly productive asset to the South Boston community, the Port of Boston, the City at large, and the Commonwealth. This Master Plan represents the framework for future development at the MIP.

**CHAPTER 1**

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**INTRODUCTION**



## **CHAPTER 1.0 INTRODUCTION**

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The following document serves as a Master Plan Final Environmental Impact Report (EIR) for the Marine Industrial Park (MIP) and has been prepared in accordance with the various Certificates issued on the Project by the Secretary of the Executive Office of Environmental Affairs (EOEA) between 1990 and 1998, and with the Certificate issued on the Harborlights Pavilion Project on January 15, 1999. This chapter addresses the purpose and goals of the Master Plan, the study area and the history of the site up to the present day.

### **1.1 PURPOSE OF THE MASTER PLAN EIR**

#### Purpose of the Master Plan

The purpose of the Master Plan is to describe the existing conditions and discuss future plans for the MIP in light of current standards for Designated Port Areas and filled tidelands, as well as the BRA/EDIC's mandate to promote employment opportunities in the City of Boston. The purpose of the plan is as follows:

- To establish a conceptual framework for future development within the MIP that is consistent with the BRA/EDIC's legislative mandate, local zoning and planning studies the Designated Port Area standards, and Chapter 91 Waterways regulations.
- To implement the pertinent recommendations of the Port of Boston Economic Development Plan, developed jointly by the City of Boston and Massport; with the aim of increasing the MIP's competitiveness in the global marketplace and benefiting all who work in, depend on, and visit the MIP.
- To ensure that the MIP remains an economically viable industrial haven in which reasonable arrangements are made to encourage present and future water-dependent industrial development.
- To develop a clear framework for future use of the MIP.

The Master Plan is intended to afford greater flexibility and simplicity of review for future development in the MIP. It will also provide the flexibility to meet Chapter 91 requirements through MIP-wide land use planning, rather than parcel by parcel designations.

#### Goals of the Master Plan

The Master Plan provides a flexible framework within which it is possible to seek out new and existing industries that can provide attractive job opportunities for Boston residents. By identifying criteria for future projects, the Plan preserves the opportunity to respond to new economic forces and new industries that can benefit from the MIP's locational advantages.

BRA/EDIC's ability to respond flexibly to economic changes will facilitate the creation and retention of jobs in the City of Boston.

The Master Plan is consistent with local planning efforts such as *the Seaport Public Realm Plan*, the *Harborpark Plan* and the *Port of Boston Economic Development Plan* and has incorporated community concerns into the document. It recognizes the unique locational advantages and physical assets of the MIP for industry and places strong emphasis on encouraging the growth of maritime industries such as seafood processing/distribution, ship repair, intermodal freight and materials movement/staging related to transportation infrastructure construction.

The Master Plan provides a conceptual framework in which new projects can be evaluated. The primary goal of the Master Plan is to establish a framework for the BRA/EDIC to evaluate development proposals for uses that are either nonwater-dependent or non maritime-industrial. A Chapter 91 Master License is one tool that is proposed to formalize the framework to evaluate projects.

Additional goals of the Master Plan are:

1. To preserve and enhance the MIP's productivity during construction of major transportation infrastructure and to protect its existing job base and its industrial, manufacturing, and waterfront environment.
2. To provide sites and support for new economic development and job growth and to maintain flexibility to respond to Boston's future economy.
3. To maximize the MIP's locational advantages for export- and import-oriented uses.
4. To chart a streamlined path through the governmental approval process for future MIP projects while ensuring that environmental standards are fully met.

One of the primary purposes of the Master Plan is to develop a plan for future land uses and to identify the means by which the approved uses may proceed in a manner consistent with both local zoning and state regulatory standards. The development of such a plan requires sensitivity to the City's objectives of job creation and economic development and the City's and State's objectives for the promotion of maritime industrial uses.

Key considerations in developing the regulatory framework for the Master Plan include:

1. The dynamic nature of an urban industrial park and the constant flux of companies and land uses in response to local, national, and international economic trends;

2. The need to make the MIP an attractive place to do business by minimizing upfront regulatory complexities and delays;
3. The strong desire to avoid conflicts between state and local land use controls;
4. The need for flexibility of uses on a parcel by parcel basis, while maintaining overall objectives for the MIP as a whole.

### Objectives

In light of the above factors, the following objectives were established for the planning process.

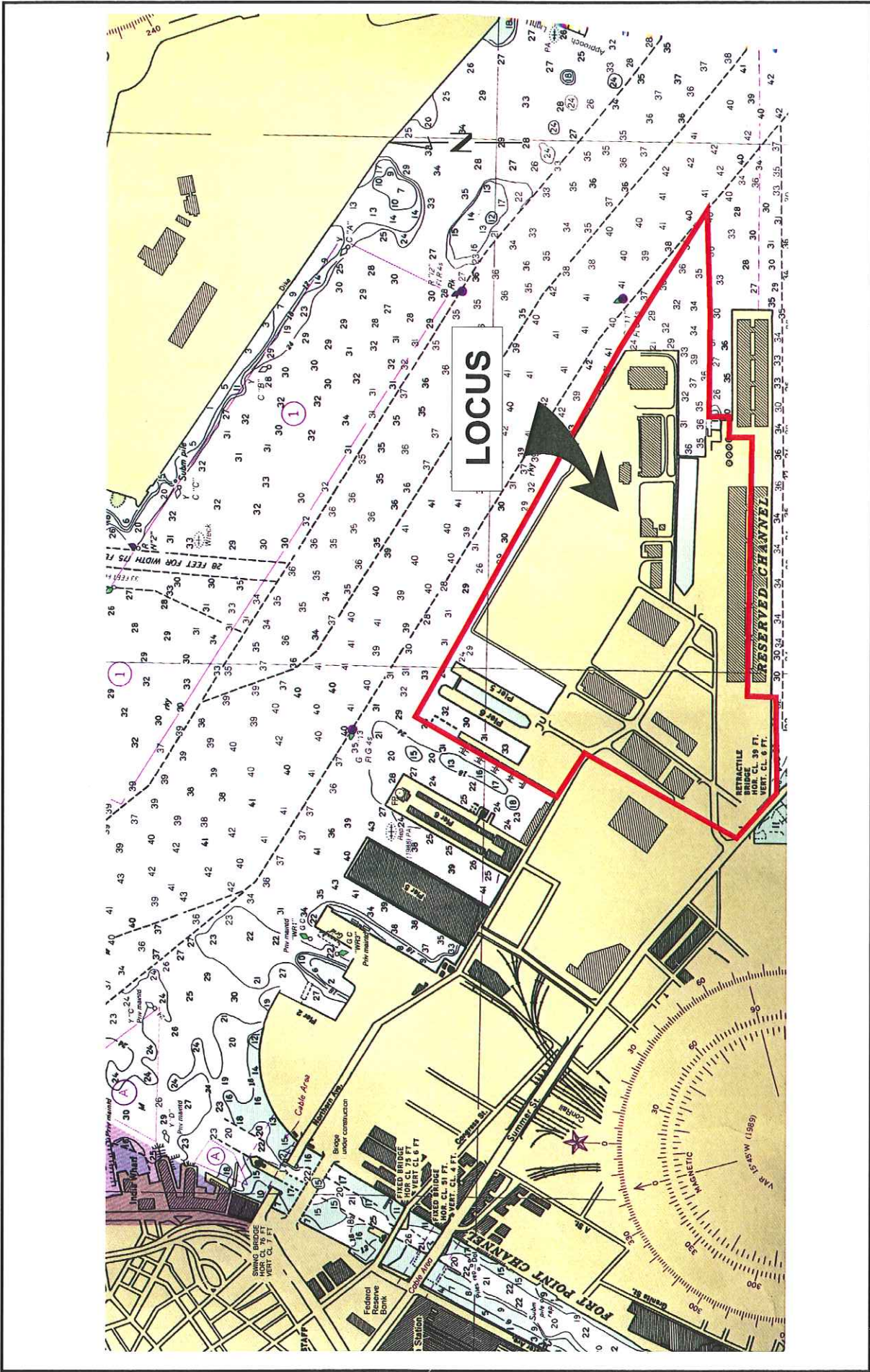
1. Maintain key maritime lands and assets along the harbor, while allowing for greater diversity of industrial uses on inner parcels and limited commercial uses in the park.
2. Streamline regulatory approvals by reducing number of individual Chapter 91 licenses and MEPA reviews through upfront planning. Implement zoning changes to facilitate appropriate development.
3. Maintain and enhance the existing economic base at the MIP by providing jobs and expanding the tax base.
4. Take maximum advantage of public sector infrastructure investment in deep draft channels, piers and wharves, highway and rail access and public transit to support additional economic activity.
5. Modify local and state regulatory framework for consistency with City of Boston and Port of Boston Economic Development Plan objectives.

## **1.2 THE STUDY AREA**

The MIP is located within the industrial port area of South Boston (see Figure 1-1, Vicinity Map). South Boston contains a variety of uses including a mix of industry/manufacturing, working waterfront, vacant or underdeveloped land, and some office and commercial space. There is also a strong and stable residential community in South Boston. The area immediately surrounding the MIP is largely comprised of manufacturing, warehousing, and maritime uses, with limited office and commercial activity.

The MIP includes a total of 191 acres of BRA/EDIC owned property, all of which consists of filled and flowed tidelands. The MIP is bounded by Boston Harbor on the northeast, Reserved Channel on the south, Summer Street on the southwest and Commonwealth Flats on the west. The neighboring uses include the Boston Edison plant and Massport's Conley Terminal across the Reserved Channel, water-dependent activities, manufacturing and warehousing with some commercial and office uses.





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## VICINITY MAP

Figure 1-1

It should be noted that boundary of the MIP does not include the Black Falcon Cruise Terminal and the International Cargo Port Boston facilities that are located in the southern portion of the area people generally think of as the MIP. These parcels are under the custody and control of Massport and therefore were not included in the Master Plan study.

The MIP is located approximately 3/4 miles from downtown Boston and approximately 3 minutes from Logan International Airport via the new Ted Williams Tunnel. There is good truck access to the interstate highway system with I-90 linking to the west and Route 128 and I-93 linking to south and to the north. Public transportation is available via three MBTA bus routes: No. 7 from South Station along Northern Avenue or from City Point in South Boston to the Summer Street entrance; No. 6 from Haymarket, the Aquarium and South Station into the MIP; and No. 3 from Chinatown or City Point into the MIP. The BRA/EDIC also contracts with a private service to provide shuttle buses for employees to and from the MIP and South Station.

### **1.3 HISTORY AND OWNERSHIP OF THE MIP**

The MIP is located in an area known as Commonwealth Flats. This area was originally a vast area of intertidal flats which was filled by the Commonwealth for economic development purposes in the late 1800s and early 1900s. In 1866, the Board of Harbor and Land Commissioners recommended the MIP site be filled as part of a large project to create land, piers, and channels in South Boston. The Fourth Annual Report of the Board of Harbor Commissioners, referenced in Chapter 81 of the Resolves of 1866, describes a series of contracts for filling almost 750 acres of tidelands, constructing a seawall approximately two miles long from Fort Point Channel to Fort Independence, and reserving a channel to the deep water that was approximately 500 feet wide. The report also listed the benefits expected from this activity, including broad areas for workshops and factories in a location favorable for receiving imported raw materials and distributing manufactured products, as well as extending deep water frontage to assist in meeting future possible demands.

The Legislature authorized the Harbor and Land Commissioners to issue contracts for the dredging and deepening of the Flats (Chapter 354 of the Acts of 1867) and later for filling, occupation and improvements to the Flats (Chapter 326 of the Acts of 1868). Several historic plans between the dates of 1873 and 1915 show the progress of the filling of the Commonwealth Flats. It is believed that at least part of the MIP was filled in the early 1900's (see License No. 2347 for the MIP parking garage in Appendix D Chapter 91 Licenses).

In 1920, the U.S. Government purchased the area of the South Boston Naval Annex from Commonwealth of Massachusetts. The Naval Annex included Drydock No. 3 which became the only drydock north of Philadelphia capable of docking capital ships such as the Leviathan, Queen Mary, battle ships and aircraft carriers. At the same time, the U.S. Army purchased land from the Commonwealth for the South Boston Army Base.

Most of the buildings on the two sites were erected between 1914 and the mid-1940's. The Army Base was used during World War I, II, and the Korean War. During World War II, over 50,000 people worked around the clock repairing and overhauling American and Allied ships. Tanks, weapons, and other war materials were stockpiled at the Army Base before being shipped overseas.

During the post-war era, activity declined and the shipyard functions were consolidated in the Charlestown Navy Yard, leaving the buildings and structures in the South Boston Naval Annex to fall into disrepair. The drydocks were still used, although not often. In 1973, the U.S. Department of Defense announced the closing of the Naval Annex and in July of 1974, the facility was formally closed.

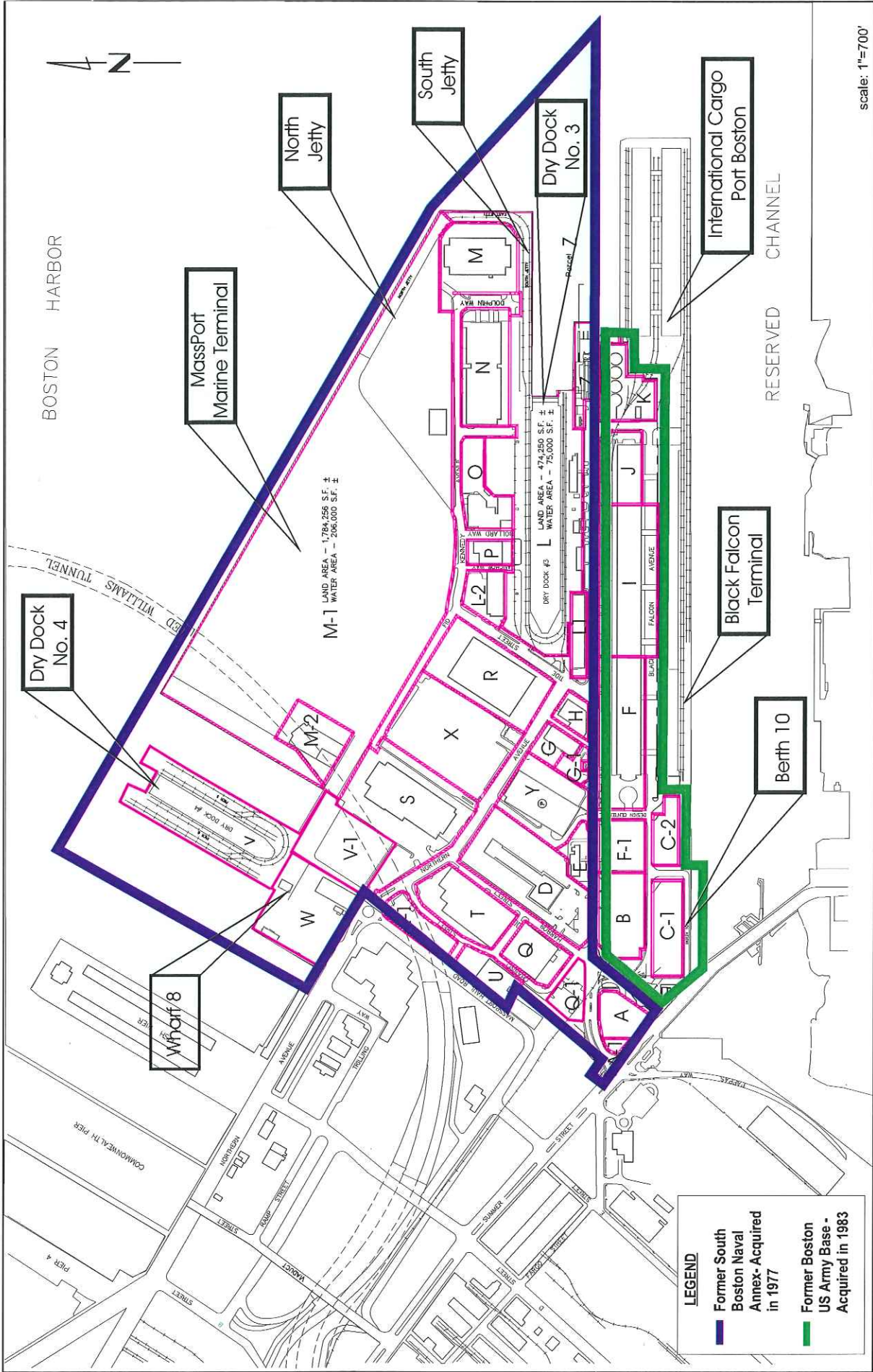
#### EDIC's Role

The EDIC was established by Chapter 1097 of the Acts of 1971 of the Commonwealth of Massachusetts to remedy conditions of industrial decay found to exist in parts of Boston which "cannot be dealt with effectively by the ordinary operations of private enterprise" and to address "a condition of substantial unemployment and underemployment." The legislation gave EDIC the ability to own, lease and manage real property; the power of eminent domain; and the ability to issue revenue bonds to fund improvements.

The EDIC, the City of Boston, and the Commonwealth recognized that the Naval Annex was a prime site to pursue EDIC's legislative mandate to encourage economic development. The area contained large expanses of land and piers, major industrial buildings, and two drydocks; was accessible by water, air, train and highway; and was conveniently located near a skilled workforce in the South Boston community. In 1975, EDIC entered into a Protection and Maintenance Agreement for the site, and the legislature acted to create the Massachusetts Government Land Bank. The Land Bank was created to aid "in the speedy and orderly conversion and redevelopment of certain lands (including the Naval Annex) formerly used for military activities to non-military uses, including industrial, commercial and residential uses, in order to prevent blight, economic dislocation, and additional unemployment."

In 1976, the Economic Development Plan for the Boston Marine Industrial Park (EDP) was created to guide the reuse and development of the Naval Annex. In 1977, after approving the EDP as a "redevelopment plan", the Land Bank acquired the 167-acre property and granted it to EDIC. In 1980, the EDP was amended to include portions of the South Boston Army Base. In 1983, EDIC purchased a 24-acre portion of the 58-acre former Army Base which included the 1.6 million square foot Building No. 114. Together the two properties comprise the 191-acre site known as the Marine Industrial Park (see Figure 1-2, MIP Boundary Plan). Finally, the Boston Redevelopment Authority and EDIC merged to form BRA/EDIC under the leadership of Mayor Thomas Menino in 1995.





Prepared By: Fort Point Associates, Inc.

### MIP BOUNDARY PLAN

Figure 1-2

### Key Historical and Regulatory Events

The list below outlines some of the key historical and regulatory events that set the stage for the current level of development within the MIP. It is interesting to note that the physical assets of the MIP, including the land, buildings, dry docks, piers and channels, were primarily constructed by the federal government in the early part of this century. In 1980, Massport made the only major addition to the MIP's maritime assets through the construction of the 47-acre Massport Marine Terminal. The initial objectives for the redevelopment of the abandoned military facilities have been largely implemented, with nearly all of the parcels currently occupied by a variety of water-dependent and industrial uses.

### Key Regulatory Milestones

- 1890s -1920s - Development of Commonwealth flats through legislative authorizations
- 1920s- 1940s - Sale to U.S. Government for maritime and military purposes, further development of military uses.
- 1974 - Abandonment of military use and base conversion for economic development.
- 1976 - Creation of MEPA Unit and provisions for environmental review of development projects.
- 1977 - EDIC land acquisition South Boston Naval Annex.
- 1978 - Approval of CZM plan, designation of South Boston DPA (promotion, economic development).
- 1978 - First set of Ch. 91 regulations, flexibility for dredging, filling, economic development.
- 1980 - EDIC/Massport waterways license for maritime industrial use of Massport Marine Terminal
- 1983 - EDIC land acquisition and Economic Development Plan for South Boston Army Base.
- 1983 - Legislative Act extends Ch. 91 to filled tidelands, regulates land use in DPA.
- 1988 - Maritime Economy Reserve zoning implemented in Boston.
- 1990 - MEPA/BRA establish special procedures for Master Plan.
- 1990 - New Ch. 91 regulations finalized, restricts DPA land use significantly.
- 1994 - Ch. 91 DPA regulations modified to allow greater flexibility based on statewide problems with implementation.
- 1994 - MEPA amends scope for Master Plan based on CA/T activities in the area and revised Ch. 91 regulations.
- 1996 - Port of Boston Economic Development Plan released.
- 1996 - Draft Master Plan EIR submitted to MEPA.
- 1998 - Master Plan Update submitted to MEPA. MEPA amends scope for Master Plan.

## **1.4 THE MIP TODAY**

BRA/EDIC's overall plan for the MIP promotes the same uses for waterfront property and filled tidelands today as intended by the original fill authorizations. Starting with a vacant military facility, EDIC has developed and managed the MIP over the past twenty years, promoting both maritime and industrial reuses of the existing facilities and investment in new job-creating industries. Since the initial purchase of the Naval Annex, EDIC has made over

\$40 million in improvements to the infrastructure which in turn have leveraged more than \$150 million in private investment. BRA/EDIC has actively promoted the utilization of waterside parcels within the industrial park for water-dependent use and the development of interior parcels for compatible industrial use. Today, approximately 250 businesses employing more than 3,500 people are located in the MIP. Business activities include food processing, ship repair, interior design, printing, circuit board assembly, seafood processing and distribution, construction staging and intermodal freight handling, among others.

**CHAPTER 2**

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**AREA CONTEXT**

## **CHAPTER 2.0 AREA CONTEXT**

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The MIP is located in a portion of the City of Boston that is growing in economic importance. The MIP, along with the maritime properties along the south side of the Reserved Channel, constitutes the seaward-most area of industrial land on Boston Harbor. The MIP sits astride the Ted Williams Tunnel, which connects East Boston and Logan Airport with South Boston. When the extension of Interstate 90 is completed, the MIP will have excellent connections to the interstate highway system that do not pass through residential neighborhoods. The MIP is bounded on the north by Boston Harbor's Main Ship Channel and on the south by the Reserved Channel. Its position on these deep draft shipping channels and easy access to the interstate highway system are the major features which determine that a preferred plan for the MIP will use a large portion of its land for maritime industrial purposes.

The MIP is located in the eastern end of the 900-acre South Boston Waterfront in the City of Boston. Existing land use within this District is highly mixed, with industrial and port operations predominating in the eastern and central areas and mixed commercial uses in the west. The District's overall mix of uses includes port facilities, warehousing and industrial space (some of which is occupied by services which support the downtown economy), transportation infrastructure, an expanding convention and office complex at the World Trade Center, office space within converted warehouse buildings, several notable seafood restaurants and museums, and most of Boston's seafood industry. The district hosts the City's largest industrial employer, the Gillette Company.

Several major public projects are under construction in this area including the MBTA Transitway and the Boston Convention and Exhibition Center.

### Industrial South Boston

The center of the industrial area of South Boston, bounded by Summer Street on the north and east, West First Street on the south, and A Street and the Gillette Company plant on the west, is a large area dominated by light manufacturing, some seafood processing and distribution space, and warehousing and transportation uses. This area serves multiple functions within the Boston economy, providing backland support for the Port of Boston, manufacturing space, construction and maintenance service yards, buildings, truck terminals, and other uses.

The Massachusetts Convention Center Authority is commencing construction of a new \$700 million Boston Convention and Exhibition Center (BCEC) to be located south of Summer Street, between D Street and the Bypass Road. This facility will be under construction for the next several years, with a scheduled opening date in 2003. The Convention Center is being sited on a sixty-acre parcel of land, currently in primarily industrial use. Several existing businesses in the redevelopment area are being relocated to the Marine Industrial Park, most notably two water-dependent industrial uses, North Coast Seafood, which is

constructing a 70,000 square foot (sf) building on Parcel B and Thermo King, which is to be located on Parcel L-2. While this facility is nearby, little direct impact is expected on operations within the industrial park. However, one of the trade shows likely to take place in the new facility will be the International Boston Seafood Show, one of the most important trade shows for the seafood industry. This will present a unique opportunity for seafood processors in the Marine Industrial Park to bring potential clients from the show to visit their processing plants, only a short walk from the convention facility.

A series of heavy maritime industrial uses are located south of the MIP across the Reserved Channel. Facilities such as the Massport's Conley Container Terminal, the Coastal Oil Tank farm, and the Boston Edison's electric power generation station either directly or indirectly take advantage of their proximity to the deep draft navigational access afforded in the Reserved Channel. Boston's main lobster fishing support facility, Cardinal Madeiros Wharf, is located on the south side of the Reserved Channel. These maritime land uses on both sides of the Channel complement one another and are functionally supported by uses in the interior of the MIP and in the central industrial area of South Boston.

#### South Boston Piers Area

Much of the land in the area north of Summer Street and west of D Street/Ramp Street is currently used for surface parking and to support the development of new highway, street, and transit infrastructure. This area is beginning to be developed as an extension of the downtown economy. Former warehouses have been converted to office space and residences, and recent construction projects include the new Federal Courthouse, the Seaport Hotel and the World Trade Center - East office building. Major commercial development plans have been announced for the Fan Pier and Pier Four. Museums, restaurants and an entertainment venue have been developed, indicating the dynamic character of this area as transportation infrastructure is completed.

#### South Boston Residential Community

To the south of East and West First Streets, south and southwest of the MIP, is the residential area of South Boston. The South Boston community has traditionally supplied labor to the industrial, commercial, and seaport related uses in the MIP and elsewhere on the South Boston Waterfront. EDIC has worked closely with the community and South Boston continues to have a close economic and political relationship with the MIP.

The MIP also generates general business activity in banking, building construction, the provision of general supplies and materials, and maintenance services for plants and equipment. Although the transactional path of this economic activity is difficult to trace, some of these goods and services are purchased from South Boston businesses.

Many community meetings and on-going discussions have been held by the BRA and Massport with South Boston residents to discern important issues relating to Port and MIP planning. Issues that concern the community are economic development, job growth and

traffic. The single greatest issue for the South Boston community is the traffic generated by economic activity at the MIP and other parts of South Boston. This includes industrial trucking, commuter trips, and miscellaneous trips, many of which utilize South Boston's residential streets as access routes. The gravity of this problem is exacerbated by the fact that the South Boston Waterfront area is a peninsula with limited roadway access points. The access points to the west are carried by bridges that lead traffic into highly congested downtown Boston. To the southwest, bridge access points lead traffic to the highly congested I-93 corridor. To the south lies the South Boston community, and much traffic passes over its residential streets in order to avoid other congested areas, creating the so-called "Back Door" into and out of downtown. The community has been especially affected by the travel of large trucks over residential streets.

Overall traffic access problems at the MIP, including the relief of traffic impacts on the South Boston community, have been alleviated by the development of new interstate highways, local streets, and truck routes, as part of the Central Artery/Tunnel Project. The opening of the South Boston Haul Road and its completion as the South Boston Bypass Road has and will continue to relieve community traffic impacts by removing heavy trucking and hazardous cargoes from South Boston's streets. The completion of the I-90 extension through the South Boston Waterfront area, and the improvement of I-93 capacity will decrease overall traffic congestion, removing commuter traffic from South Boston and improving transportation-related environmental impacts in South Boston. In addition, the development of the South Boston Piers Transitway, connecting South Station to the MIP with rapid transit service, will lure drivers with origins and destinations in the South Boston Waterfront area out of their cars and onto public transportation. Relying on the increased truck, car and rapid transit access to the District, increased economic development of the area will generate greater economic activity, more jobs, and business in which the South Boston Community will participate. This transportation infrastructure also will provide for access that does not rely on South Boston's residential streets to carry the South Boston Waterfront's trucks, cars, and hazardous cargoes.

#### New Transportation Infrastructure

Historically, freight railroads provided the primary means of travel and transport to the MIP and the South Boston Waterfront. As trucks and cars have come to prominence, development within the District has been hindered by the limited capacity of the local roadway system, very poor connections to the Interstate and Regional Highway systems, and no public transit services beyond local buses. Recent developments have sought to alleviate these problems. The construction of the exclusive commercial vehicle South Boston Haul Road has improved access for industrial traffic while removing trucks from the surface streets in residential South Boston. The opening of the Ted Williams Tunnel has provided commercial traffic with direct access to Logan Airport. The completion of Interstate 90 into and through South Boston will dramatically expand access to the district, provide excellent truck traffic connections with the region, and allow for more intense economic development and land use throughout South Boston and within the MIP. The development



of the South Boston Piers Transitway will serve to connect the South Boston Piers area and the MIP to the downtown transit system, providing vastly improved access via public transit and increasing the capacity of the area to support development.

Based on the recommendations of the Boston Transportation Department's South Boston Transportation Study, improvements to the street network system in and adjacent to the MIP are proposed, including the extension of FID Kennedy through Parcel V-1 to Northern Avenue, and the extension of the Massport Haul Road to Dry Dock Avenue.

## **2.1 MIP'S ROLE IN THE PORT OF BOSTON AND THE COMMONWEALTH**

Currently the MIP plays several significant roles in the operations of the Port of Boston. These roles define the importance of the MIP to the Commonwealth of Massachusetts. The 1996 *Port of Boston Economic Development Plan* identified the MIP's current and future roles in port operations. This plan was first and foremost a study of the Port's economy and businesses and charted the needs of and opportunities for maintaining and enhancing the services of the Port of Boston. Its particular value in the development of this Master Plan is the clear direction it gives for the reservation of property and facilities within the MIP to be devoted to the Port economy. It establishes a clear land use plan for port operations at the MIP and also clarifies which parcels and facilities within the MIP are not required for current or future port activities. The recently published *Seaport Public Realm Plan* reemphasizes the MIP's importance in the Port economy.

The largest marine facility in the MIP, the Massport Marine Terminal, is currently being used as a multi-purpose maritime terminal. In past years, the terminal has been utilized extensively for automobile imports; however, its primary function today is the transshipment of excavated materials associated with the Central Artery/Tunnel project. The Port of Boston Economic Development Plan has identified the terminal as a potential location for an expanded cruise ship terminal, additional seafood processing and distribution space, and for intermodal warehousing space. Plans are underway to construct a new, 65,000 sf seafood processing facility on the parcel, New Boston 2, in the near future. The size, configuration, and berthing capacity of the Massport Marine Terminal will allow it to serve multiple port functions in the future, as it has since the Terminal was created with landfill. Should new maritime industrial demand arise in the Port of Boston, MIP's Massport Marine Terminal has substantial capacity to respond to this demand.

The Boston seafood processing and distribution industry is a particularly valuable economic asset to the City and the Commonwealth. Centered in South Boston around the Boston Fish Pier, the industry is economically healthy, but is being subjected to some dislocation due to transportation infrastructure projects. The MIP currently is home to several prominent seafood companies, including Stavis Seafoods, Globe Fish Co. Inc., F.J. O'Hara & Sons, Inc., Freshwater Fish Co. Inc. Puritan Fish Co. Inc. Paul's Lobster, John Nagle and Sons, and Commercial Lobster. The Port of Boston Economic Development Plan has



recommended the creation of a Seafood District within the MIP to provide expansion and relocation space for this industry. Parcel X was developed into a new seafood processing facility in 1996 (New Boston 1) as part of this plan and, as mentioned above, a second facility is being planned at the Massport Marine Terminal.

The MIP hosts two ship repair facilities, Drydock No. 3 and Drydock No. 4. While only one of these facilities is currently active and the overall industry outlook is marginal, the ship repair facilities are an important component of maintaining Boston as a full service port. The Coastal Cement facility continues to serve a valuable function within the Port, importing cement for local distribution and use in public and private construction projects.

MIP also plays a supporting role to two nearby maritime facilities, Conley Container Terminal and Black Falcon Cruise Ship Terminal. All containers coming into the Port of Boston are now handled solely at the Conley Terminal in South Boston. Because of the proximity to Conley Terminal, the MIP plays a supporting role with landside freight handling facilities.

The MIP is immediately adjacent to the Black Falcon Cruise Terminal, one of the premier passenger ship facilities in New England. Today, cruise ship patrons use the MIP public garage to park their vehicles during cruises. In 1996, the Port of Boston Economic Development Plan projected significant growth in cruise ship services through the Port. Because this growth has occurred, the existing Black Falcon terminal is over-taxed. Massport has evaluated sites for the expansion of the industry including the Massport Marine Terminal and has recently decided to expand the Black Falcon Terminal to the east of the existing terminal. This increased level of activity will require continued coordination with the MIP.

The MIP will continue to have one of the two "on-dock" rail locations on Boston Harbor. Though there are no uses projected to increase demand for waterfront rail service, the existing rail service to the MIP will be protected and maintained, and a right of way to service the Conley Terminal in the future will be reserved.

#### Other Economic Activities at the MIP

The MIP contains a wide diversity of non-port related businesses including interior design and display space, food preparation and distribution, a variety of light industries, specialty steel supply, bio-medical and high technology, and printing, among others. While the majority of land area is devoted to maritime uses, the majority of interior space within the MIP is devoted to non-port related uses. This is largely due to the jumbo-sized, 1.6 million square foot former Army Supply Depot, Building 114, which is used for an interior design center and for a variety of office and light industrial uses. These nonwater-dependent activities are the greatest generators of jobs and business activity for the local economy.

As described above, the MIP will continue to have a significant role in the activities of the Port of Boston, and therefore will remain an important economic asset to the Commonwealth

of Massachusetts. The reduction of traffic-related impacts in residential South Boston, together with the benefits of increased economic activity and jobs within the MIP, will improve the interaction between the MIP and the community.

## **2.2 REGULATORY AND POLICY CONTEXT**

The MIP is the product of a series of actions by the Legislature over a period of 125 years to support and expand industrial development in the Commonwealth. Originally authorized in the 1860's, the activities at the MIP today foster industry and manufacturing and remain a vital part of the City's effort to promote jobs and its own economic health. Over the last 20 years, this public mandate of the MIP has been supported and reinforced through a series of legislative and regulatory actions. BRA/EDIC's stewardship of the MIP is consistent with its own legislative purpose and with the original purpose for which the site was authorized to be filled.

In 1989, the Secretary of the Executive Office of Environmental Affairs required the City of Boston to prepare a Master Plan for the Marine Industrial Park. Creation of a Master Plan for the Park was seen as a vehicle for the City to plan for maritime industrial uses for the Park in response to the emerging state Chapter 91 regulations. The Master Plan would also allow state agencies to review uses proposed for the Park. The Secretary's Certificate on the 1996 Master Plan Draft EIR required the BRA and state agencies to determine the regulatory framework under which future land use decisions for the MIP will be made.

The regulatory framework affecting land use at the Marine Industrial Park is composed of both local and state level controls. At the local level, the City of Boston has established zoning district boundaries and allowable land use designations for each district. The Marine Industrial Park is zoned in part as a Maritime Economy Reserve zone, allowing primarily water-dependent industrial uses, and a general industrial zone (I -2), allowing a variety of industrial, manufacturing and commercial uses. At the state level, the DEP Waterways Regulation program exerts jurisdiction over nearly all of the Marine Industrial Park (MIP) through Chapter 91 licenses as the majority of the park is located in filled and flowed tidelands subject to Chapter 91 jurisdiction. The relevant standards within the Waterways Program allow for primarily water-dependent industrial uses within the MIP, with provisions for other industrial and commercial uses in existing structures, on a temporary basis or in limited proportions. The Massachusetts Coastal Zone Management program also plays a major role in land use regulation at the MIP through the establishment of the Designated Port Area boundaries. Most of the Marine Industrial Park is located within the South Boston Designated Port Area (DPA). Additionally, the state MEPA program is involved in the review and approval of the Master Plan and will be involved in the environmental review of any projects proposed in the future that do not conform to this document.

### 2.2.1 MEPA Process

In 1989, EDIC filed a Notice of Project Change with MEPA for the construction of the central parking facility. While no further MEPA review was required for the garage, the Secretary's Certificate and the DEP Waterways license required EDIC to prepare a comprehensive Master Plan addressing numerous issues relating to future use and development of maritime and non-maritime uses in the MIP. MEPA and DEP indicated that no new projects for nonwater-dependent use would be approved within the MIP without such a Master Plan. EDIC proceeded with the filing of an Environmental Notification Form in February, 1990 to develop a scope for the Master Plan. In March, 1990, EDIC and MEPA jointly signed a Certificate calling for a major and complicated project review process and describing an extensive scope for the content of the Master Plan EIR. A Draft EIR was submitted to MEPA in November 1990 and circulated for public comment. With the consent of the Secretary, the EIR was withdrawn by EDIC due to the extensive public comment, particularly from the South Boston neighborhood. Absent any clear consensus among public and private entities regarding the future of the MIP, further efforts to develop a Master Plan were put on hold.

In 1991, EDIC requested the EOE A Secretary to update and modify the previous scope for the MIP Master Plan to reflect regulatory changes and current conditions. Since the original scope was issued in 1990, DEP's new regulations for Chapter 91 came into effect. These new regulations changed the manner in which DEP licenses water-dependent and nonwater-dependent uses, and provided for the creation of Municipal Harbor Plans and special licensing provisions for Marine Industrial Parks. In addition, the City of Boston submitted a Municipal Harbor Plan, approved in 1991, covering a portion of the Boston waterfront. Finally, the Central Artery/Tunnel Project was proceeding and had a larger impact on the MIP than initially anticipated. The scope of the Master Plan was revised to reflect these new developments. In December of 1993, the EOE A Secretary issued a revised Scope and the EDIC submitted a Draft Master Plan EIR to MEPA in July of 1996. That document addressed the issues mentioned above and outlined planning initiatives for future development of the MIP. In November of 1996, the Secretary issued a Certificate on the Master Plan Draft EIR which required the preparation of an "Interim Document" addressing the substantial public comments received on the Draft Master Plan EIR.

After meeting with state agencies over several months and re-visiting controversial city policies pertaining to the park, such as the proposed sale of the park, changes in the DPA boundary, and zoning issues, the Interim Document ("Master Plan Update") was submitted to MEPA in June 1998. A Certificate on that document was issued in November 1998, requiring the Final Master Plan EIR to further address the following matters:

- transportation access to the park;
- the nature of the "transitional zone" at Wharf 8;
- compatibility between proposed zoning and land use allowed under Chapter 91;
- utilities

Since 1991, there have been five requests made to MEPA by proponents within the MIP. In April 1992, a Request for Determination was made to MEPA for construction of a 66,000 square foot (sf), one-story industrial building known as the Harbor Gateway Seafood Center (never constructed). The preparation of an Environmental Impact Report was not required. In March 1995, a Request for Determination was made on behalf of the Design Center for a change of use of a portion of the premises from industrial to office. No MEPA action was required in this case. In July 1995, a waiver was granted to Boston Sand and Gravel for a portable concrete batch plant causing a reclassification of the project from water-dependent to nonwater-dependent. A Notice of Project Change was filed on behalf of the Central Artery/Tunnel Project in February 1996 for its Materials Disposal Program. It was determined that a Supplemental Environmental Impact Report was not required. In November of 1998, the BankBoston ("Harborlights") Pavilion filed an ENF requesting permission to temporarily relocate their facilities from Fan Pier to the Wharf 8 site in the MIP. A Certificate was issued that required, among other actions, that a siting analysis be conducted to identify a permanent site for the facility outside of the MIP and that the Final Master Plan EIR be filed by December 31, 1999. The Certificate required that this analysis be included in the City's Final MIP Master Plan (see Appendix F). All MEPA certificates since 1991 have been included in Appendix A of this report.

This is the third Environmental Impact Report filed by EDIC under the Massachusetts Environmental Policy Act (MEPA) for the MIP. The first, EOE No. 2474, was approved in 1978 and dealt with renovation of the 167-acre former South Boston Naval Annex. The second, EOE No. 4427, was filed in 1983 for the acquisition and renovation to Building 114 at the former Boston Army Base.

The Secretary's Certificate on the Master Plan Update requested that a process for MEPA review of projects proposed in the MIP be included in the Final Master Plan. Similar to the Chapter 91 process, the intent of submitting this Master Plan for MEPA review is to receive a Certificate from the Secretary of EOE which approves the uses allowed by the Master Plan with no further environmental review. Those projects that do not conform to this Master Plan may be subject to further MEPA review as outlined in more detail in Chapter 8.0, Implementation.

## **2.2.2 DEP Chapter 91 Program**

The MIP consists entirely of filled and flowed tidelands and lies mostly within the South Boston Designated Port Area (see Figure 2-1, Chapter 91 jurisdiction).

New Chapter 91 regulations (310 CMR 9.00) went into effect in October, 1990. These changes extended DEP's jurisdiction to allow more comprehensive review of uses on filled tidelands particularly in Designated Port Areas. The new regulations allow for special





procedures, including expedited review and single licenses for a "large and complex set of activities undertaken by a public agency." They also provide for the licensing of "marine industrial parks," which are designed as multi-use complexes that are predominantly used for water-dependent industrial activities and are governed by comprehensive park plans prepared in accordance with MEPA. Under these provisions, it is anticipated that a Master Chapter 91 License will be issued for the MIP based on the information in this Master Plan. The Master License will serve as an "umbrella" authorization allowing many activities to be implemented in the park as a whole without requiring individual licenses, and allowing new developments to be more readily evaluated (see Chapter 8.0 Implementation).

Since the acquisition of the MIP by EDIC, 13 Chapter 91 licenses have been issued for specific uses at the MIP. These are:

- License No. 669, issued July 18, 1980 for the Massport Marine Terminal;
- License No. 1378, issued May 23, 1986 for VII Corporation for activities at Wharf 8;
- License No. 1636, issued June 22, 1987 for Pier 10 for a park and docking facilities;
- License No. 2347, issued May 9, 1990 for the Parking Garage;
- License No. 2688, issued September 30, 1991 for the Third Harbor Tunnel & Vent Bldg. No. 6;
- License No. 2920, issued May 14, 1992 for the Vent Building Cofferdam;
- License No. 2907, issued July 22, 1992 for Subaru Pier barge loading facility;
- License No. 3235, issued February 3, 1993 for piers and floats at Berth 10 and Terminal Street;
- License No. 3247, issued February 19, 1993 for Boston Sand and Gravel to operate and maintain concrete batch plant at Bldg. No. 16;
- License No. 5317, issued February 12, 1996 for the Design Center to allow limited office use;
- License Nos. 5070/ 5071, issued in 1997 for the Boston Seafood Center on Parcel X;
- License No. 7917, issued in 1999 for the North Coast Seafood building on Parcel B
- License No. 7961, issued on June 28, 1999 for the EDIC water transit docking facility at Wharf 8 (in conjunction with BankBoston Pavilion relocation).

Additionally, in February 1999, DEP issued a Determination of Applicability to allow the temporary relocation of the Harborlights Pavilion to Wharf 8 in the MIP (WRP JD-98-6009).

#### Existing Chapter 91 jurisdiction

Under Chapter 91, the DEP waterways program exerts jurisdiction over approximately 184 acres out of the 191 acres of land and water within the MIP. DEP jurisdiction includes all lands within the MIP except the approximately 12 acres which are both north of Dry Dock Avenue, west of Harbor Street and south of Northern Avenue. Current structures and uses within the MIP are generally in compliance with Chapter 91.

#### Marine Industrial Park Master Plan

Under the provisions of 310 CMR 9.02, a "Marine Industrial Park" may be designated for special flexibility in licensing if a Master Plan is developed, approved under MEPA and accepted by DEP. In this instance, up to one third of the Marine Industrial Park could be in

nonwater-dependent uses, primarily for general industrial purposes. Commercial and other uses, not including hotel or residential use, may occur "in a manner that is incidental to and supportive of the water-dependent industrial uses in the Park." As stated previously, one of the primary purposes of the Master Plan is to establish a conceptual framework for future development within the MIP that is consistent with the BRA/EDIC's legislative mandate, local zoning and planning studies, the DPA standards and Chapter 91 Waterways regulations. Approval of the Master Plan under the *Marine Industrial Park Master Plan* provisions of the Chapter 91 regulations coupled with the proposed zoning changes outlined in Section 8.3 will achieve this purpose and will allow projects to proceed faster and with more predictability throughout the Chapter 91 process.

The additional flexibility allowed via the "Marine Industrial Park" designation for land uses within the MIP is an important requirement for the implementation of this Master Plan and will facilitate BRA negotiations with potential tenants that could contribute economic benefits to the entire park and South Boston community.

While most of the Master Plan, except for the potential development of Parcel A for commercial uses, could be accomplished under the existing regulatory framework, it is far more difficult to do so without a "Marine Industrial Park" designation. Some uses would be constrained by temporary licenses, others would need complex agreements regarding linkage of commercial activities to specific water-dependent industrial uses. The recent experience in trying to accommodate the expressed desire of Legal Seafoods, Harborlights and Au Bon Pain for additional space has demonstrated that, while it is possible, it is neither easy nor time efficient to approve individual projects in this manner.

This document, the Master Plan EIR, seeks the approval of the MIP as a "Marine Industrial Park" under Chapter 91. The intent is to comply with the goals of the Chapter 91 program through this formal designation and achieve the benefits of the Master Plan framework for both regulators and project proponents seeking more streamlined approvals.

### **2.2.3 Coastal Zone Management Consistency**

Since the majority of the MIP lies within the South Boston DPA, this Master Plan has been developed to facilitate CZM consistency determinations regarding the proposed Master Chapter 91 license and future projects. The Plan incorporates the Maritime Economic Reserve (MER) zoning established under the City's Municipal Harbor Plan, which supports and refines CZM policy on designated port areas. CZM consistency is discussed further in Appendix D.

#### Designated Port Area

The MIP is located in the South Boston Designated Port Area (DPA). Approximately 94% of the leased land area within the MIP is within the DPA. All of the area subject to Chapter 91 jurisdiction, except for Parcel A, also is within the South Boston Designated Port Area.

Parcel A, approximately one acre in size, is currently the only parcel within Chapter 91 jurisdiction which is not within the DPA.

The DPA classification was originally established to provide financial assistance, economic development incentives, and regulatory relief for projects, such as dredging projects, which were meant to support port related economic activities. Later, the DPA classification was redefined, through the State's Chapter 91 Program, to restrict use of these areas to primarily water-dependent industry and supporting uses.

Within the Designated Port Areas, the current Chapter 91 regulations allow:

1. Water-dependent industrial uses on filled and flowed tidelands, including ship repair, bulk and liquid cargo terminals, harbor cruise and ocean-going cruise terminals, seafood processing and distribution plants, and intermodal cargo facilities.
2. Use of vacant land and existing buildings for nonwater-dependent industrial uses, parking and transportation uses under a temporary, 10-year license and without significant structural alterations.
3. Commercial and industrial uses are allowed as "Supporting DPA Uses" with the following limitations: no more than 25% of a project site may be in such nonwater-dependent uses; there must be a direct operational or economic benefit linkage to water-dependent industrial uses; and hotel/motels, health care facilities, recreational boating, entertainment or sports complexes and new office buildings are prohibited.

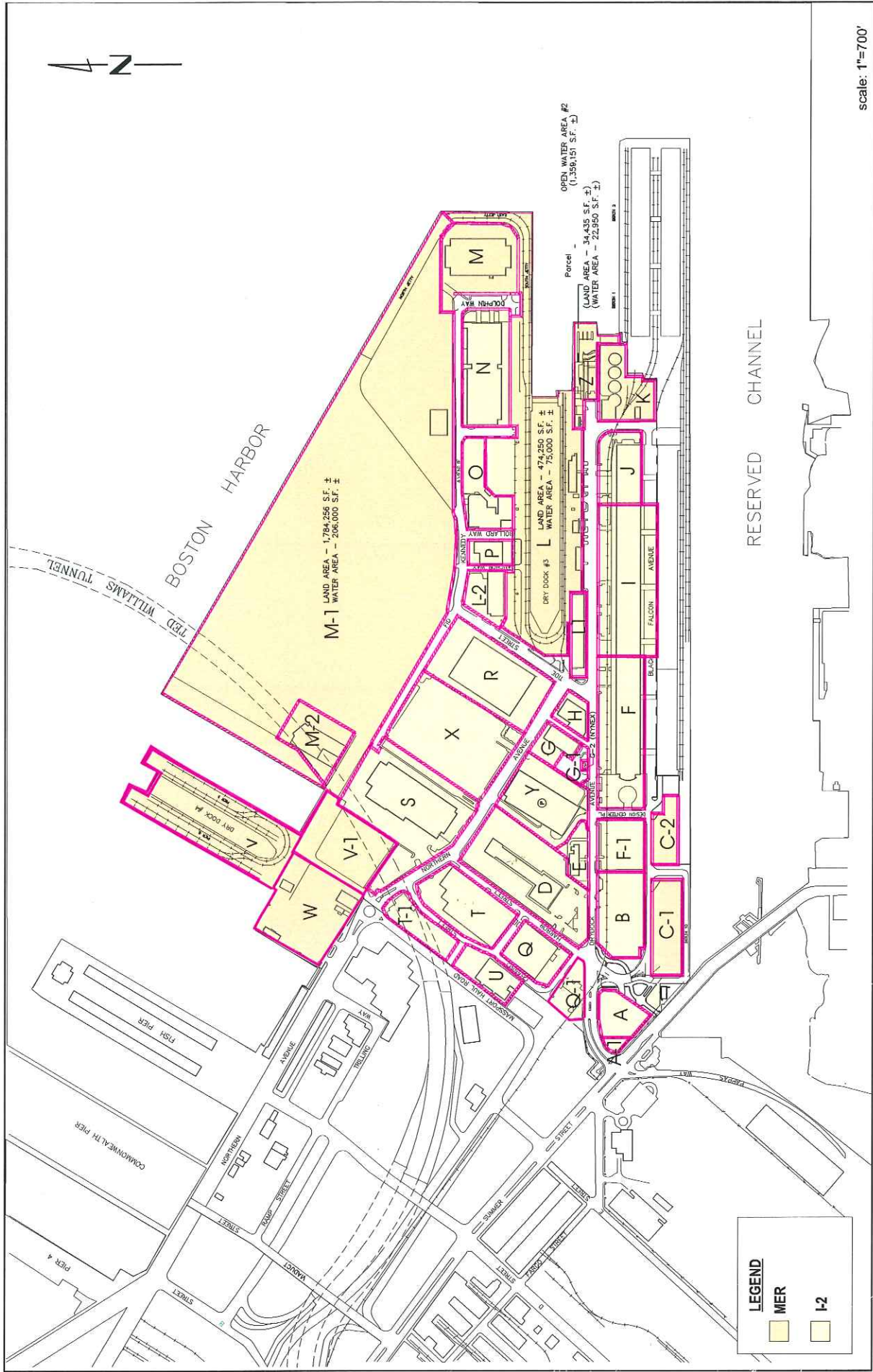
The Master Plan does not recommend any changes to the DPA boundary as had earlier been suggested in the Draft EIR.

## **2.2.4 City Zoning and Local Planning Initiatives**

### Local Zoning

The existing zoning within the MIP is composed of two districts, the Maritime Economy Reserve Zone (MER) and the Industrial Zone (I-2) (see Figure 2-2, Existing Zoning). Approximately 57% of the MIP falls within the MER zone which covers all of the important maritime infrastructure of the MIP, including Drydocks No. 3 and No. 4, the Massport Maritime Terminal, Wharf 8, Pier 10, Berth 10, and Coastal Cement (see Figure 1-2 MIP Boundary). Uses within the MER zone are restricted to those meeting a narrow definition of maritime industrial use, including activities such as bulk and containerized cargo handling operations; large vessel service, support and repair; seafood processing and distribution; passenger vessel operations; and similar uses. No flexibility is allowed for "supporting DPA





Prepared By: Fort Point Associates, Inc.

## EXISTING ZONING

Figure 2-2

uses" as described under the Chapter 91 regulations, and, consequently, the MER zone is more restrictive than current Chapter 91 requirements.

The I-2 zone covers the balance of the MIP. Most of the buildings in the I-2 zone are used for industrial and maritime industrial activities. Maritime industrial businesses include Stavis Seafood, John Nagle and Sons, International Cargo Center of New England, Boston Seafood Center, and Paul's Lobster. The I-2 zone allows a wide variety of uses, including general industrial, office, and commercial uses and a number of undesirable heavy industrial uses, such as electric generating plants, and asphalt plants.

These zoning designations are reasonably consistent with the proposed Master Plan but will be revised to achieve better compatibility with the Master Plan objectives. The I-2 zone is far more permissive than the uses proposed in the Master Plan and will be replaced with a more restrictive zoning district as detailed in Section 8.3.

#### Local Planning Initiatives

The Master Plan has been developed in concert with and is consistent with goals and objectives of the four major local planning initiatives that involve the MIP. The first and most recent is *The Seaport Public Realm Plan* issued in February, 1999 which is a plan for the area of South Boston bounded by Fort Point Channel on the west, Boston Harbor on the north and east and the land areas adjacent to Reserved Channel on the south. The *Port of Boston Economic Development Plan*, a joint planning effort by the BRA/EDIC and Massport, was published in March, 1996 and is discussed more fully in Chapter 5.0, Economic Development. The third planning initiative, the *Fort Point District Plan*, was issued by the BRA in December 1990 and reflected a community based planning effort. The fourth effort, the *City's Harborpark Plan*, was issued in October, 1990 and was the result of over four years of planning in consultation with the Harborpark Advisory Committee. The Harborpark Plan formed the basis of the City's Municipal Harbor Plan in accordance with the provisions of state waterways regulations.

The Master Plan has been strongly influenced by these local efforts and has included in the document provisions for strengthening of the working waterfront, protection of the industrial and manufacturing base, and development of a diversified economy.

### **2.2.5 Master Plan Consistency with Other Programs**

The Master Plan is designed to ensure compliance with state environmental regulatory programs. The Plan establishes a framework for project specific review of the impacts of new development projects. Examples of reviews that have been triggered by past projects include MEPA, Massachusetts Historical Commission, and the Energy Facilities Siting Council. The MIP does not contain any Areas of Critical Environmental Concern.

BRA/EDIC continues to work closely with both the Massachusetts Water Resources Authority and the Boston Water & Sewer Commission in an ongoing program of capital improvements to the MIP water and sewer systems. Previous reviews by the Massachusetts Historical Commission (MHC) and the Boston Landmarks Commission have indicated that there are no historic resources impacted by projects at the MIP.

In the context of the extensive environmental documentation undertaken for the Central Artery/Tunnel Project and the South Boston Piers Transitway project, transportation issues surrounding the full development of the MIP through the year 2010 have previously been addressed (see Chapter 4.0 Maritime and Transportation Infrastructure).

**CHAPTER 3**

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**LAND AND WATER USE**

## **CHAPTER 3.0 LAND AND WATER USE**

This chapter of the Master Plan outlines the existing features and conditions of the MIP and describes the geographic context of the MIP. Building descriptions, current and proposed land uses, maritime and land infrastructure and real estate information are all addressed.

### **3.1 SITE DESCRIPTION AND GEOGRAPHIC LOCATION**

The MIP includes a total of 191 acres of EDIC owned property, most of which consists of filled and flowed tidelands. Approximately 53 acres are water or flowed tidelands. The MIP is bounded by Boston Harbor on the northeast, Reserved Channel on the south, Summer Street on the southwest and Commonwealth Flats on the west.

The MIP is located at Northern Avenue and Summer Street, approximately one mile from the heart of downtown Boston and one quarter mile from the entrance to the new Ted Williams Tunnel. The MIP contains 30 buildings totaling approximately 3.6 million square feet (sf) of gross building area. Figure 3-1, Parcel Plan, identifies parcel letters and boundaries.

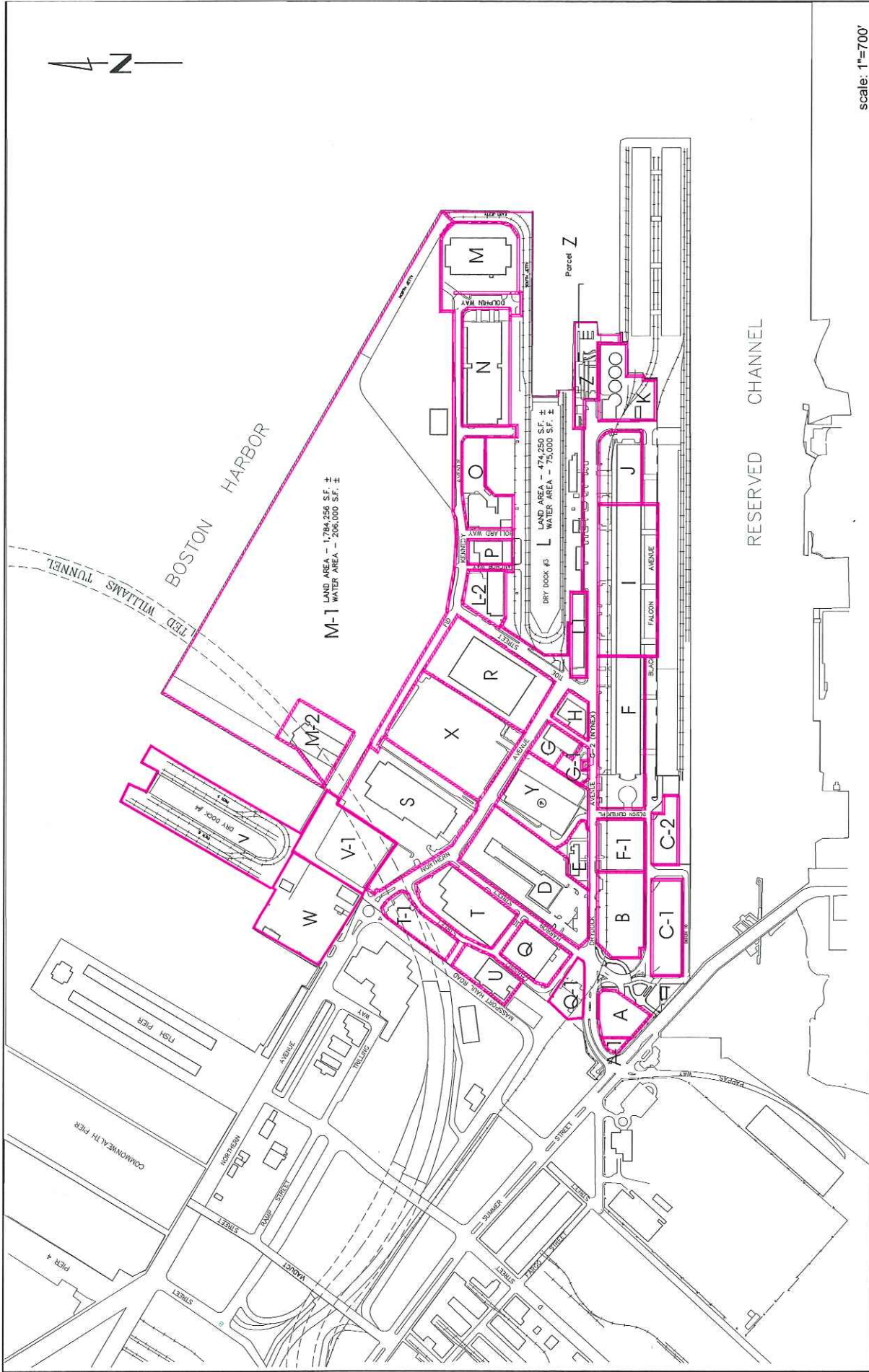
#### **3.1.1 Shoreline Information**

The MIP has a total of approximately 9,350 linear feet of shoreline fronting on the Main Ship Channel and Reserved Channel. Of this, 6,000 linear feet, or 65%, is usable shoreline, meaning it has been improved with piers, wharves or docks capable of supporting ship to shore transfers of goods or materials (see Figure 3-2, Usable Shoreline). 3,300 linear feet, or 35% of the total, is currently unusable shoreline, meaning that further improvements are needed for it to be usable for vessel berthing or unloading. This area is primarily along the outer face of the Massport Marine Terminal, currently a rip-rap slope. With the construction of a suitable wharf or berthing facility, this entire shoreline would be usable. The condition of the usable shoreline varies, however, with Berth 10 and the North Jetty being in sound condition and the East and South Jetties and Wharf 8 requiring some rehabilitation. All of the MIP shoreline is used, or proposed to be used, by maritime industries. Pier elevations range from 16 feet to 17 feet above Mean Low Water (MLW), with a mean high water of 9.5 feet. Water depths from the NOAA harbor chart are approximately 35 feet MLW at the South and East Jetties, 40 feet MLW at the North Jetty and up to 30 feet MLW at Pier 10 and Berth 10.

#### **3.1.2 Relationship to Open Water**

The MIP faces Boston Harbor and the Main Ship Channel to the north and the Reserved Channel to the south. The parcels along the perimeter of the MIP directly face the open water with water depths alongside ranging from 30 to 40 feet MLW. Water depths adjacent to the Massport Marine Terminal are approximately 40 feet MLW. Water depths at Berth 10



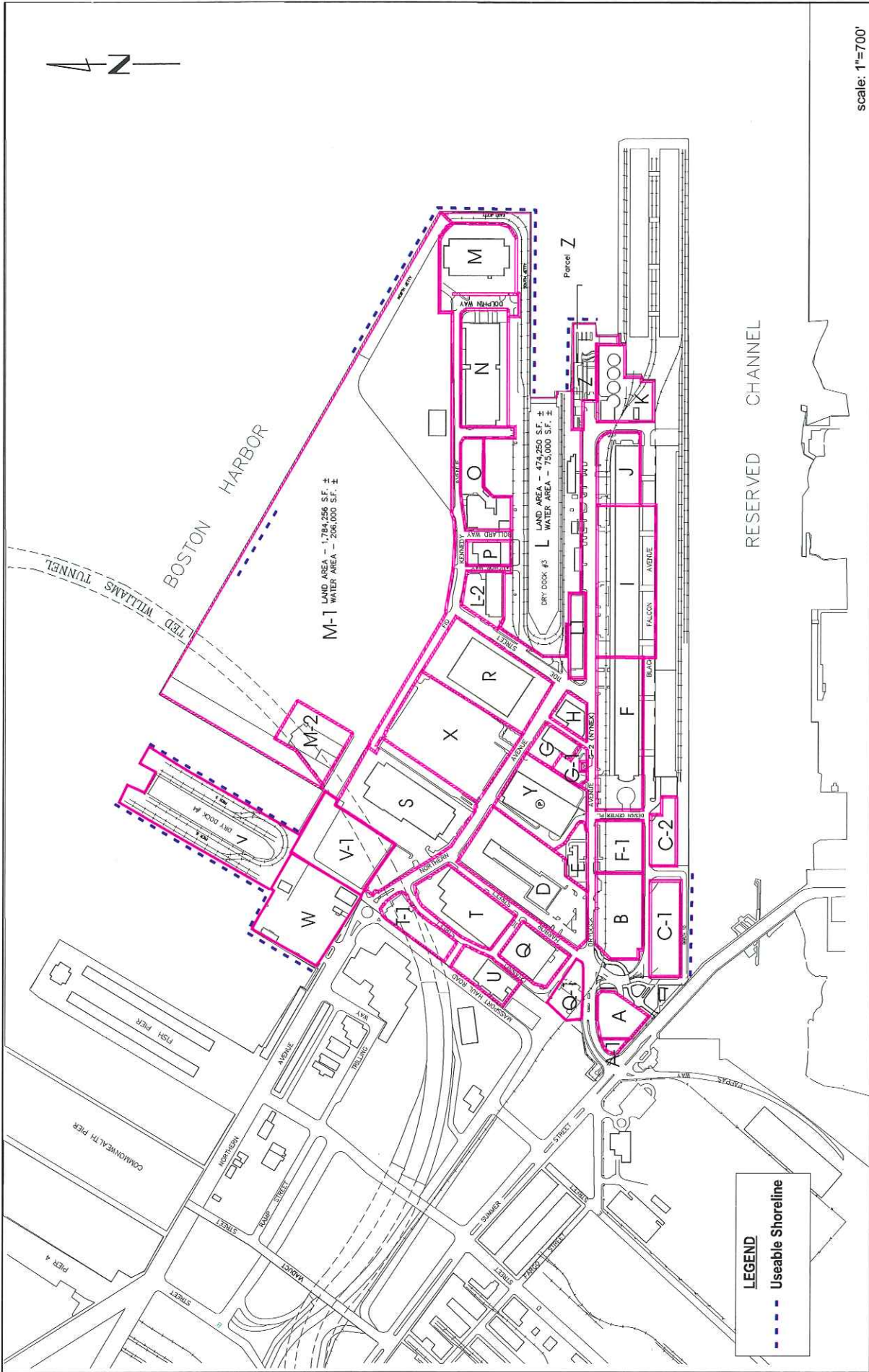


scale: 1"=700'

Prepared By: Fort Point Associates, Inc.

# PARCEL PLAN

Figure 3-1



scale: 1"=700'

# USEABLE SHORELINE

Prepared By: Fort Point Associates, Inc.

Figure 3-2

in the Reserved Channel are approximately 30 feet MLW. Vessel access to the main shipping channels is unobstructed and efficient, in the case of Berth 10 in the Reserved Channel, and access is immediate from the North Jetty ship berth, the two dry docks, and Wharf 8.

The following parcels, identified in Figure 3-1, Parcel Plan, with a total land area of approximately 76 acres, have direct access to the water via usable shoreline: Parcels C1, C2, K, L, M, M1, N, V and W.

#### Navigability and Vessel Berthing

The general navigability along the MIP and the ability of vessels to berth is excellent. The Reserved Channel along the MIP has a deep berthing capability. A depth of approximately 30 feet MLW extends to Summer Street along Berth 10. The MIP boundary along the harbor has deep berth capability of approximately 40 feet MLW. The area along Pier 10 has a depth of 30 feet MLW.

The Ted Williams Tunnel, located at the west end of the MIP, permanently sets the maximum channel depth for all port facilities on the East Boston, Chelsea Creek, Mystic River, and downtown waterfronts, as well as the South Boston waterfront west of the tunnel, at 42 feet mean low water (MLW). For this reason, the North, South, and East Jetties, the Massport Marine Terminal, Conley Terminal, and Reserved Channel, all located east of the tunnel, offer the only Port of Boston berths with potential to accommodate future deeper-draft vessels through additional dredging.

#### Boston Harbor Navigation Improvement Project

The Boston Harbor Navigation Improvement Project, currently underway, will have a major impact on the safety and efficiency of large vessel movements throughout the Harbor and at the MIP. The Main Ship Channel, which is immediately north of the MIP, and the Reserved Channel, which is immediately south of the MIP, will be dredged to restore their authorized 40' MLW depth. Portions of the area at the confluence of the Main Ship Channel and the Reserved Channel are being deepened to 40' MLW in order to enlarge the basin within which large ships rotate to line up with the deep channels. Some of the vessel berths in the Reserved Channel will be restored to the 40' MLW depth, while Conley Terminal will be deepened to 45' MLW in order to better accommodate deeper draft ships.

### **3.2 EXISTING LAND USE**

Today, the Marine Industrial Park contains various water-dependent and related facilities such as seafood processing and distribution and inter-modal transportation. The MIP also contains non-port related businesses, ranging from interior design to food preparation and distribution. These businesses, as previously stated, tend to be the greatest generators of jobs and business activity for the local economy and provide needed revenues to sustain the more traditional maritime industrial uses. Under the proposed Master Plan for the MIP, land



uses will remain similar to those that are in the park today. The allocation of those uses on a park-wide basis will change somewhat, as described below.

### 3.2.1 Current Land Use

Of the approximately 191 acres in the MIP, 138 acres are land area, and 53 acres are water. Of the land area, approximately 123 acres or 89% is currently leased (see Table 3-1 MIP Land Allocation by Use).

The MIP today supports a mix of water-dependent and nonwater-dependent commercial and industrial uses (see Figure 3-3 Existing Land Use). Currently, notable water-dependent uses within the MIP include: prominent seafood processing and distribution plants, such as Stavis Seafoods, Globe Fish Co. Inc., F.J. O'Hara & Sons, Inc., Freshwater Fish Co. Inc., Puritan Fish Co. Inc., Paul's Lobster, John Nagle and Sons, and Commercial Lobster; Drydock No. 3, the Port's central ship repair facility; Coastal Cement, a bulk cement importer served by truck and rail; Boston Freight Terminals, intermodal cargo distributors; and the Central Artery/Tunnel materials handling and barge loading/unloading operation at the Massport Marine Terminal. Prominent nonwater-dependent uses include the Boston Design Center, Bronstein Industrial Center, Au Bon Pain, J.J. Daly, and Boston Sand and Gravel Company.

For the purposes of this Master Plan, land usage has generally been calculated based on a consideration of both building use and surrounding lot use. This approach was derived by the BRA and state agencies including the Department of Environmental Protection Waterways Regulation Program and the Massachusetts Office of Coastal Zone Management. To determine the use of the building, a calculation is made based on the percentage of use within the building. For example, if there are 3 floors in the building and 2 are devoted to industrial and 1 to maritime industrial use, the building usage would be 1/3 water-dependent industrial and 2/3 nonwater-dependent industrial. Thus, 1/3 of the building would be considered to be in water-dependent industrial use and 2/3 in nonwater-dependent industrial use. To determine the use of the land area outside of the building footprint, a calculation is made based on the actual use of outside land area. For example, if there is 20,000 sf of land outside the building and 15,000 sf is devoted to truck loading, circulation and storage, and parking for the maritime industrial use and 5,000 sf is for industrial related parking, then 3/4 of the land area would be water-dependent industrial use and 1/4 nonwater-dependent industrial.

Once the use of the building footprint and land area are determined, the figures are added together to determine overall parcel usage and all parcels within the MIP are totaled to determine the overall MIP land usage (See Tables 3-2 and 3-3 Existing Land Usage and Future Build Out ). The BRA, DEP and CZM all concur with this approach. Currently the Parkwide allocation of land use (excluding vacant land) is 74% maritime industrial, 22% general industrial, and 4% commercial.

Table 3-1: MIP Land Allocation by Use

Use Type	MIP Total		Leased	
	Acres	%	Acres	%
General Industrial	27	14%	27	22%
Maritime Industrial	91	47%	91	74%
Commercial	5	3%	5	4%
Vacant	3	2%		
Common	12	6%		
Water	53	28%		
<b>Total</b>	<b>191</b>	<b>100%</b>	<b>123</b>	<b>100%</b>

As shown in Table 3-1 above, the existing land uses within the MIP fit in to three categories: General Industrial, Maritime Industrial, and Commercial.

#### General Industrial Uses

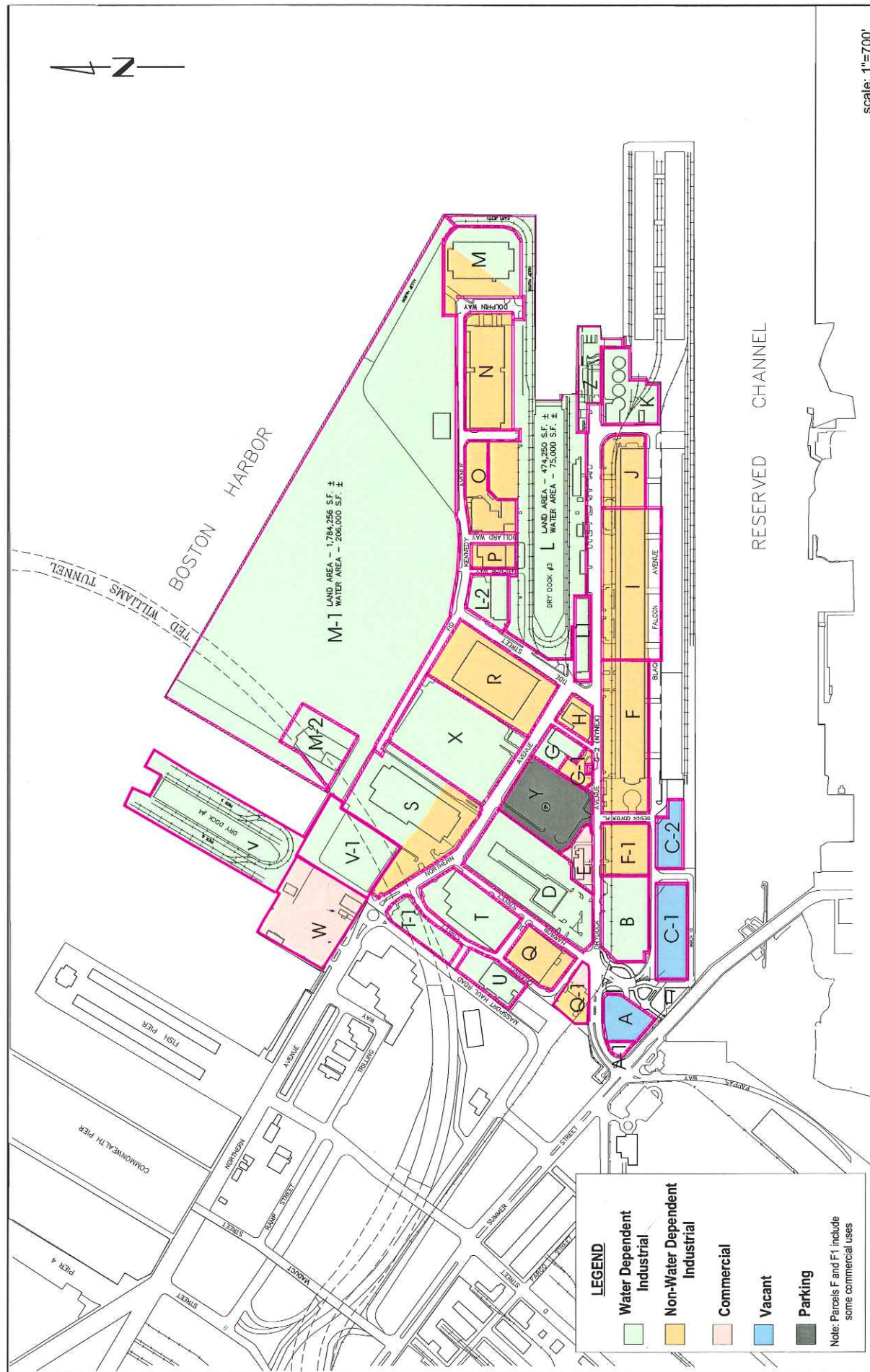
The Industrial Use category represents primarily nonwater-dependent manufacturing, wholesaling, warehousing, distribution and transportation, but also includes limited office and commercial uses. Other industrial activities in the MIP include food preparation, garment manufacturing, printing, and warehousing. These uses account for about 22% of the total leased area.

#### Maritime Industrial Use

The Maritime Industrial Use category represents water-dependent industrial uses as defined by Chapter 91 at 310 CMR 10.00. These uses include generally those industrial uses that are dependent on the transshipment of goods between ship and shore and include ship repair, seafood processing and distribution, intermodal cargo facilities and water transportation terminals. These uses account for approximately 74% of the total leased area.

#### Commercial

Commercial uses represent 4% of the total leased area within the MIP. The temporary BankBoston Pavilion accounts for 69% and Building 114 accounts for 17% of this total. Building 114 houses the Design Center (wholesale showrooms and office space); the Bronstein Center (manufacturing, printing and wholesaling); and Drydock Associates (manufacturing and industrial). Commercial uses occur only in the Design Center. In 1999, the BankBoston Pavilion was allowed to temporarily re-locate to the Wharf 8 site in the MIP for a period not to exceed 5 years. It is important to note that commercial uses generate a lot of jobs and economic activity.



Prepared By: Fort Point Associates, Inc.

**EXISTING LAND USE**

Figure 3-3

**Table 3-2  
MARINE INDUSTRIAL PARK MASTER PLAN<sup>1</sup>  
EXISTING LAND USAGE MATRIX**

Parcel <sup>2</sup>	Total Land Use				Building Footprint Use (Based on Building Occupancy)				Area Outside of Building Footprint				
	Parcel Area (sf)	Marine Industrial	General Industrial	Commercial	Vacant	Building Footprint	Marine Industrial	General Industrial	Commercial	Area Outside Bldg Footprint	Marine Industrial	General Industrial	Commercial
DPA													
B <sup>3</sup>	95,824	95,824	0	0	0	70,000	70,000	0	0	25,824	25,824	0	0
C-1	69,249	0	0	0	69,249	0	0	0	0	69,249	0	0	0
C-2	41,901	0	0	0	41,901	0	0	0	0	41,901	0	0	0
D	217,544	217,544	0	0	0	35,000	35,000	0	0	182,544	182,544	0	0
E	24,242	0	0	24,242	0	6,384	6,384	0	6,384	17,858	0	0	17,858
F	164,010	0	123,008	41,003	0	70,454	0	52,841	17,614	93,556	0	70,167	23,389
F-1 <sup>4</sup>	50,468	0	37,851	12,617	0	0	0	0	0	50,468	0	37,851	12,617
G	31,120	31,120	0	0	0	12,774	12,774	0	0	18,346	18,346	0	0
H	53,997	0	53,997	0	0	14,231	0	14,231	0	39,766	0	39,766	0
I	225,374	22,537	202,837	0	0	103,194	10,319	92,875	0	122,180	12,218	109,962	0
J	61,000	6,100	54,900	0	0	34,398	3,440	30,958	0	26,602	2,660	23,942	0
K	84,643	84,643	0	0	0	7,454	7,454	0	0	77,189	77,189	0	0
L	474,290	474,290	0	0	0	13,072	13,072	0	0	461,218	461,218	0	0
L1	33,141	33,141	0	0	0	25,464	0	0	0	7,677	7,677	0	0
L2	51,040	51,040	0	0	0	18,000	18,000	0	0	33,040	33,040	0	0
M	148,150	81,345	66,805	0	0	55,922	35,231	20,691	0	92,228	46,114	46,114	0
M1	1,784,256	1,784,256	0	0	0	28,100	28,100	0	0	1,756,156	1,756,156	0	0
M2	75,310	75,310	0	0	0	24,466	24,466	0	0	50,844	50,844	0	0
N	140,000	0	140,000	0	0	65,600	0	85,600	0	54,400	0	54,400	0
O	61,000	0	61,000	0	0	34,000	0	34,000	0	27,000	0	27,000	0
P	24,280	24,280	0	0	0	12,324	0	12,324	0	11,956	0	11,956	0
R	179,810	127,797	179,810	0	0	85,968	0	85,968	0	93,842	0	93,842	0
S	295,594	270,000	127,797	0	0	105,000	0	52,500	0	150,594	75,297	75,297	0
V	270,000	270,000	0	0	0	0	0	0	0	270,000	270,000	0	0
V1	105,000	105,000	0	0	0	0	0	0	0	105,000	105,000	0	0
W <sup>5</sup>	172,000	17,200	0	154,800	0	74,510	7,451	0	67,059	97,490	9,749	0	87,741
X	211,214	211,214	0	0	0	64,000	64,000	0	0	147,214	147,214	0	0
Z	34,435	34,435	0	0	0	2,000	2,000	0	0	32,435	32,435	0	0
Sub-Total	5,138,892	3,722,788	1,072,284	232,662	111,150	982,315	409,271	481,987	91,037	4,159,577	3,313,525	590,297	141,605
Percent <sup>6</sup>		74%	21%	5%									
NON DPA													
A	40,879	0	0	0	40,879	0	0	0	0	40,879	0	0	0
Q	69,878	0	69,878	0	0	35,511	0	35,511	0	34,367	0	34,367	0
Q1 <sup>7</sup>	26,000	0	20,400	5,600	0	2,000	0	2,000	2,000	24,000	0	20,400	3,600
T	119,447	119,447	0	0	0	78,144	78,144	0	0	41,303	41,303	0	0
T-1	55,348	55,348	0	0	0	0	0	0	0	55,348	55,348	0	0
U	45,310	45,310	0	0	0	20,000	20,000	0	0	25,310	25,310	0	0
Sub-Total	356,862	220,105	90,278	5,600	40,879	135,655	98,144	36,511	2,000	221,207	121,967	54,767	3,600
Percent <sup>6</sup>		70%	29%	2%									
TOTAL MIP	5,485,754	3,942,901	1,162,562	238,262	152,029	1,117,970	507,415	517,498	93,037	4,377,784	3,435,486	645,064	145,205
Percent <sup>6</sup>		74%	22%	4%									

**Notes:**

- Information Source is the BRA
- Common facilities not included (Parcels A-1 Park; G-1 EDIC Maint. Yard; G-2 Bell Atlantic Switch Station; and Y Parking Garage)
- North Coast Seafood Plant Under Construction
- Parking lot for Design Center
- Building footprint includes BankBoston Pavilion which is a temporary facility
- Does not include vacant parcels
- Currently has 2 land uses - parking for Parcel Q and Big Dig Diner School

Table 3-3

**MARINE INDUSTRIAL PARK MASTER PLAN<sup>1</sup>  
FUTURE BUILD OUT LAND USAGE MATRIX**

Parcel <sup>2</sup>	Parcel Area (sf)	Building Area <sup>3</sup>			Total Land Use			Building Footprint Use (Based on Building Occupancy)			Area Outside of Building Footprint			
		Exis Bldg Footprint	Add. Bldg Footprint	Marine Industrial	General Industrial	Commercial	Building Footprint	Marine Industrial	General Industrial	Commercial	Area Outside Bldg Footprint	Marine Industrial	General Industrial	Commercial
DPA														
B	95,824	70,000	0	95,824	0	0	0	0	0	0	70,000	0	0	0
C-1	69,249	0	40,000	69,249	0	0	0	0	0	0	40,000	0	0	0
C-2	41,901	0	20,000	41,901	0	0	0	0	0	0	20,000	0	0	0
D	217,544	35,000	61,000	217,544	0	0	0	0	0	0	96,000	0	0	0
E	24,242	6,384	0	24,242	0	0	0	0	0	0	6,384	0	0	0
F	164,070	70,454	0	164,070	123,008	41,003	0	0	0	0	70,454	0	0	0
F-1 <sup>4</sup>	50,468	0	28,000	50,468	37,851	12,617	0	0	0	0	28,000	0	0	0
G	31,120	12,774	0	31,120	0	0	0	0	0	0	12,774	0	0	0
H	53,997	14,231	0	53,997	0	0	0	0	0	0	14,231	0	0	0
I	225,374	103,194	0	225,374	202,837	0	0	0	0	0	103,194	0	0	0
J	61,000	34,398	0	61,000	54,900	0	0	0	0	0	34,398	0	0	0
K	84,643	7,454	0	84,643	0	0	0	0	0	0	7,454	0	0	0
L	474,290	13,072	36,000	474,290	0	0	0	0	0	0	49,072	0	0	0
L-1	33,141	25,484	0	33,141	0	0	0	0	0	0	25,484	0	0	0
L-2	51,040	18,000	11,000	51,040	0	0	0	0	0	0	29,000	0	0	0
M	148,150	55,922	0	148,150	66,905	0	0	0	0	0	55,922	0	0	0
M1	1,784,266	28,100	129,240	1,784,266	1,784,266	0	0	0	0	0	157,340	0	0	0
M2	75,310	24,466	0	75,310	0	0	0	0	0	0	24,466	0	0	0
N	140,000	85,600	0	140,000	140,000	0	0	0	0	0	85,600	0	0	0
O	61,000	34,000	0	61,000	0	0	0	0	0	0	34,000	0	0	0
P	24,280	12,324	0	24,280	0	0	0	0	0	0	12,324	0	0	0
R	179,810	85,988	18,000	179,810	179,810	0	0	0	0	0	103,968	0	0	0
S	255,594	105,000	0	255,594	127,797	127,797	0	0	0	0	105,000	0	0	0
V	270,000	0	0	270,000	0	0	0	0	0	0	0	0	0	0
V1	105,000	0	47,000	105,000	0	0	0	0	0	0	47,000	0	0	0
W <sup>5</sup>	172,000	5,980	47,000	172,000	0	0	0	0	0	0	52,960	0	0	0
X	217,214	64,000	30,000	217,214	211,214	0	0	0	0	0	94,000	0	0	0
Z	34,435	2,000	0	34,435	0	0	0	0	0	0	2,000	0	0	0
Sub-Total	5,138,892	913,765	467,240	3,988,746	1,072,284	77,862	1,381,005	829,020	520,987	30,988	3,757,887	3,159,726	551,287	46,864
Percent				78%	21%	2%								
NON DPA														
A	40,879	0	20,000	40,879	0	0	0	0	0	0	20,000	0	0	0
Q	69,878	35,511	0	69,878	0	0	0	0	0	0	35,511	0	0	0
Q1	26,000	2,000	10,000	26,000	0	0	0	0	0	0	12,000	0	0	0
T	119,447	78,144	0	119,447	0	0	0	0	0	0	78,144	0	0	0
T-1	55,348	17,000	0	55,348	0	0	0	0	0	0	17,000	0	0	0
U	45,310	20,000	5,000	45,310	0	0	0	0	0	0	25,000	0	0	0
Sub-Total	356,862	135,655	52,000	220,105	69,878	66,879	187,655	120,144	36,511	32,000	169,207	99,961	34,367	34,879
Percent				62%	20%	19%								
TOTAL MIP	5,495,754	1,049,420	519,240	4,208,851	1,142,162	144,741	1,568,660	949,164	556,498	62,988	3,927,094	3,259,687	585,664	81,743
Percent				77%	21%	3%								

Notes:

1. Information Source is the BRA
2. Common facilities not included (Parcels A-1 Park; G-2 Bell Atlantic Switch Station; and Y Parking Garage. Note: Expansion of parking garage currently being designed on Parcel Y)
3. See Table 5 for Existing Land Usage Matrix
4. Parking lot for Design Center
5. BankBoston Pavilion is a temporary facility and therefore, not considered an existing building or landuse for the purpose of this table

### Vacant Land Area

There are a number of parcels within the MIP, totaling 3.5 acres, that are currently available for lease. As the focus of the Master Plan is, in part, on the land available for new maritime and non-maritime uses, vacant land has been separately categorized. Vacant parcels include A, C-1 and C-2.

Parcels A, C1 and C2 have long been vacant due to the need for expensive site infrastructure, but the area has recently been improved by BRA/EDIC, and North Coast Seafoods is now constructing a facility on Parcel B. New roads and utilities have been installed and the Berth 10 wharf has been rehabilitated.

### Common Areas

Common areas in the Park include roads, parking lots, open space, maintenance, and utility areas. Common areas comprise about 12 acres of the park with approximately 7 acres in roads and 5 acres in parking and maintenance areas.

### **3.2.2 Compatibility**

There are very few conflicts within the MIP between tenants or in the general operations of the MIP. The land and buildings were originally set up for industrial and maritime-industrial uses, and these operations remain compatible with one another. Internal roadways have been reconstructed with more than adequate capacity for truck loading and circulation. Pedestrian facilities and access points have been designed to allow pedestrians to safely move within the MIP without interfering with industrial uses or creating concerns for public safety. Uses with the potential to generate off-site impacts, such as the cement imports, materials handling facility or ship repair operations, have been carefully reviewed by BRA/EDIC engineering staff to ensure that suitable control measures and housekeeping practices are in place to limit impacts to adjacent users.

### **3.2.3 Underutilized**

Other than the vacant parcels, which are discussed separately, the only parcels that might be considered underutilized are the Massport Marine Terminal at Parcel M-1 and parcels V, V-1 and W. The Massport Marine terminal is currently well-utilized for bulk cargo and CA/T construction activities. Should demand for these types of uses lessen in the future, other development may occur at this site. Parcel V is the ship repair facility formerly operated by General Ship Corporation and is now closed. Modern Continental has recently entered into a short-term lease agreement for Parcel V to construct tunnel tubes for the MBTA Transitway Project. This parcel and the adjacent parcels V-1 (leased for CA/T construction staging) and W (leased for temporary location of BankBoston Pavilion) are available for development once these short-term leases end. A.C. Cruise Lines and Commercial Lobster occupy a portion of parcel W and will likely remain in the long term.



### 3.2.4 Overburdened

While there are no overburdened parcels in the MIP at this time, there are several parcels with existing buildings that are densely developed. These parcels include Parcels F, I and J, comprising the Building 114 and Parcel Q. However, due to the available infrastructure and parking to support these structures, they are not considered to be overburdened.

### 3.2.5 Real Estate Information

#### Leases

The BRA/EDIC has made major investments in the MIP to house a wide variety of tenants, including seafood processing, bulk cement imports, a design trades center, light manufacturing, and warehousing. There are approximately 250 companies in the MIP today employing over 3,500 people and occupying approximately 95% of the total building area. Tenants range in size from under 1,000 sf to over 150,000 sf of building space. Companies in the MIP today include both tenants directly leasing from the BRA/EDIC and subtenants. Lease lengths vary from 3 to 99 years, with most having renewal options. Among the tenants are Massport, Au Bon Pain, Advanced Electronics, John Nagle and Sons, the Boston Design Center, Harpoon Ale, Boston Ship Repair, Inc., Boston Seafood Center, North Coast Seafoods, Boston Freight Terminals, and Paul's Lobster.

All current tenants and their lease terms are listed in Table 3-4, Parcel and Building Reference.

#### Existing Buildings

The existing building footprints are shown on Figure 1-2, MIP Boundary Plan. The dominant building within the MIP is the 1.6 million square foot Building 114. Built in 1914 as an Army supply depot to support World War I military operations, the building is very heavily constructed, with floor loading and elevator capacity to handle WWI vintage tanks.

The second largest building at the MIP is the 355,000 sf industrial building located on Parcel Q at 12 Channel Street near the MIP entrance. This type of multi-story, heavy floor loading industrial structure is rarely constructed today, as most new industrial buildings are of single-story construction, organizing the space in the horizontal versus the vertical dimension.

Many of the other existing buildings in the MIP were built to support WWII naval operations. They are characterized by single story steel construction, large floor plates with open central bays, and interior gantry type cranes. Some of the original buildings were demolished when the cost of their renovation could not be justified in the context of expected lease income. Others have been successfully redeveloped but are often internally subdivided to serve multiple tenants.



**Table 3-4  
Parcel and Building Reference**

PARCEL	STREET ADDRESS	ZONING/ DPA	LARGEST TENANT/ GENERAL USE	LEASE TERM	CURREN T USE
A	1 Drydock Ave.	I-2	Vacant	N/A	V
A-1	1 Drydock Ave.	I-2	Open Space	N/A	N
B	5 Drydock Ave.	I-2/DPA	North Coast Seafood	65 years; ends January 2065	M
C-1	1 Terminal St.	MER/DPA	Vacant (Berth 10)	N/A	V
C-2	5 Terminal St.	MER/DPA	Vacant	N/A	V
D	6 Drydock Ave. (Bldg. #12)	I-2/DPA	International Cargo Port of New England	21 years; end: Mar. 2003	M
E	10 Drydock Ave. (Bldg. #15)	I-2/DPA	Carpenter's Local Union #33 First Trade Union Savings Bank	17 yrs; end: Jul. 2002 15 yrs; one 5-yr. Option end: Jul. 2002	C
F	1 Design Center Place (Bldg. #114-Sec. E&F)	I-2/DPA	The Design Center	50 yrs; 5-year options end: Mar. 2035	I
F1	Drydock Ave. & Design Center Place	I-2/DPA	Parking	N/A	N
G	339 Northern Ave. (Bldg #20)	I-2/DPA	Paul's Lobster	10 yrs; 2 10-yr. Options end: Oct. 2004	M
G1	20 Drydock Ave.	I-2/DPA	EDIC Maintenance Yard	N/A	N
G2	18 Drydock Ave. (Bldg. #40)	I-2/DPA	NYNEX - switching station	November 2001	N
H	22 Drydock Ave. (Bldg. #49)	I-2/DPA	Arnold A. Jacobson & Assoc. Bitwise Software, Inc. Books and People	Tenant-at-will/2 yrs; end: Oct. 1997 One 3-yr. Option 4 years; end: 12/1999 3 1-yr. Option tenant-at-will	I
I	21-25 Drydock Ave. (Bldg. #114- Sec. B, C&D)	I-2/DPA	Newman-Coar Assoc. Bronstein Industrial Center - Boston Harbor Partners Ltd. Partnership	50 yrs; end: 9/2033	I
J	27 Drydock Ave. (Bldg. #114-Sec. A)	I-2/DPA	Drydock Associates	45 yrs; end: 9/2032	I
K	36 Drydock Avenue	DPA/MER	Coastal Cement -Bulk Cement Dist. Terminal	End: 2/14/2010	M
L	Drydock No. 3 (Bldg. #1) (Bldg. #22) (Bldg. #23)	DPA/MER	Boston Ship Repair, Inc. Pumphouse Storage Toilet Facility	5 year license end: 9/2000	M
L1	24-26 Drydock Ave. (Bldg. #21)	I-2/DPA	Vacant	N/A	V
L2	7 Tide Street (Bldg. #54)	I-2/DPA	Thermo King	65 years. End: 12/31/65	M
M	3 Dolphin Way (Bldg. #31)	DPA/MER	Subaru Distributors	20 yrs; end: 7/2004	M

Table 3.4 (continued)

PARCEL	STREET ADDRESS	ZONING/ DPA	LARGEST TENANT/ GENERAL USE	LEASE TERM	CURRENT USE
M1	Massport Marine Terminal Fid Kennedy Avenue (Car wash bldg.)	DPA/MER	Massport - (sub tenants New Boston 2 and CA/T Project)	99 year lease ends: 2069	M
N	25 Fid Kennedy Ave.(Bldg. #16)	I-2/DPA	Boston Sand & Gravel - Temp. Concrete Batch Plant	5 years end: 10/2000	I
M2	In filled water area (Fid Kennedy Ave.)	DPA/MER	CA/T - Vent Building	Owned in fee by MHD	M
O	19 Fid Kennedy Ave. (Bldg. #29)	I-2/DPA	Au Bon Pain	5 yrs end: 9/30/2002	I
P	3 Anchor Way (Bldg. #14)	I-2/DPA	McDonald Steel	20 yrs end: 6/2002	I
Q	12 Channel St.(Bldg. #32)	I-2	Various tenants (see pg. 4-4)	Varies	I
Q1	4 Drydock Ave. & Channel St.	I-2	Federated Neighborhood Houses	1 yr license agreement end: 9/1996	C
R	6 Tide St. (Bldg. #18)	I-2/DPA	J.J. Daly	Pilot Project: Big Dig Diner 20 yrs; end: 3/2002	I
S	306 Northern Ave.(Bldg. #53)	I-2/DPA	John Nagle and Sons Co.	20 yrs; end: 6/2005	M
S1	310 Northern Ave.	I-2	John Nagle and Sons Co.	20 years; end 6/2005	M
T	6 Harbor St. (Bldg. #19)	I-2	Boston Freight Terminals	10 yrs; ends 6/2006 with 2 10-year options	M
T1	Northern Ave. & Channel St.	I-2	Boston Freight Terminals	10 yrs; ends 6/2006 with 2 10-year options	M
U	7 Channel St. (Bldg. #17)	I-2	Stavis Seafood	20 yrs; end: 8/2003	M
V	300 Northern Ave.	DPA/MER	Modern Continental	N/A	V
V1	Dry Dock No. 4	DPA/MER	Drydock	N/A	M
W	290 Northern Ave.	DPA/MER	BankBoston Pavilion Steam Plant	5 yrs; end 2004	C
X	310-314 Northern Ave.	I-2/DPA	Commercial Lobster A.C.Cruise Lines	tenant at will	M
Y	12 Drydock Ave.	I-2/DPA	Boston Seafood Center, Inc.	tenant-at-will	M
Z	Pier 10 area (34 Drydock Ave).	DPA/MER	Parking Garage Public Park BPD Harbor Patrol Berthing-Lobstermen	under negotiation N/A N/A	M N N M

C = Commercial

I = Industrial and Manufacturing Uses (non-water dependent)

M = Maritime Industrial (water dependent industrial per 310 CMR 9.00)

N = Non-Leasable Areas;

V = Vacant

**Tenants and Lease Terms for Parcel Q, 12 Channel Street:**

Tenant	Lease Term	Tenant	Lease Term
Advanced Electronics, Inc.	5 years, ends: 3/31/03 3 5-year options	Pete's Dockside	Ends 7/25/07
Arteco Offset, Inc.	10 years; ends 3/31/02 one 5-year option	R.C. Silkscreen	10 years; ends 10/31/01 two 5-year Option
BBRG Operating, Inc.	5 years; ends 3/31/00 two 5-year options	Recycled Paper Company	3 years; ends 03/31/03
Boston Install	Tenant at will	Semiconductor Processing Company	5 years; ends 6/00 two 5-year Option
Boston Mailing-McLaughlin	3 years; ends 9/30/00	Stratecon Diagnostics International	6 years; ends 9/30/00
Boston Music Company	10 years; ends 4/30/04 one 5-year option	Theatrical Dance Footwear, Inc.	ends 11/00
Digipress Inc.	3 years; ends 12/31/01	Union Miniere Inc.	5 years; ends 6/15/00
DL Wareham Inc./First Call Trucking	5 years; ends 10/31/00 one 5-year option	Waterfront Printing Company, Inc.	6 years; ends 10/31/00
Global Protection Corp.	3 years; ends 10/31/00		
Marine Engineers' Beneficial Assoc.	ends 7/14/10		
Monotype Composition Co., Inc.	10 years; end 7/04 three 5-yr. option		
Nat. Color Corp., dba Chrome Copy	5 years; end 6/20/04		
Northeast Operator Services Corp.	end 11/14/07		

Construction of a new 70,000 sf seafood processing building for North Coast Seafood on Parcel B is currently underway and a new facility for Commercial Lobster is being constructed on Parcel W. A new building for the CAT project is currently being planned for Parcel M under the control of Massport.

#### Easements

In general, the roads within the MIP are owned by the BRA/EDIC and are private ways open to the public. There are some utility easements on the MIP property (e.g. Bell Atlantic, Boston Gas, Boston Edison). The Boston Water and Sewer Commission does not currently have a formal easement, but the BRA/EDIC is planning to turn over the water and sewer system to the Commission and will create appropriate utility easements on the property. In addition, Massport has a railroad easement that extends through the MIP to Coastal Cement and Building 117 and 118. The BRA /EDIC is also committed to preserving a railroad right of way to allow access through the MIP to a future rail connection to Conley Terminal.

#### Ownership

EDIC owns and maintains all of the 191-acre MIP including all parcels located within the MIP boundary, with the exception of Parcel M-2. Parcel M-2 is owned in fee by the Massachusetts Highway Department and is used for the ventilation building for the Ted Williams Tunnel.

### **3.3 PROPOSED LAND USE**

There are several criteria for evaluating the MIP in the context of the use of Commonwealth Tidelands, the management of the coastal zone in the public interest, and the compatibility of the MIP's existing and proposed mix of uses with the desire to sustain and enhance the MIP as a location for maritime industrial activities. The existing land use pattern with respect to water-dependent industrial, nonwater-dependent industrial and commercial uses, as well as vacant parcels is illustrated in Figure 3-3, Existing Land Use. The proposed land use pattern, shown on Figure 3-4 and in Table 3-4 is similar to the existing land use in the MIP. Future development will occur through a combination of new buildings and expansions to existing buildings as shown on Figure 3-5, Future Buildout. The only significant in water facility being proposed is the construction of a new pier adjacent to Wharf 8 (Pier 7). As shown in Figures 3-4 and 3-5 and Table 3-4, a significant amount of the MIP is proposed as water-dependent ("marine") industrial uses. This land use pattern reflects the agreement made between the BRA/EDIC and state agencies that at least 2/3 of the MIP will be used for maritime industrial uses in the future (see section 3.36 Land Use Allocation below and Chapter 8.0).

The following sections include a brief discussion of the expected future activity of two major maritime industrial land uses - the seafood and ship repair industries as well as port tourism. Additionally, the proposed zoning for Wharf 8, the BankBoston Pavilion Siting Study,

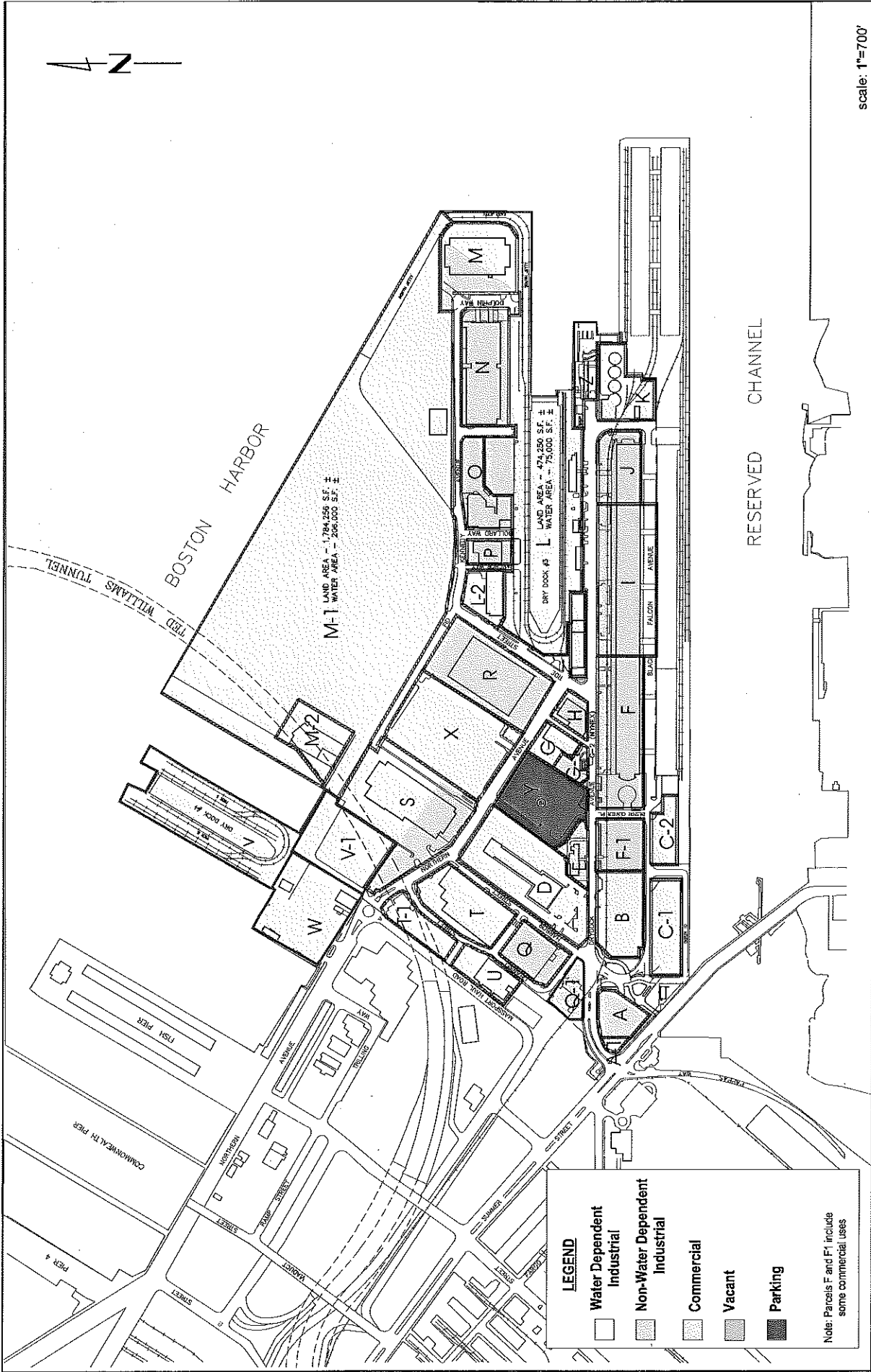


Figure 3-4

**PROPOSED LAND USE**

Prepared By: Fort Point Associates, Inc.









the proposed use of parcels seaward of Northern Avenue, Tide Street and Dry Dock Avenue and the proposed parkwide land use allocation are discussed below.

### 3.3.1 Seafood District

While there has been much publicity over the current New England groundfish crisis, the Boston seafood processing and distribution industry continues to thrive. Boston has historically been the market center for New England seafood processing and distribution, relying on multiple sources of supply to serve diversified markets. Today, Boston continues to have a preeminent role as one of four leading national distribution centers for seafood products. Capitalizing on structural changes in the regional, national and international seafood industry, Boston firms have established expertise in sourcing products worldwide. Boston's seafood industry has survived and expanded to meet changing needs in the marketplace. Key factors that make Boston a successful seafood center include: the wealth of entrepreneurial talent developed over the years; the proximity of Logan Airport's air freight services; the "clustering" of seafood firms along the South Boston waterfront, allowing the rapid exchange of products to meet the full range of customer needs; and the excellent refrigerated trucking services serving national markets. Total direct and indirect economic impact is \$900 million in sales, \$245 million in income, and 2,800 jobs. Total sales in the Boston seafood industry are approximately \$650 million annually, with direct employment of approximately 1,900 persons.<sup>1</sup>

To maintain Boston's status as a preeminent distribution center in the regional and national seafood marketplace, a Seafood District, as proposed by the Port of Boston Economic Development Plan, is being created in the MIP. This new Seafood District within the MIP can accommodate over 300,000 sf of state-of-the-art seafood processing space. Located in part on Parcel X and in part at the Massport Marine Terminal on Parcel M1, the Seafood District builds upon the 105,000 sf of existing processing space already in the MIP. Parcel X is occupied by a group of seafood processors who relocated from the New England Seafood Center on Northern Avenue into the New Boston 1 facility, a 67,000 sf multi-tenant processing complex in 1997. There is sufficient land area to provide an additional 30,000 sf of expansion space on the parcel. New Boston 2, a 65,000 sf facility is currently being planned for parcel M1, which is controlled by Massport. North Coast is currently adding a 70,000 sf facility. Full build out of the Seafood District is anticipated to extend over a period of five to ten years. This time frame coincides with the anticipated revitalization of the New England groundfish fishery, when increased processing activity can be anticipated in Boston. As part of the mitigation program for the temporary siting of the BankBoston Pavilion at Wharf 8, a new facility for Commercial Lobster Company is being built on that site. This facility will be completed in the spring of 2000 and will be a state-of-the-art, wholesale lobster distribution center.

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<sup>1</sup> Port of Boston Economic Development Plan, 1996.



The development of leasable space in multi-tenant facilities in the seafood district is being encouraged. It is important for small and growing firms, who are not in a position to buy or build their own facilities, to have opportunities to lease space. Leasing arrangements would be flexible so that firms in a growth phase can easily acquire additional space.

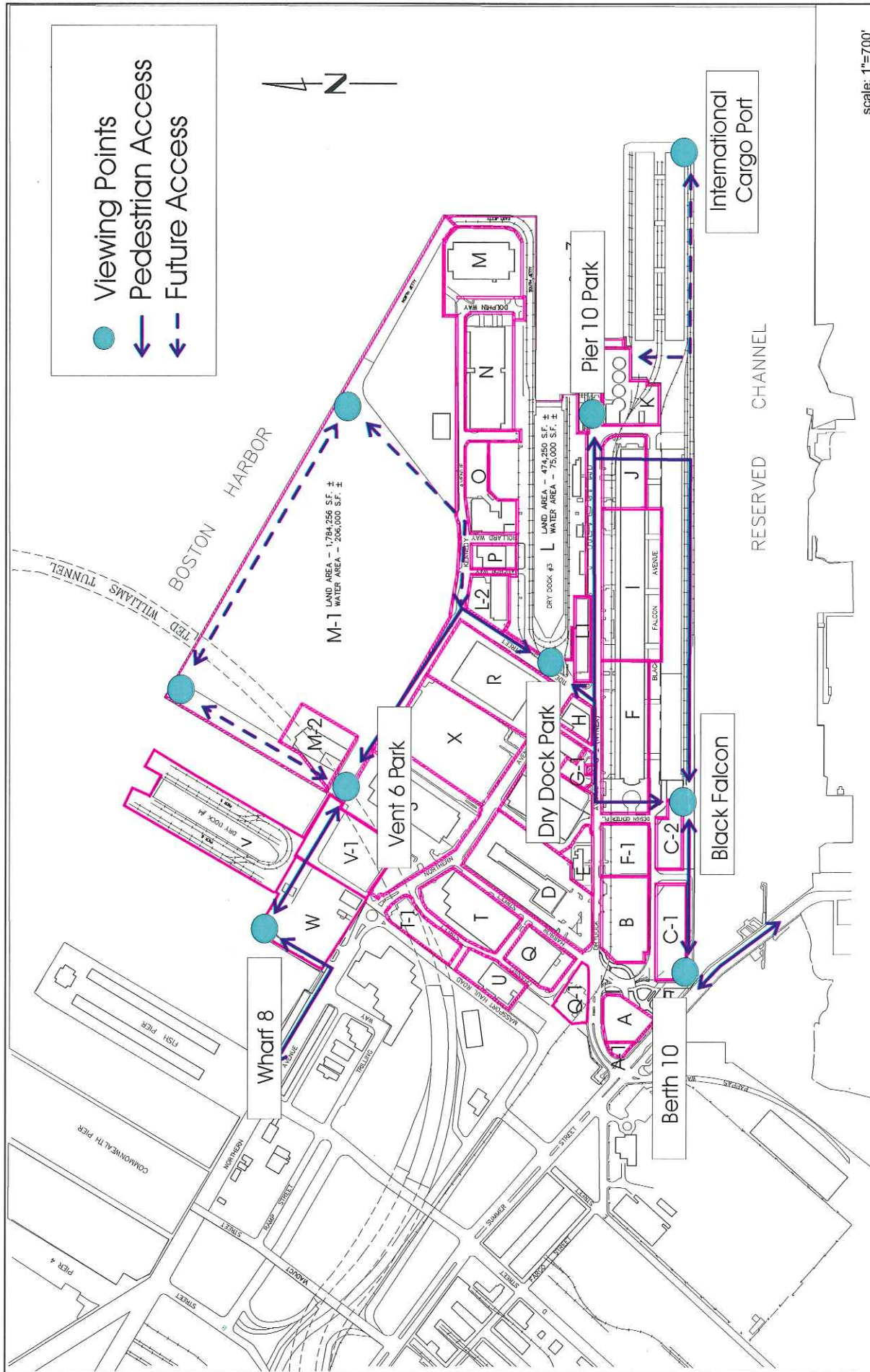
### **3.3.2 Industrial Port Tourism**

The MIP presents a unique opportunity to mix an industrial waterfront with tourist attractions. The MIP's relative proximity to the focal point of growing pedestrian activity on the South Boston waterfront creates the potential to bring visitors and tourists up close to seafood processing, ship repair, large passenger ships and other maritime industrial activities. A network of viewing points can be developed in the park, where pedestrians can safely observe industrial activities, without interfering with daily operations. For example, the elevated viewing platform at the head of Drydock No. 3 provides a window onto one of the most fascinating and important industries in Boston – ship servicing and repair. From the platform, observers can watch ships being repaired in one of the largest drydocks on the east coast. There are opportunities for similar overlooks throughout the MIP, such as at Berth 10 on Parcel C-1, Wharf 8 (on Parcel W), and at the new park adjacent to the CA/T Ventilation Building on Parcel M-2. These viewing points can be combined with similar destinations on the adjacent Boston Fish Pier and Black Falcon Cruise Terminal to create a network of pedestrian activity focusing on industrial tourism. A conceptual plan of viewing points and pedestrian access is illustrated in Figure 3-6 Pedestrian Access Plan.

### **3.3.3 Ship Repair**

The MIP is home to two drydocks – the large Drydock No. 3 and the medium-sized Drydock No. 4. The availability of ship repair services within Boston Harbor is critical to Boston's future as a full-service port. However, many factors have combined to cause this industry to struggle. There has been a significant decline in the overall demand for ship repair services, in both the private and military markets. Competition with foreign shipyards and other Atlantic and Gulf Coast yards is intense. As a result, the Bethlehem Steel shipyard in East Boston closed some years ago, and the General Ship Corporation ceased operations at Drydock No. 4 in 1994. The outlook for increased ship repair activity is limited. Joint marketing efforts between BRA/EDIC and Massport were successful in securing a ship repair operator, Boston Ship Repair, for Drydock No. 3 in 1996.

As discussed in Chapter 6.0, there is a limited outlook for ship repair services demand in Boston Harbor and significant investment is required to maintain and upgrade two drydocks in the MIP. Based on these facts and discussions with the current operator at Drydock No.3, BRA/EDIC recently decided to consolidate ship repair facilities and equipment at Drydock No. 3 and has set aside certain areas adjacent to the facility for integral parts of the ship repair activity as part of Parcel L. In addition, Parcel L-1 a dormitory facility for ship's crew, is reserved as part of Drydock No. 3 to provide increased flexibility and economy in accommodating potential ship repair work.



# PEDESTRIAN ACCESS PLAN

Prepared By: Fort Point Associates, Inc.

Figure 3-6

Layover and servicing of harbor cruise vessels could take place within the MIP, although there has not been demand for such uses beyond the current vessel operations. The *Port of Boston Economic Development Plan* recommends that the East Boston Piers be the center of vessel servicing activities, although such uses would not be precluded from the MIP.

### 3.3.4 Wharf 8 Zoning and Siting Study for BankBoston Pavilion

#### Zoning

Due to its gateway location at the MIP along Northern Avenue, the future use of Wharf 8 (Parcels V and W) has generated significant interest over the past several years. The BRA originally designated the area in the Draft Master Plan as a "transition area" where a mix of maritime and commercial activities were envisioned. The area is now proposed to remain as a maritime industrial site. The City has committed to keeping the current MER zoning for a least ten years. The BRA/EDIC will actively market the parcels to marine industrial uses.

#### Siting Study for Harborlights Pavilion

In the fall of 1998, Harborlights Pavilion, now known as BankBoston Pavilion, requested permission from local and state agencies to relocate its facility from the Fan Pier to Wharf 8 at the Marine Industrial Park. Substantial public comment was received on the proposal. State agencies agreed to the relocation for a temporary time period and required that a siting study be conducted to identify a list of sites within Boston Harbor where a permanent facility could be located.<sup>2</sup> The decisions also required that the siting study be included in the BRA's upcoming Final Master Plan EIR for the Marine Industrial Park.

In response to these conditions, the Boston Redevelopment Authority (BRA) conducted a siting study in the fall of 1999. The study first identified a "universe of sites" using specific locational criteria and then performed a qualitative evaluation of the sites to determine if they met additional criteria. The sites that met the second set of criteria were then forwarded to BankBoston Pavilion for its review and consideration (see Appendix E BankBoston Pavilion Siting Study for the full report). There were 6 sites in South Boston, Colombia Point and East Boston worthy of additional investigation.

### 3.3.5 Alternatives Analysis

The Secretary's Certificate for this Master Plan EIR requires an analysis of alternative development scenarios that reserve two-thirds of the MIP for water-dependent industrial use. As the proposed plan reserves an excess of two-thirds of the land area of the MIP for water-dependent industrial uses and supporting DPA uses, an alternative analysis is not strictly required. The proposed Master Plan is consistent with the two-thirds goal. However, the

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<sup>2</sup> See ENF Certificate issued by the Secretary of the Executive Office of Environmental Affairs (EOEA) on January 15, 1999 and the Determination of Applicability issued by the Department of Environmental Protection dated February 11, 1999.



following section addresses some of the additional considerations surrounding land use alternatives.

Some of the requirements contained in the Certificate on the Draft Master Plan were defined at a time when much less was known about projected economic activity and associated land use in the Port of Boston, the role the MIP could play in the Port, and the impact of the Ted Williams Tunnel/I-90 Extension to the MIP. Since the development of the Certificate, the Ted Williams Tunnel has been opened to commercial traffic and there has been a comprehensive economic development plan prepared for the Port. The functional requirements which have emerged from applying the two-thirds requirement, the current and future highway access, and the Port-related activities which can be served at the MIP, form a strong context for the Master Plan. Based on these requirements, a clear and logical land use pattern has emerged where the parcels of the MIP with access to deep water are reserved for water-dependent uses, and the inner core of the MIP is designated for maritime industrial uses not requiring access to the water and general industrial uses. Only two parcels are now designated for commercial development, Parcels A and Q-1.

The Secretary's Certificate on the Draft Master Plan required consideration of the feasibility of reserving all parcels seaward of Northern Avenue, Tide Street and Dry Dock Avenue for maritime industrial use. This area includes Parcels A, B, C-1, C-2, F, F-1, I, J, K, L, L-1, L-2, M, M-1, M-2, N, O, P, R, S, V, V-1, W, X, and Z and totals 88% of the leasable land area (includes vacant parcels) of the MIP. As shown on Figure 3-4 Proposed Zoning, several of these parcels have been designated for water-dependent ("maritime") industrial use through inclusion in the MER zone including parcel C-1, C-2, K, L, L-1, M, M-1, M-2, V, V-1, W and Z, totaling 60% of the leasable area. Additionally, since the Draft Master Plan was issued, Parcel X was developed as a maritime industrial use (New Boston 1 seafood industrial complex). Additionally, Parcel B is currently being developed as a seafood processing plant for North Coast Seafood and Parcel L-2 is occupied by Thermo King, both of these tenants are maritime industrial uses. This leaves only nine out of the 25 parcels (parcels F, F-1, I, J, N, O, P, R and a portion of S) that will not be in maritime industrial use. Four of these parcels (F, F-1, I and J) comprise Building 114 and its associated parking lot, and are completely unsuited to modern maritime industrial use. Multi-story concrete warehouses are not economically efficient for the storage or movement of waterborne cargoes and do not have direct access to the water. The remaining parcels, N, O, P, R and a portion of S do not have direct access to the water and are being programmed for either maritime industrial, waterfront or manufacturing uses, as are the balance of parcels in the MIP. The BRAVEDIC's goal of achieving two thirds maritime industrial use will be achieved through a combination of areas exclusively reserved for water-dependent industrial use (MER Zone) and areas available for either water-dependent industrial use or nonwater-dependent industrial use (Waterfront Manufacturing Zone). This approach provides the greatest flexibility in matching tenant needs to available parcels and accommodating the needs of water-dependent industrial users, only some of whom require direct waterfront access.

### 3.3.6 Land Use Allocation

The overall land use plan for the MIP can be briefly summarized as follows:

- Maintain the existing uses and character of the MIP as a successful model of integrated maritime industrial, industrial and commercial uses.
- Reserve over two-thirds of the MIP for existing and future maritime industrial uses.
- Ensure critical portions of the maritime infrastructure remain available for maritime industrial use, including Wharf 8, Berth 10, Drydock No. 3, and the North Jetty.

The proposed distribution of land uses is illustrated in Figure 3-4, Proposed Land Use. A Build Out Analysis was conducted to determine the overall percentage of land uses in the MIP using a methodology defined jointly by the BRA/EDIC, DEP, and MCZM (see Figure 3-5, Future Build Out; Table 3-2, Existing Land Use; and Table 3-3, Future Build Out). The methodology used to conduct this analysis is described in more detail in Section 3.2 above and Chapter 8.0, Implementation.

**CHAPTER 4**

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**MARITIME AND TRANSPORTATION INFRASTRUCTURE**

## **CHAPTER 4.0 MARITIME & TRANSPORTATION INFRASTRUCTURE**

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Overall, the MIP has excellent maritime and transportation infrastructure. Over \$40 million has been spent to expand and upgrade infrastructure since EDIC acquired the Naval Annex in 1977. BRA/EDIC is continuing its program to upgrade roads and maritime facilities.

### **4.1 MARITIME INFRASTRUCTURE**

Certain areas of land within the MIP are particularly suited to maritime industrial uses. These areas are special because of their configuration, access to vessel berthing, and efficient access to streets and highways. The largest available site is the Massport Marine Terminal/North Jetty area (Parcel M-1). This area is actively used for bulk cargo off-loading and handling. One smaller site, located immediately landward of Berth 10 (Parcel C-1) on the Reserved Channel, is not in active use but is well suited and reserved for maritime industrial activity. The East and South Jetties, Coastal Cement facility, Drydocks No. 3 and No. 4, Wharf 8, and Pier 10 are also well suited for maritime industrial uses.

An analysis of the drydocks performed in 1995 revealed that Drydock No. 3 requires major capital investment and continued maintenance in order to remain operational at a level required by modern drydock standards. Additional investment could upgrade and modernize this facility, making it more cost competitive and efficient. However, the combination of the high capital cost required to maintain and upgrade the drydock and the limited potential to successfully market both Drydock No. 3 and No. 4 at income levels which would off-set the capital costs has caused a re-evaluation of the advisability of continuing both facilities in ship repair use. Of the two drydocks, Drydock No. 3 has proven to be the more attractive asset to private ship repair companies because of its greater size and flexibility. Since 1995, the BRA/EDIC has invested \$500-750,000 in Dry Dock No. 3 (see Chapter 6.0 Reactivation Plan for Wharf 8/Dry Dock No. 4).

#### Parcel C-1/Berth 10

Parcel C-1 contains Berth 10 that begins at Summer Street and runs approximately 550 feet east along the Reserved Channel. It has been used for overnight layover by vessels that transport construction workers to the MWRA's Deer Island site and temporary berth space for a variety of vessels. It is currently used by the Boston Line and Service Company, servicing commercial shipping on the Harbor, and by passenger vessels providing service to Thompson Island Education Center. Berth 10's length constrains its use for very large vessels but it is well suited to the needs of small and medium-sized vessels. The wharf has been recently renovated by BRA/EDIC and has excellent truck access.

#### Parcel K/Coastal Cement

Parcel K is used for the award-winning Coastal Cement facility and is served by enclosed truck-loading facilities. The facility is in excellent condition and rail is available at the site.

Ships off-loading cement can be berthed at the adjacent Berths 1 and 2 or, by arrangement with Massport, on Berths 3 and 4, which are adjacent to the International Cargo Port Boston facility, currently under construction.

#### Parcel L/Drydock No. 3

Drydock No. 3 (Parcel L) was built in 1915 and, with a length of 1,176 feet, is one of the largest drydocks on the East Coast. It can handle over 90% of all ships afloat, with the exception of super oil tankers and the "Nimitz" class aircraft carrier. It has a depth of 44 feet and can accommodate two 40-ton capacity cranes. There are a number of support buildings associated with the drydock including a pump house, repair shop, and storage. Some 33 ships have been serviced in Drydock No. 3 since EDIC took over the facility in 1977. EDIC spends over \$100,000 a year to maintain the facility and has invested approximately \$700,000 to refurbish the caisson in order to meet U. S. Naval certification. In 1996, Drydock No. 3 was leased to a relatively new entrant to the Boston ship repair scene, Boston Ship Repair, Inc., an affiliate of a New York based company.

The South and East Jetties, totaling 1,350 linear feet serve as support piers to Drydock No. 3. Two sections of the South Jetty were repaired by EDIC in 1978-79, and a derelict crane was removed from the East Jetty in 1997. The jetties are occasionally used by tenants for barge loading and unloading. Improving the jetties to their original condition has been estimated to cost up to \$20 million. Given the availability of other piers to support ship repair activity and limited funding, there are no immediate plans to rebuild the two jetties. Parcel L also includes the right to use the adjacent Massport Berths 1 and 2 for vessel berthing, should additional piers be necessary.

#### Parcel M-1/Massport Marine Terminal

The Massport Marine Terminal, which includes the North Jetty, provides almost 3,000 linear feet of water's edge, 800 linear feet of which is deep berthing along the North Jetty. With over forty acres of land area and a deep water berth, this facility is among the most important maritime facilities in the Port. This jetty is the only berth in Boston that can accommodate a Port of Call by deep draft aircraft carriers such as the USS John F. Kennedy. Massport has a long-term lease on this facility ending in 2019 with two, 25-year options. In the past, the terminal was used primarily for the off-loading and preparation of imported automobiles. It is currently used for the off-loading, storage and handling of excavated and dredged material from the CA/T Project, to a limited degree for various other uses. The adjacent Parcel M-2 is owned by MHD and contains a vent building for the Ted Williams Tunnel.

#### Parcel V/Drydock No. 4

Drydock No. 4, with a 690-foot length, can accommodate some small tankers and medium-sized dry cargo ships. Built in 1941, it can serve small and intermediate-sized vessels. The facility has a 37,500-ton capacity and a 35-foot depth. It includes two gantry cranes and a steam plant. As previous stated, the BRA/EDIC has decided to target capital expenditures on Drydock 3.

### Parcel W

Parcel W contains Wharf 8, which has been substantially vacant since its former leaseholder went out of business at the site. The wharf continues to be used as a base for a harbor excursion service, A.C. Cruise Lines, for two lobstermen, and for Commercial Lobster, a lobster dealer. The site requires extensive bulkhead repairs to be usable for maritime purposes, although there are floats and vessels berthes adjacent to the site. In 1999, the BankBoston Pavilion relocated to this site on a temporary basis. Several site improvements were made as part of this relocation including the preliminary construction of a new section of Harborwalk, the new riprap along 200 feet of bulkhead, and the installation of a new water transportation terminal. In addition, a new facility is currently being constructed for Commercial Lobster on the parcel.

### Parcel Z

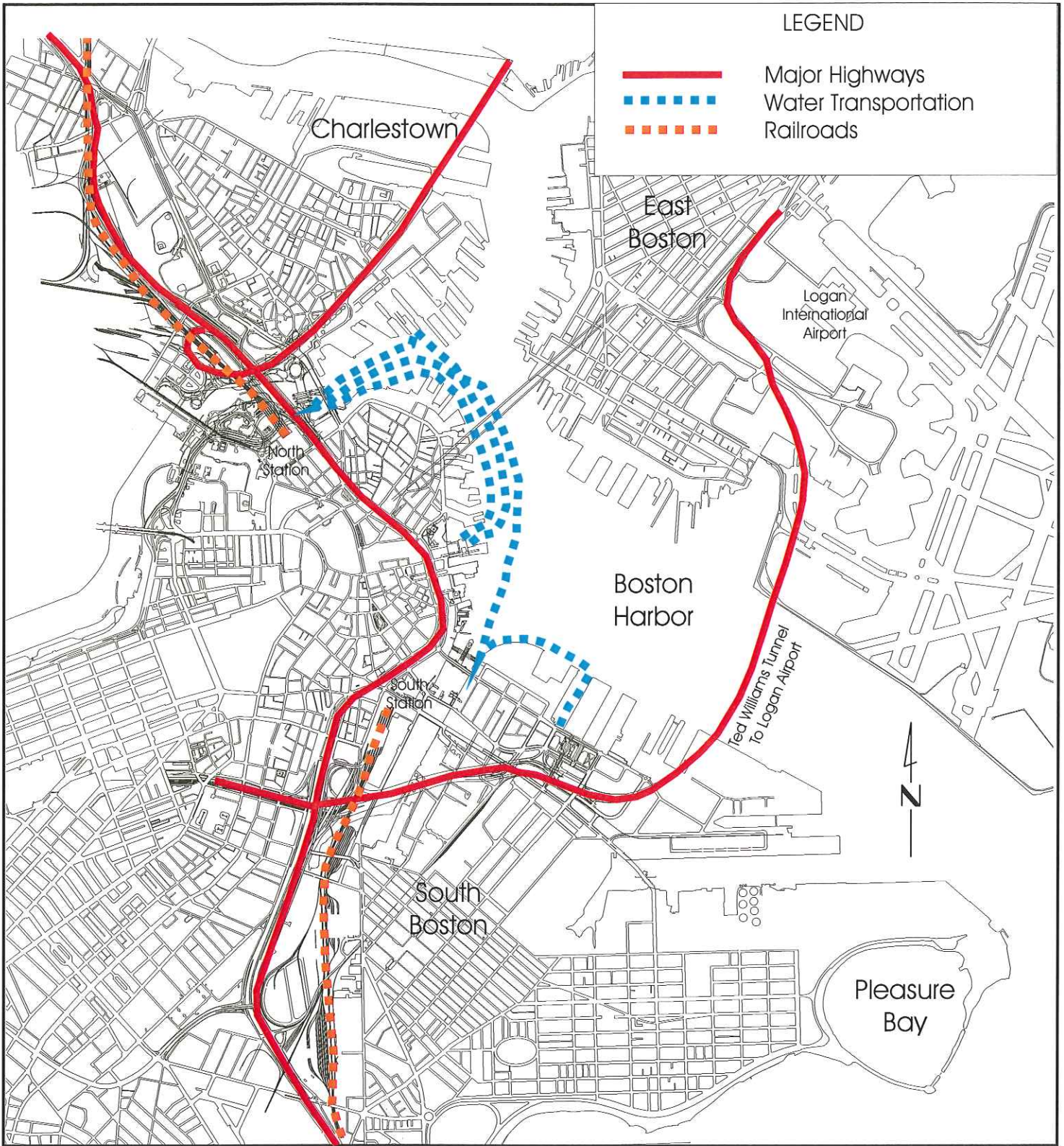
Parcel Z includes Pier 10 that was renovated in 1987-88 for approximately \$1.5 million in conjunction with the development of the adjacent Coastal Cement bulk cement terminal. In addition to serving its original function as the caisson tie-up for Drydock No. 3, it now provides docking for the Boston Police Harbor Patrol and for lobster boats, as well as providing a public slip for short-term docking. This pier can accommodate eight vessels up to 40 feet long. The renovation included the development of a public access point that offers excellent views across the harbor as well as of the operations at Coastal Park Cement and Drydock No. 3.

## **4.2 TRANSPORTATION INFRASTRUCTURE**

### **4.2.1 Regional Setting**

The MIP enjoys a premier location on Boston Harbor, close to downtown, Logan International Airport, and the interstate highway and rail systems (see Figure 4-1 Regional Transportation Network). The construction of the exclusive commercial vehicle South Boston Haul Road has improved access for industrial traffic while removing trucks from the surface streets in residential South Boston. The opening of the Ted Williams Tunnel has provided commercial traffic with direct access to Logan Airport. The completion of Interstate 90 into and through South Boston will dramatically expand access to the district, provide excellent truck traffic connections with the region, and allow for more intense economic development and land use throughout South Boston and within the MIP. The development of the South Boston Piers Transitway will serve to connect the South Boston Piers area and the MIP to the downtown transit system, providing vastly improved access via public transit and increasing the capacity of the area to support development.





## REGIONAL TRANSPORTATION NETWORK

## 4.2.2 Water Based Transportation Infrastructure

### Deep Draft Shipping

Access to the Port facilities by sea, rail and highway is essential to the survival of the seaport. The backbone of the Port, the commercial shipping trade, is entirely dependent on deep-water ship channels, nearby rail service and safe and efficient truck access, whether for intermodal cargoes, fuel oil, cruise ships, seafood distribution or bulk commodities.

While the Port of Boston's principal entrance and main ship channels are 40 feet deep, the three major tributaries, along which most of the Port's terminals are located, are only 35 feet deep. Although larger ships may play the rise and fall of the tides to access their berths, the lack of sufficiently deep water in both channels and berths creates costly time delays, restricts vessel size and loading, and creates inefficiencies in cargo shipments. While existing channels have experienced siltation and need dredging simply to maintain the currently authorized depth, improvement dredging -- deepening to new, lower depths -- is critical. The Boston Harbor Navigation Improvement Project has begun to deepen key portions of Boston Inner Harbor, its tributary channels, and berth areas, allowing a significantly larger (post-Panamax) class of container ship to call in the Port.

The MIP is located near the confluence of the Main Ship Channel and the Reserved Channel. Together with the Port-related properties on the south side of the Reserved Channel, the MIP is the most seaward industrial property in the Port of Boston. Most of the MIP is seaward of the Ted Williams Tunnel, which limits the draft of vessels moving up-harbor; seaward of this crossing, channels and berths can be dredged to accept the deepest draft ships. The berths at Conley Terminal will be dredged as deep as 45 feet so that large vessels can safely remain at the berth during all stages of the tide.

The MIP has two primary ship berths, Berth 10 and the North Jetty. Berth 10, on the Reserved Channel, has 29 feet MLW depth, but is constrained by its 550 foot length, and is only used for medium-sized vessel berthing. The Black Falcon Terminal, immediately downstream of Berth 10, has several longer berths that are in active use for cargo and passenger ships. The North Jetty is immediately accessible from the Main Ship Channel and is in active use for berthing of bulk carriers, barge loading, and visiting ships.

Not within the MIP, but handling cement imports, are Massport's Berth No. 6, a full ship berth along the Reserved Channel, and Berths No. 1 and No. 2, which are located immediately east of the Coastal Cement silos and are used for the pneumatic off-loading of cement. Adjacent to the North Jetty are the East and South Jetties, which are not currently used for deep draft vessels.

### Marine Passenger Facilities

The only full service international marine passenger facility in Massachusetts is the Black Falcon Cruise Terminal, adjacent to the MIP. Black Falcon, operated by Massport and used

by nearly all the cruise vessels calling at Boston since 1990, supports cruise ship vessels using Boston both as a home port and as a port-of-call.

Cruiseport Boston, operating at the Black Falcon Cruise Terminal in the Seaport District, has grown from 13 ships and 11,723 passengers in 1985 to 85 ship calls and an estimated 150,000 passengers for the 1999 season. Embarkations include weekly cruises to Bermuda, fall foliage itineraries to New England and Canadian ports, and repositioning to Miami. Many cruise lines put Boston on their itineraries as a must-visit port of call.

Though the Black Falcon Cruise Terminal is not within the MIP, planning for the MIP anticipates the continued need to support Black Falcon with access for buses, taxis and trucks serving the terminal and with parking for cruise passengers. Massport has recently decided to expand at the eastern end of the existing Building 119 location.

#### Water Transportation Service

Currently, there are no scheduled public water transportation services to the MIP proper. However, weekday water shuttle services currently connect Lovejoy Wharf (near North Station) to the Federal Court House on Fan Pier and the World Trade Center in South Boston. From the World Trade Center, passengers can transfer to MBTA Bus Routes 3, 6 and 7 to the MIP (see below). In addition, water taxis that provide service throughout Boston Harbor can pick up and discharge passengers at the existing docks at Wharf 8, Pier 10 and Berth 10. A.C. Cruise Lines operates harbor cruises out of Wharf 8 and the Thompson Island boat operates out of Berth 10.

Potential sites for regular passenger vessel operations in the MIP include Wharf 8/Dry Dock No. 4 and Berth 10, currently used by small passenger vessels. In 1999, the BankBoston Pavilion constructed a docking facility at Wharf 8 in an attempt to encourage water transit to the entertainment venue. The gangway and floats used for this purpose are leased from the MDC. While this is a temporary facility, the City's recently published *Passenger Water Transportation Plan* identifies Wharf 8 as the site for a future water transit terminal.

#### **4.2.3 Intermodal Transportation**

As the new millenium approaches, the Port of Boston finds itself in a changing global and national economy. Freight transportation is increasingly efficient, with continuing trends toward containerization, specialized landside services, larger vessels, consolidation of freight at higher volume, quicker turnaround, and lower-cost terminals. New England is a strong market for imported goods. An improved transportation infrastructure is key to achieving timely and cost-efficient cargo distribution from the Port of Boston. Opportunities exist to significantly expand intermodal freight activity in the Port by capitalizing on the ongoing improvements to the main ship channel through the Boston Harbor Navigation Improvement Project, the improved highway access to the Port being constructed by the Central Artery/Tunnel Project, and rail system upgrades.



### Air Freight

Boston is fortunate to have its international airport so close in proximity to its industrial and manufacturing sector. The Ted Williams Tunnel is open to commercial traffic and provides a direct link between the MIP and Logan Airport. Use of the new tunnel will allow shipments to reach the MIP much more quickly. Until the opening of the Ted Williams Tunnel, the MIP was not a particularly efficient location for air-freight distribution and consolidation. However, the Tunnel now provides direct and time-efficient access to air freight services. One of the most significant users of time-sensitive air freight services within the MIP is the seafood processing and distribution industry. Fresh seafood and live lobsters are transshipped from Boston seafood dealers to points around the globe via Logan Airport.

### Rail Freight

Conrail service enters the MIP from Commonwealth Flats along the south side of Dry Dock Avenue to Coastal Cement and continues to Massport's Buildings No. 117 and No. 118. Improvements to the rail lines have been made in conjunction with road improvements. Currently, the rail line is out of service due to C/A/T construction but will be restored at the completion of the project. This is one of only two locations with on-dock rail access in the Port of Boston, and, while not heavily used at the present time, it provides the capacity for direct rail to ship transfers of goods and materials.

Double-stacking of containers has become the national standard in rail freight service. In 1996, the Commonwealth of Massachusetts authorized funding to help bring double-stacked rail service as far as Conrail's Beacon Park Yard in Allston, located only four miles from the Port. Although it is not anticipated that double-stack freight service will be brought into South Boston, the rail line currently serving the MIP will be protected and maintained.

### Intermodal Freight Volumes

Boston has seen a steady increase in intermodal freight volumes over the past years. The MIP's proximity to the Conley Terminal, where container shipping terminal activities have recently been consolidated, assures that the MIP will play a significant role in providing intermodal services within the Port of Boston, albeit in a supporting role. The relocation and expansion of Boston Freight Terminals to Parcels T and T-1 in the MIP, and the construction of the International Cargo Port Boston at the Massport site just east of the Black Falcon Terminal, signals that the MIP has embraced a new role in the handling and distribution of cargoes shipped through the Port. Combined, these two facilities provide over 320,000 sf of warehouse, exceeding the projected need for approximately 200,000 sf of warehouse space identified in the Port of Boston Economic Development Plan. With the planned transportation infrastructure improvements, implementation of more efficient terminal operations, and aggressive marketing of the Port's assets - including the MIP - to the international shipping community, the current volume of 58,000 containers per year could potentially increase to 200,000 containers per year.

Increased volumes of containers will help assure better service for New England shippers and lower costs for businesses and consumers. Even with efficiency improvements, employment will increase at the terminals and in the transportation and distribution sectors with the increase in container volumes.

#### **4.2.4 Roadway Infrastructure**

##### Highway Access

The completion of the Central Artery/Tunnel (CA/T) project will provide a number of benefits that will enhance operations at the Port of Boston and the MIP. Some of these benefits are already being realized, and others will accrue as the various facilities that are now in design and construction come online.

The South Boston Haul Road (including the South Boston Bypass Road) is open to commercial traffic between the MIP and I-93. This route provides a more efficient and complete highway link between the Port in South Boston and the Southeast Expressway (I-93), as well as improved access to the Massachusetts Turnpike (I-90), minimizing trips on local streets and avoiding downtown congestion. This roadway is allowing container-carrying trucks to move more rapidly between Conley Terminal and points west and south of Boston. In addition, the Ted Williams Tunnel is now open to commercial traffic, providing a direct link between the Port and Logan Airport.

##### Internal Roadways

MIP contains two major interior roadways, Dry Dock Avenue and Northern Avenue. These roads are connected by several smaller roads, including Channel Street, Harbor Street, and Tide Street. FID Kennedy Avenue and Black Falcon Avenue parallel Northern Avenue and Dry Dock Avenue respectively, and service interior portions of the MIP. Additionally, the area between FID Kennedy Avenue and Dry Dock No. 3 is serviced by four additional single block roads including Anchor Way, Bollard Way, Capstan Way and Dolphin Way. Dry Dock Avenue is a heavily traveled road servicing the more densely developed portion of the park.

On a day to day basis, interior circulation within the MIP works well, with no significant delays experienced at any of the intersections. The recent opening of the Dry Dock Avenue entrance to trucks by the BRA/EDIC has better distributed truck traffic between the MIP's two entrances at Northern Avenue and Summer Street. During peak events, such as cruise ship departures at Black Falcon, Tall Ships, Big Apple Circus and BankBoston Pavilion shows, the EDIC staff has demonstrated the ability to accommodate significant vehicular traffic with minimal impact on traffic flows.

Ninety percent of the road network in the MIP has been upgraded to improve the roadway surfaces and includes sidewalks, curbing and landscaping. Roads have been designed for heavy trucks and to orient truck access to the Massport Haul Road. As part of the on-going improvements in the MIP, a number of roadway projects have taken place. These

improvements include upgrading selected roads (Dry Dock Avenue); improving intersections (Summer Street/Dry Dock Avenue); and revising geometry (Dry Dock Avenue/Harbor Street). During field reconnaissance, it was observed that many of these improvements easily accommodate traffic and truck operations under current conditions, and are likely to be adequate for future traffic movements.

The infrastructure and roadway system is adequate to accommodate the truck traffic and movements associated with the proposed Seafood District off of Tide Street. However, Massport and the BRA have considered a recommendation to improve truck circulation by extending FID Kennedy Avenue west and south to connect to Northern Avenue, creating a four-way intersection with the Massport Haul Road and Northern Avenue. This new access road would provide a direct route to Massport's proposed seafood processing center on the westerly end of the Massport Marine Terminal. Currently, vehicles need to travel east on Northern Avenue, north on Tide Street and west on FID Kennedy to reach the site. The new access road would reduce travel time significantly.

One of the recommendations of the South Boston Transportation Study currently being prepared by the Boston Transportation Department is to create a trucks-only connector road between Dry Dock Avenue and the Massport Haul Road, parallel to the Conrail rail line. This connector road would allow direct access from the MIP to the South Boston Bypass Road, the Ted Williams Tunnel and I-90 westbound. Trucks using this connector road would avoid travelling on Northern Avenue and Summer Street to reach these destinations. Limiting the connector road to trucks will be essential to avoiding cut-through commuter traffic on MIP internal streets.

#### Parking

The MIP contains 1,574 controlled public parking spaces. A 1,100 car parking garage was built in 1991 in order both to increase the parking supply and, by combining surface lots, to make more land available for development. In addition, there are currently 1,382 tenant-controlled spaces. At the present time, the MIP tenants generate a demand for approximately three quarters of the existing parking garage spaces. Excess spaces are utilized for special events, cruise ship parking, and off-site uses. The expansion of the parking garage by 300 spaces is to commence in the spring/summer of 2000. Short-term parking is available on Dry Dock Avenue for bank customers.

#### **4.2.5 Public Transportation and Pedestrian Access**

##### Public Transportation

A combination of public and private bus services help to supplant trips by private vehicle, reduce traffic in the South Boston neighborhood area, and make the MIP more accessible. These options are particularly important in light of the congestion associated with the construction of the CA/T and Transitway projects.



The MBTA bus system currently provides three routes to the park, two of which make a loop through the MIP: Bus Route No. 3 comes into the MIP from Chinatown via South Station; Route No. 6 originates at Haymarket and makes stops at the Aquarium and South Station. Bus Route No. 7 comes from South Station along Northern Avenue and D Street to the MIP entrance at Summer Street. Routes 3 and 7 connect to the City Point section of South Boston. The schedules accommodate weekday demand, and Route No. 7 offers off-peak and weekend service. Additional MBTA buses stop at the World Trade Center, from which passengers can connect to Routes 3, 6, or 7, or walk about one-third mile to the Northern Avenue entrance to the MIP. These buses include the No.4, (which originates at North Station and passes through the Financial District), the Crosstown 3 (CT3) Route (which originates at the Longwood Medical Area and passes through Roxbury and South Boston), as well as buses serving Marblehead and Salem.

In addition to the MBTA bus service, BRA/EDIC provides contracted shuttle bus service between South Station and the MIP for monthly pass-holders. The Design Center also runs a shuttle bus for employees and clients to and from South Station. EDIC is currently working on coordinating improved shuttle service.

Public transportation to the MIP will improve in the future. The Massachusetts Bay Transportation Authority has begun construction on the South Boston Piers Transitway, a tunnel busway that will carry large articulated electric buses from South Station to the World Trade Center, with an intervening station near the east side of Fort Point Channel, and, along surface streets, to additional locations in South Boston. Exact routes are not known at this time, but one line will likely make a loop through the MIP and return to South Station. The Transitway will be built with the capacity to accommodate light rail vehicles, should future ridership levels justify the additional investment.

For water-based public transit, see Section 4.3.2.

#### Pedestrian Access

The MIP has a remarkably high level of public pedestrian access within its boundaries, though the walk to the MIP from most pedestrian destinations is fairly long. There is pedestrian access from either entrance to the MIP, most of its internal streets have sidewalks, and there are few fences to bar pedestrian passage. Pedestrians are not allowed direct access to some marine industrial areas due to safety considerations and/or because of the deleterious effect their presence would have on efficiency. In order to compensate for the areas of abridged access and to give the public an opportunity to see the working port in operation, public access facilities have been developed at several locations including: Pier 10, with views of Coastal Cement and the outer Harbor; Drydock No. 4, with views of lobster boats and the Inner Harbor; Drydock No. 3, with an elevated overlook into ship repair operations at Drydock No. 3; and at Berth 10, with views of the Reserved Channel and vessel activity. Black Falcon Terminal is also a major pedestrian destination and is accessible through the MIP. An additional viewing area has been constructed adjacent to

the Ted Williams Tunnel Vent Building, with views of the harbor and Drydock No. 4. Expanded pedestrian access is anticipated as part of any redevelopment of Wharf 8, with views of the Boston Fish Pier. The BankBoston Pavilion has constructed a Harborwalk along the west and north west portions of Parcel W at Wharf 8. Pedestrian connections also extend beyond the MIP boundary and include an informal Harborwalk being constructed on the west and southerly sides of the International Cargo Port facility owned by Massport. Planned construction of the South Boston Piers Transitway will reinforce Northern Avenue's character as a commercial and visitor district with pedestrian access.

#### **4.2.6 BTD/BRA/Massport Updated Transportation Study Summary**

The Boston Transportation Department, the Boston Redevelopment Authority and Massport have recently issued *[expected in December]* a draft transportation study for South Boston. Three main goals guided the study: protection of the residential neighborhood, preservation of the working port, and enabling appropriate development. The study notes that the completion of the I-90 interchange and the final surface street system will greatly improve access to and from the South Boston Waterfront for both traffic in general and truck traffic in particular. Northern Avenue will continue to be a key connection for trucks to and from I-93 to the north, while the Haul Road and Bypass Road will continue to be key connections to the south and west, particularly for trips to and from Conley Terminal. The study recommends continued truck prohibitions on residential streets.

To further improve truck access to South Boston's industrial areas, the draft study specifically recommends:

- opening a southern truck entrance to the MIP by constructing a connection from the Haul Road to Drydock Avenue,
- providing a direct connection from Conley Terminal to Summer Street, by constructing a new "Conley Haul Road," and
- improving E Street for trucks (north of West First Street) and extending it north to align with Pump House Road, thereby allowing trucks to avoid congested D Street.

In addition, the final study may recommend a connection to the South Boston Bypass Road at Cypher Street, although this may be limited to trucks going to and from the Convention Center to minimize adverse impacts on the Bypass Road and First Street.

The South Boston Transportation Study also finds that current public transit proposals (bus service, the new Transitway, full build of the Silver Line, and Urban Ring service) can satisfy most short and medium term demand, but that long-term development will require high capacity rapid transit service.

#### 4.2.7 Air Quality

Although increased activity at the MIP will increase vehicle trips to and from the site, the projected build-out of the MIP is not expected to have significant air quality impacts. In 1991, the Central Artery/Tunnel Project conducted a comprehensive analysis of the air quality impacts on its entire project area, including South Boston, as part of the 1991 Final Supplemental Environmental Impact Statement/Report (FSEIS/R). The methodology for projecting changes in air quality for the year 2010 required assumptions about future land use throughout its study area, including the MIP, as well as trip generation rates for each type of land use. The FSEIS/R determined that the Project would not cause or exacerbate a violation of any National or Massachusetts ambient air quality standard (AAQS) in the year 2010. In 1996, this analysis was updated as part of a Notice of Project Change/Environmental Reevaluation (NPC/ER) to reflect changes in the proposed transportation network and newer land use projections. The mesoscale analysis for the 1996 NPC/ER showed no significant change in regional air emissions for carbon monoxide (CO), VOCs, nitrous oxides, or particulate matter (as PM<sub>10</sub>) as compared to the earlier design. In addition, the updated microscale analysis for CO indicated that all key intersections would be in compliance with the 1-hour and 8-hour AAQSS.

To determine if the MIP build-out projected in this Master Plan raises any air quality concerns, a comparison was made to the 1992 projections. Table 4-1 shows, for each relevant land use category, the "occupied square footage" (defined as 90 percent of gross square footage<sup>1</sup>) under current build-out projections as compared to that projected in 1992.<sup>2</sup> Total occupied square footage is slightly lower than under the earlier projections. More importantly, however, a significantly smaller fraction of the total is comprised of office space than before. Because industrial use generates less traffic<sup>3</sup>, the shift from office to industrial uses indicates lower total traffic generation under the current projections than under the older analysis. Consequently, vehicle emissions will be lower than those previously calculated. For this reason, no new air quality modeling has been undertaken. Furthermore, because implementation of this Master Plan is not expected to result in violations of any National or Massachusetts AAQS, no specific mitigation measures are required to attain or maintain AAQS.

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<sup>1</sup> Note that the calculation of square footage for this analysis is based on gross floor area and is different from the calculation used to determine land usage described in Chapters 3.0 and 7.0 which is based on building footprint and land area.

<sup>2</sup> Adjustments have been made to the figures to account for the changes in the boundaries of the MIP since 1992.

<sup>3</sup> For the South Boston transportation study it is currently preparing, the Boston Transportation Department is using trip generation rates of 6.7 per 1000 square feet of office space and 2.5 per 1000 square feet of industrial space.

Table 4-1

## MIP Full Build Out versus 1992 CA/T Projections for 2010

	Total Square Feet	Industrial	Commercial <sup>1</sup>	Office	Retail	Educational
<b>MIP Gross</b>	4,706,812	4,359,136	347,676	345,676	0	2,000
<b>MIP Occupied (90% of Gross)</b>	4,236,131	3,923,222	312,908	311,108	0	1,800
<b>Area Adjustments<sup>2</sup></b>	608,864	446,508	0	162,356	0	0
<b>Total for Comparison</b>	4,844,994	4,369,730	312,908	545,464	0	1,800
<b>1992 CA/T Estimate</b>	5,087,060	3,907,396	N/A	1,115,000	42,480	22,184

<sup>1</sup> The category "Commercial" was not used in the CA/T estimate, but "Office," "Retail," and "Educational" were. To make an appropriate comparison, MIP "Commercial" uses have been broken out into these categories.

<sup>2</sup> Area Adjustments include International Cargo Port (360,790 gross sf, 50% industrial and 50% office) and Black Falcon Terminal (315,725 gross sf, 100% industrial), which had been included as part of the MIP by the CA/T study. (These figures reduced by 10% to represent Occupied sf.)

**CHAPTER 5**

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**UTILITIES, STORMWATER MANAGEMENT AND RECYCLING**

## **CHAPTER 5.0 UTILITIES AND STORMWATER MANAGEMENT**

The MIP is well serviced by utilities including water, sewer, storm drainage, electrical, telephone and gas. Several upgrades to these utility systems have been made in recent years. BRA/EDIC has given careful consideration to stormwater management to meet federal and state regulatory requirements and performance standards.

### **5.1 UTILITY SYSTEMS**

#### Natural Gas

The entire natural gas distribution system was replaced and upgraded in two phases in 1979 and 1983. The site is now served by a 100% steel pipe system with intermediate pressure. EDIC invested over \$700,000 in the improvements, which are now maintained by Boston Gas.

#### Electricity

The entire electrical distribution system in the MIP has been replaced by a 13.8 kVA primary feed system which comes from the L Street power house. In 1979, the site received new 13.8 kVA overhead feeds, poles and street lights. In 1983, an additional 13.8 kVA feeder line was brought in underground and in 1985, a similar line was looped in to serve as a back-up system. Boston Edison maintains ownership and maintenance responsibilities for the electrical system.

#### Telecommunications

Bell Atlantic has recently completed an extensive, multi-year renovation and upgrade of the telecommunication system in the MIP. The MIP is now completely served by underground fiber optic cables providing dial tone, data, and high capacity digital services. From Building 40 at 18 Drydock Avenue, Bell Atlantic operates an optical digital loop carrier node fed by two diverse fiber routes from two central offices, providing redundant service throughout the MIP. A separate facility at One Design Center serves Building 114 via a stand-alone optical digital loop carrier node, also with redundant service. The two nodes are monitored 24 hours per day by the Bell Atlantic alarm center in Taunton, MA, and both have battery backup to maintain service in the event of a catastrophic power outage.

Bell Atlantic maintains and services all intra-Park cabling and building-to-building connections. In addition, Bell Atlantic is involved from the conceptual design stage through construction of any new buildings or renovations for new tenants, and works closely with EDIC to minimize any traffic impacts associated with construction or maintenance work.

#### Water

The MIP is connected to the Boston Water and Sewer Commission (BWSC) water distribution system. The area is served by a 16-inch high service main which enters at



Summer Street, extends along Drydock Avenue and services the Boston Army Base buildings and the south side of Drydock Avenue. Additional service is provided by 10- and 12-inch low service pipes from Summer Street. There is also a 16-inch low service line from Northern Avenue. There are five master meters which are sub-metered by EDIC to each building and to most tenants. EDIC expended over \$2 million between 1979 and 1986 improving the seven miles of water mains serving the MIP.

Total water consumption at the MIP is approximately 15.4 million cubic feet per year. Based on projected build-out conditions, consumption is expected to increase approximately 25 percent, to about 19.3 million cubic feet per year. BRA/EDIC will require developers to submit a site plan and a General Service Application to the BWSC for any new water service connection to the water system.

#### Sanitary Sewer

The MIP contains approximately 2,000 linear feet of sewer pipe. There are two lift stations, one at Building 31 and one at Building 16. However, most of the site is served by gravity lines. There are 18-inch sewer lines servicing the MIP from Summer Street and Northern Avenue. All parcels except M-2, S, V, and W are served by the Summer Street line.

Over the past 10 years, numerous improvements have been made to the sewer system. In 1991, EDIC conducted a \$200,000 sewer system evaluation with assistance from the Boston Water and Sewer Commission and Massachusetts Department of Environmental Protection. Based on the recommendations stemming from that evaluation, EDIC invested over \$577,000 in sewer system repairs. The work conducted included pipeline rehabilitation, manhole rehabilitation and replacement, and additional work to reduce inflow, such as disconnection of catch basins from the sanitary system with reconnection to storm drains.

The best estimate of sanitary flows originating from MIP tenants is derived from water consumption, as sanitary flows are not metered separately. (A relatively small amount of water known not to be discharged to the sewer is measured by "abatement meters," but the quantity is not significant to the MIP as a whole.) Thus sewer use is also approximately 15.4 million cubic feet per year, projected to increase about 25 percent. As with water service, BRA/EDIC will require developers to apply to the BWSC for new sewer connections.

Developers for the properties on Fan Pier in South Boston have been required to perform a comprehensive study of sewer system capacity in the South Boston Waterfront area, including the MIP. As of this writing, that regional study is about to begin. BRA/EDIC will cooperate in the preparation of the study to the full extent requested.

#### Storm Drainage

Nearly the entire MIP is paved or developed with buildings and other structures. The park's storm drainage system consists of approximately 47,000 linear feet of pipe. The system drains directly into Boston Harbor through approximately 25 outfalls located primarily near

Drydock 4, along the North Jetty, and at Drydock 3. In 1982, Massport installed a 54-inch drain line interceptor to consolidate drainage outfalls along the northern side of the MIP and to accommodate drainage from the Massport Marine Terminal area. The system is not connected to the sanitary sewer system. Portions of the system have been checked, cleaned and repaired in conjunction with road improvements in the site. Grease and oil traps have also been installed in the storm drainage system.

In 1994, EDIC undertook extensive field inspection and mapping of the storm drainage system. A significant number of drainage structures were found to contain heavy debris or structural defects, severely inhibiting surface drainage and increasing the frequency and duration of street and area flooding. Approximately 20 tons of sediment and debris were removed from catch basins and other drainage structures. In 1995, about 4,350 linear feet of conduit were cleaned and flushed to facilitate further inspections and improve the function of the system. Approximately \$490,000 in rehabilitation and maintenance needs were identified, and an annual cleaning and maintenance program of about \$52,000 per year was recommended. These measures have not yet been implemented.

## **5.2 STORMWATER MANAGEMENT**

The focus of stormwater management efforts is the implementation of the Stormwater Pollution Prevention Plan for the MIP, discussed below. As part of its normal wintertime operating procedures, snow disposal and de-icing are addressed through plowing and the use of sand and salt. Because the stormwater from MIP drains directly to Boston Harbor and does not enter combined sewers or fresh water resources, salt is an appropriate de-icing agent. To avoid problems associated with excessive sand build-up, end-of-season street cleaning removes remaining sand from the streets and catch basins are cleared.

### **5.2.1 NPDES Permit and Storm Water Pollution Prevention Plan**

The MIP is covered by an EPA National Pollution Discharge Elimination System (NPDES) storm water multi-sector general permit for industrial activities that is valid through September 30, 2000. This permit requires monitoring, inspection, and Storm Water Pollution Prevention Plans (SWPPPs) for each of several types of industrial facilities present in the MIP, such as ship building and repairing, food products, and cement and concrete plants. The current SWPPP for the MIP divides responsibility between EDIC/BRA and its tenants. EDIC/BRA is responsible for park-wide street sweeping; inspection, cleaning, and maintenance of catch basins, sumps, and stormceptors; snow and ice removal; and overseeing compliance with tenant-specific stormwater pollution prevention plans. Tenants are responsible for assigning pollution prevention teams that develop, implement and revise facility-specific stormwater pollution prevention plans. Team member responsibilities include: identifying toxic and hazardous materials in the facilities; identifying potential spill sources; designing facility-specific housekeeping measures, spill and leak prevention and response measures, and other best management practices (BMPs); establishing incident reporting

procedures, developing BMP inspection and recording procedures; establishing BMP training for site personnel; and evaluating and revising the stormwater pollution prevention plan as appropriate.

### 5.2.2 Compliance with DEP Stormwater Policy

The Boston Marine Industrial Park qualifies as a "redeveloped site" under Standard 7 of the DEP Stormwater Policy, which is defined as: "Development, rehabilitation, expansion, and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious area." The Policy requires that redevelopment projects be designed to meet each of the Stormwater Management Standards to the greatest extent practicable. The BRA/EDIC has met with the Boston Water and Sewer Commission to discuss existing and proposed stormwater management for the park. Based on those meetings, the BRA/EDIC has developed a conceptual stormwater management plan for the entire park which is designed to require that future development proposals meet the applicable DEP Stormwater Performance Standards, which are discussed in greater detail below.

To address the DEP Stormwater Guidelines for *existing* conditions, the BRA/EDIC will continue to implement the Best Management Practices identified in its SWPPP and will begin to make improvements to the storm drainage system identified in the 1995 evaluation discussed above and listed in the capital improvement plan outlined in Chapter 8.0.

The build-out of the Marine Industrial Park will occur on a parcel by parcel basis. Because nearly the entire surface in the MIP is already impervious, the construction of additional buildings should not have any adverse impact on the quantity or quality of stormwater runoff. However, to meet the DEP standards for *future* conditions and to improve the quality of stormwater runoff, developers will have to comply with several requirements. As part of the permitting process, the Boston Water and Sewer Commission, and the Boston Conservation Commission, where it has jurisdiction, will require each development proposal to submit storm drainage designs and calculations that demonstrate compliance with the DEP Stormwater Guidelines to the greatest extent practicable. Separate storm drain systems will have to be developed for runoff from paved areas and rooftops, which will consist of non-leaching materials. Runoff from paved areas will be routed through deep sump catchbasins and hooded outlets and conveyed to BWSC type "particle separators" or similar water quality treatment units prior to discharge to the Harbor.

### DEP Stormwater Management Policies

The DEP Stormwater Performance Standards are described below, organized into applicable and inapplicable categories.

## APPLICABLE STANDARDS

### **Performance Standard 1: Untreated Stormwater**

No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.

### **Conformance with Performance Standard 1:**

The BRA/EDIC will ensure that all future development projects will pretreat stormwater runoff prior to discharge. Runoff from paved areas will be separated from rooftop drainage. Rooftop drainage will be allowed to enter Boston Harbor untreated and storm drainage from paved surfaces will be routed through either particle separators, deep sump catch basins or other water quality devices such as Stormceptors/Vortech units.

### **Performance Standard 4: 80% TSS Removal**

For new development, stormwater management systems must be designed to remove 80% of the average annual load (post-development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:

- a) Suitable non-structural practices for source control and pollution prevention are implemented;
- b) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
- c) Stormwater management BMPs are maintained as designed.

### **Conformance with Performance Standard 4**

The BRA/EDIC will require water quality treatment devices for new development projects that alone or combined achieve 80% or better TSS removal.

### **Performance Standard 5: Higher potential pollutant loads**

Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs. The use of infiltration practices without pretreatment is prohibited.

### **Conformance with Performance Standard 5**

A wide range of proposed uses could locate at the MIP in the future. The determination of whether such uses will result in higher potential pollutant loads will need to be made on a case by case basis. The prospective tenants will provide the information necessary to make this determination.

### **Performance Standard 7: Redevelopment projects**

Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all

the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.

**Conformance with Performance Standard 7**

A "redevelopment" project is defined as "Development, rehabilitation, expansion, and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious area." Future development within the MIP will qualify as "redevelopment" projects as the area is currently impervious and future uses will not result in a net increase to impervious areas.

**Performance Standard 8: Erosion/ Sediment Control**

Erosion and sediment controls must be implemented to prevent impacts during construction or land disturbance activities.

**Conformance with Performance Standard 8**

The BRA/EDIC will require the submittal of erosion and sedimentation control plans to be submitted for all new development projects. The proposed erosion and sedimentation control measures to be employed during construction activities will include inlet protection on all existing catchbasins. All new catchbasins will also be protected during construction activities. Staked haybales will be installed during construction activities on upland portions of the site which border on the Harbor to minimize potential impacts to the Harbor. The contractor will be responsible for maintaining, repairing and/or replacing measures as necessary until the site is stabilized.

**Performance Standard 9: Operation/ maintenance plan**

All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

**Conformance with Performance Standard 9**

The BRA/EDIC shall prepare a Stormwater Management Operation and Maintenance Plan for the Boston Marine Industrial Park. This plan will include activities such as street sweeping, periodic cleaning of catch basins, sumps and monthly inspection of all catchbasins and manholes and water quality treatment devices. At a minimum, these structures will be cleaned four times per year. Additionally, all future development projects will be required to submit an Operations & Maintenance Plan prior to construction Notice-to-Proceed.

**INAPPLICABLE STANDARDS**

**Performance Standard 2: Post-development peak discharge rates**

Stormwater management systems must be designed so those post-development peak discharge rates do not exceed pre-development peak discharge rates.

**Conformance with Performance Standard 2**

Control of peak discharge for this site is unnecessary since runoff from the Marine Industrial Park will discharge to the Boston Harbor that is subject to unimpeded tidal action. Thus, this standard is not applicable.

**Performance Standard 3: Recharge to Groundwater**

Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge from the pre-development or existing site conditions, based on soil types.

**Conformance with Performance Standard 3**

Soils at the Marine Industrial Park consist of urban fill, and according to DEP, the soils that are classified as UB do not have to meet the groundwater recharge standards. Groundwater recharge at the site is not considered critical, since the area does not contribute to a drinking water supply, and there are no groundwater dependent wetlands or sensitive aquatic habitats located on or near the site. Thus, this standard is not applicable.

**Performance Standard 6: Protection of Critical Areas**

Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas. Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.

**Conformance with Performance Standard 6**

The stormwater runoff from the site will not directly discharge to any critical areas. Stormwater will be discharged into Boston Harbor that is not a Critical Area as defined above.

**5.3 RECYCLING**

To accommodate increased waste recycling activities in the future, BRA/EDIC will require the developers of new or rehabilitated buildings to include adequate sorting and storage space for recyclable materials.



**CHAPTER 6**

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**WHARF 8/DRYDOCK No.4 REACTIVATION PLAN**

## **CHAPTER 6.0 WHARF 8/DRY DOCK NO. 4 REACTIVATION PLAN**

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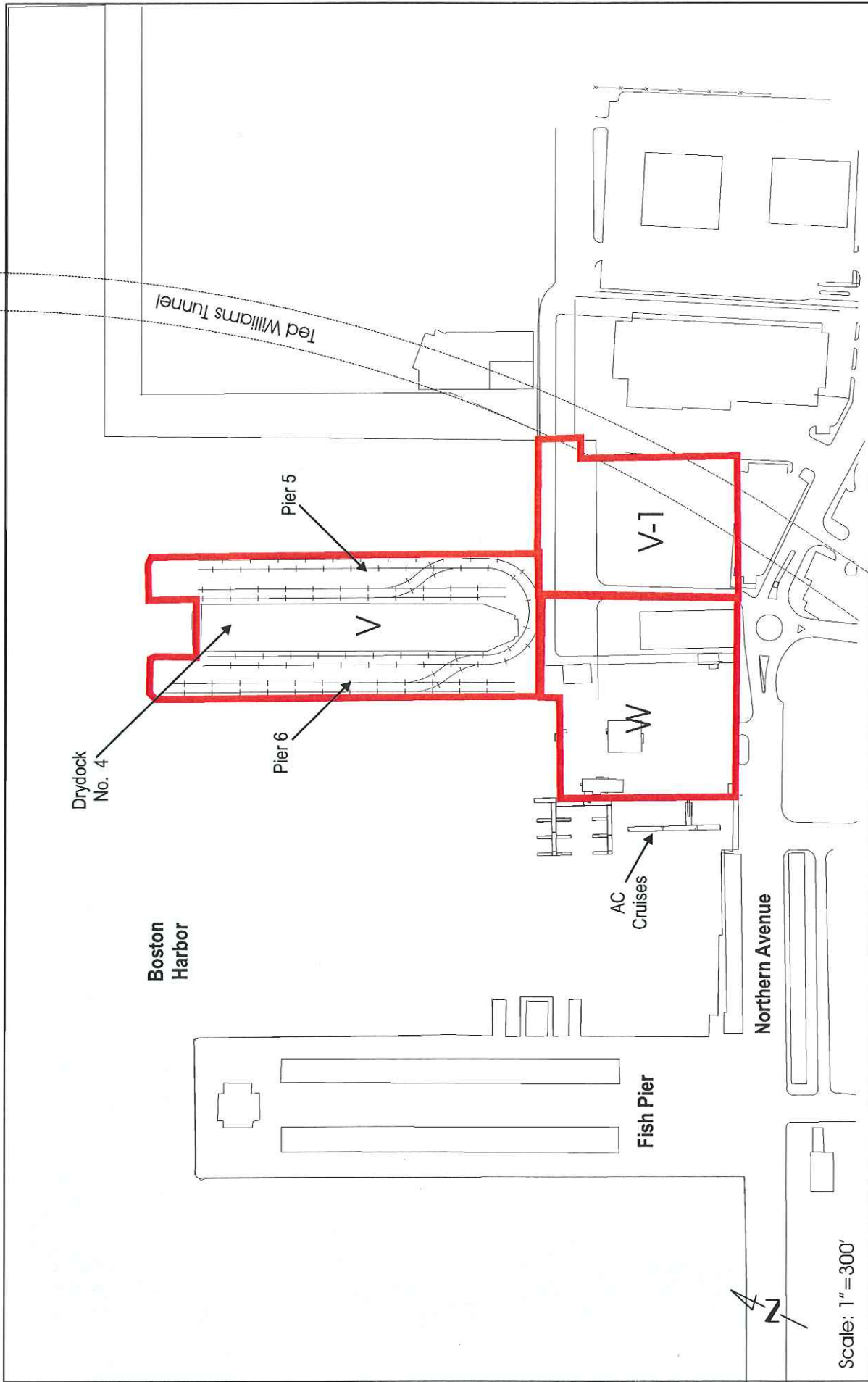
The 12-acre Wharf 8/Dry Dock No. 4 site consists of three parcels, V, V-1 and W. Parcel V contains Dry Dock No. 4 and Piers 5 and 6 (see Figure 6-1 – Wharf 8/Dry Dock No. 4). This site was recently leased by Modern Continental to fabricate tunnel sections for the MBTA Transitway project. Parcel V-1 is approximately 2.4 acres in size and is currently leased to the Central Artery/Tunnel Project for construction staging purposes. Parcel W is approximately 4 acres in size, most of which is currently leased by the BankBoston (“Harborlights”) Pavilion under a 5-year agreement. Commercial Lobster Company, A.C. Cruise Lines and two local lobstermen also lease portions of parcel W.

Dry Dock No. 4 is a World War II vintage dry dock constructed in 1941 for military vessel repairs as part of the South Boston Naval Annex. The dry dock is 693 feet long and 92 feet wide with a depth of 35 feet. It also has two 900 foot deep draft berths adjacent to Pier 6 and Pier 5, the east and west sides of the dry dock. It is one of four ship repair facilities in the Port of Boston (the others being Dry Dock No.3 in the Marine Industrial Park, Massport’s graving dock in East Boston and the Fitzgerald Shipyard in Chelsea). The dry dock was last used in 1994 by the General Ship Corporation, which specialized in military vessel repairs and overhaul. The General Ship Corporation ceased operations due to the decline in the overall military ship repair market and the consolidation of military ship repair work at larger shipyards. Since the General Ship operations ceased, the dry dock has remained vacant and in a somewhat deteriorated condition.

In 1999, local and state agencies permitted the BankBoston Pavilion to relocate onto Wharf 8 from the Fan Pier for a temporary period of up to five years. In its decision, the state Department of Environmental Protection (DEP), required the preparation of a Reactivation Plan that would target capital improvements on Wharf 8/Dry Dock No. 4 and the South Jetty to attract water-dependent industrial uses.<sup>1</sup> DEP further required that all of the revenues generated by the BankBoston Pavilion lease be reinvested into the design and construction of marine industrial facilities at the MIP with a focus on the Dry Dock No. 4 /Wharf 8 and South Jetty areas. The BRA/EDIC has created a dedicated account where all the BankBoston lease revenues over the five-year term, projected to total \$1,250,000.00, will be deposited for future re-investment into the MIP. A Reactivation Plan for Wharf 8 and Dry Dock No. 4 is detailed below.

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<sup>1</sup> See Determination of Applicability Issued on February 11, 1999.



**WHARF 8 / DRY DOCK NO. 4**

Prepared By: Fort Point Associates, Inc.

Figure 6-1

## 6.1 DRY DOCK NO. 4

### 6.1.1 Structural and Mechanical Condition

The 1995 *Port of Boston Economic Development Plan*, jointly sponsored by Massport and the BRA, assessed the potential for the ship repair market in Boston and the reuse of the two dry docks located at the MIP, Dry Dock No. 3 and Dry Dock No. 4. A series of site investigations were conducted to assess current conditions of the dry dock's principal structural elements and operating systems. The project team also undertook interviews with personnel familiar with current operating conditions and reviewed existing documentation on conditions, including prior military standard certifications for the dry docks. The study evaluated the structural and mechanical condition of the two dry docks and developed cost estimates for rehabilitating these facilities. Substantial capital costs were identified to bring the facilities up to military standards. In addition to the substantial capital costs involved in improving the facilities, the BRA/EDIC has received little interest from the private and public sectors in utilizing Dry Dock No. 4 as a ship repair facility over the past several years. In recognition of these facts, the BRA/EDIC decided to focus ship repair activities on Dry Dock No. 3 rather than Dry Dock No. 4 and has invested substantial public funds over the past 3 years in maintaining Dry Dock No. 3 in operational condition.

Dry Dock No.3 provides nearly double the capacity, greater flexibility and better utility for ship repair services and has an active operator currently engaged in a successful, although somewhat intermittent, ship repair business. Since 1996 there has been between \$500,000 to \$750,000 invested in maintenance and upkeep and general repairs to Dry Dock No.3. In the late fall of 1999, about \$400,000 was invested in the generator. The Massachusetts Coastal Zone Management Program contributed \$235,000 to the project and the balance was provided by the BRA. Approximately \$350,000 in improvements to the Dry Dock were made by Boston Ship Repair, the current tenant, and credited back to them against rental fees otherwise owed to the BRA. An additional \$200,000 has been invested directly by Boston Ship Repair, without offset in rents. The improvements were to electrical power, pumps, cranes, buildings, drainage gratings, and other ancillary facilities. Some of the equipment and supporting gear from Dry Dock No.4 has been transferred to Dry Dock No. 3 to provide greater functionality. The BRA remains committed to improving the operating condition of Dry Dock No. 3.

The Childs Engineering Corporation report, *Ship Repair Facility Analysis, Port of Boston Economic Development Plan*, prepared in association with A. Leonard Olson and dated October 1995 identified several substandard conditions at both of the dry dock facilities. For Dry Dock No. 4, substandard conditions included a nonfunctional de-watering pump and pump controller; corrosion of steel cofferdams; outdated/nonfunctioning electrical, compressed air and steam service; outdated steam plant and distribution system and

missing and broken keel blocks. Other issues which were identified included concern over the operation of the caisson gates which have not been operated since the last dry docking in 1994 and the condition and functionality of the 50-year old transformer station.

Some of the specific deficiencies are listed below:

### **Dock Structure**

#### *Caisson Gate*

- Corrosion around coping and deck fixtures, cracked asphalt deteriorated asphalt decking, cathodic protections on "A" side, and unfastened hatches to tanks.

#### *Basic Structure*

- Sporadic spalling and cracking of concrete reinforcing exposed on less than 5% of surface area of walls with heaviest spalling on northwest section; less than 5% on galleries and less than 30% on stairways.
- Sinkholes and washout on adjacent piers # 5 and #6 caused form deterioration of steel cells, limits usable area adjacent to dock.

#### *Fittings*

- Gratings and grating supports corroding sluice vent grating on south wall
- Many loose and misaligned rails on crane rails and supports
- West side Gauge missing, east side Gauge Gout cracking

#### *Blocking*

- 144 Blocks in satisfactory condition, 95 blocks in marginal condition, 55 blocks in poor condition and 240 blocks required for docking operations.
- Five 12' high keel block steel towers with surface corrosion
- Seventeen 12' high bilge block steel towers with surface corrosion

#### *Mechanical Equipment*

- Capstan No. 1 4 7 are required for dock operations. all are flooded and power circuits failed underground.
- Motor controllers are disassembled
- Capstan no. 2 3 5 6 are not required for docking operations and all capstan pits are flooded and power circuits failed underground

#### *Sluice Gates*

- North Gate
- Electric/mechanical operator motor is submerged
- Operating gear is corroded
- General and surface corrosion chamber flooded
- South Gate
- The electrical/mechanical operator has no motor; power cable shorted underground
- Operating gear is corroded

*Stop Logs or Gates*

- Repairs needed to north and south gates guide slopes. Log or gate body, hoisting equipment
- Condition unknown for intake screens and trash racks on north and south gates

*Fire Protection System*

- Fire Pump No. 1 is submerged and unused for more than one year and motor controls are exposed to weather.
- Fire Pump No. 2 is disassembled and motor controls are exposed to weather
- Fire station does not have any hoses, nozzles or connections.
- Co2 and dry chemical extinguishers are missing or out of date

*Power Systems*

- No back up power
- Electrical distribution manholes are flooded
- Steam Supply needs to be tested, possible freeze damage
- Steam distribution system has leak sin expansion joints and piping
- Sewage system pump controller is submerged and air compression has not been used

*Cranes*

- #68 – 20 Tone American travel trucks need repairs, preservation marginal
- #88 45 Ton Washington, travel trucks need repairs, preservation marginal
- # 91 Kaltenbach travel trucks need repairs, preservation marginal

*Miscellaneous*

- Lighting for operations and Security new distribution boxed installed on utility poses. Light fixtures not installed.

**Roof***Basic Structure*

- Roof has leaks around accessway; some ceiling tile loose, new roof accessway has no permanent cover.
- The high humidity is causing paint to peel and corrode

*Fittings*

- No issues

*Mechanical Equipment*

- Dewatering Pump No 1 M1 is dissembled, the pump motor is not mounted to the pump shaft, the shaft and coupling are dissembled, the shaft is in East Boston for machining, the guide bearing is disassembled, the flanges and gaskets require preservations and there is general and surface corrosion and peeling paint.
- Dewatering Pump No. 2 M2 flanges and gaskets need preservation, there is general and surface corrosion and peeling paint.
- Drain Pump No. 1 D1 has loose guide bearing supports and leaks in the packing gland and there is general and surface corrosion and peeling paint.



- Drain Pump No. 2 D2 has corroded guide bearing supports, the packing glands leaks badly and is non-functioning and there is general and surface corrosion and peeling paint.
- Sump Pump No. 1 is disassembled and the pump motors are not installed
- Sump Pump No. 2 has submerged pump motors when pump house is flooded.
- Discharge Valve Dewatering Pump No. 1 operators and controller need maintenance. Check Valve operator and controller needs maintenance with anti -slam operation margin. There is general and surface corrosion and peeling paint.
- Discharge Valve Dewatering Pump No. 2 operators and controller need electrical maintenance. There is general and surface corrosion and peeling paint.
- Discharge Valve Drain Pump No. 1 exhibits surface corrosion and peeling paint.
- Air Blower has no remarks

Childs Engineering estimated the capital costs to make the necessary improvements to rehabilitate/upgrade the Dry Dock No. 4/Wharf 8 facility for dry dock purposes to range from \$400,000 to over \$4,000,000 depending upon the ultimate use of the facility. The cost estimates were based on the assumption that the facility would continue to be used for dry docking and recommended short term improvements as well as a 5 and 10-year improvement program as shown in the table below.

**Table 6-1**  
**1996 Dry Dock No. 4 Improvement Program**

Description	Dry Dock No. 4
Short Term Repair/Improvements	\$ 397,000
5-Year Program: MIL Standard 1625A Certification	\$2,053,000
10-Year Program: Long Term Improvements to Increase Reliability, Safety, and Cost Competitiveness	\$4,335,000

As illustrated in Table 6-1, the required capital investments for rehabilitating Dry Dock No. 4 into a state-of-the-art, globally competitive facility are substantial. In 1999, BankBoston Pavilion and the BRA/EDIC made several improvements to the site and its facilities.

The 1999 improvements relating directly to the use of the Drydock included the following:

- Storm drainage improvements
- Bulkhead repairs involving the placement of rip rap along the northern bulkhead along parcel W at the southern end of Pier 6
- General clean up of debris and derelict equipment on the landside of Pier 5 and Pier 6
- Reconnection of 440V electrical service to the westerly side of the dry dock (Pier 6) side of the pier

EDIC and the BankBoston Pavilion have relocated Commercial Lobster into an on-site temporary facility and construction of a permanent facility for Commercial Lobster in the former General Ship building will soon commence.

Additional site improvements will be made over the next few months as part of Modern Continental's recent lease agreement<sup>2</sup> for use of the dry dock. These improvements include removal of debris and derelict equipment and the installation of a new 440V electrical service to the easterly side of the Pier 5.

Despite the current deficiencies at the Dry Dock No. 4, the BRA/EDIC believes that there may be other marine dependent activities that could reasonably be accommodated on the Dry Dock No. 4/Wharf 8 site. These activities and associated capital improvement requirements are discussed in Section 6.2 below.

## **6.2 ALTERNATIVE MARITIME INDUSTRIAL USES AND ASSOCIATED CAPITAL COSTS**

### **6.2.1 Alternative Uses**

The 1996 *Seaport Economic Development Plan* identified market demand in the Harbor for a variety of maritime industrial uses including cruise ship berthing, ship repair, excursion vessel berthing and repair and so on. The Wharf 8/Dry Dock No. 4 site could be made functional for some of these types of activities with varying levels of capital investment. For example, improvements could be made to the site and its piers to accommodate uses such as berthing or temporary, construction uses of the dry dock. Maritime industrial uses could be found for the landside that are related to, or

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<sup>2</sup> In April of 1999, the BRA/EDIC solicited interest for using the site from contractors intending on bidding on the MBTA Transitway Project to use the site for staging and casting the tunnel tubes. The BRA/EDIC marketed the facility to potential contractors through staff contacts, site visits and a general information session held on April 13, 1999. The BRA/EDIC is currently negotiating a lease agreement with Modern Continental for this purpose. The term of the lease will be for one year with provision to allow 6 one month extensions.

independent of, the use of the dry dock facility. Backland support for other uses such as berthing would be less intensive than ship repair and would vary depending upon the type and intensity of use proposed. Uses could be accommodated in the near term without precluding use of the drydock for ship repair if any future demand arises significant enough to warrant public investment of the drydock.

The range of potential uses that could operate from the site are discussed below. The associated rough order of magnitude costs to improve the facility to accommodate these uses are detailed in Section 6.2.2.

#### Construction Staging Uses

Construction staging uses such as that currently planned by Modern Continental to use the dry-dock to cast tunnel sections for the MBTA Transitway are feasible and will be pursued as they are identified by the BRA/EDIC or others.

#### Ship Repair

As reported in the *Port of Boston Economic Development Plan*, the market for Northeast ship repair and shipbuilding has been in a long-standing decline and, without active and aggressive attempts to rebuild the infrastructure and penetrate new markets, this trend will continue. The report indicated that Boston could tap into the ship repair market for the military reserve fleet, locally based ships, and the large numbers of tugs, barges, and other support vessels that serve the Port and the New England Region.

#### Military Ship Repair

Military repair facilities for governmental agencies such as the United States Coast Guard or the Navy would require the dry dock to be improved to military standards at significant capital costs, estimated at 4.3 million in 1995. The dry dock would require total rehabilitation and certification. For that reason this type of use will not be pursued for this facility but is and will continue to be pursued for Dry Dock No. 3.

#### Commercial Dry Dock Ship Repair

There is a market for ship repair facilities for commercial vessels such as passenger vessels, barges and tug boats in the northeast. Passenger ship repair constitutes 25% of the worldwide ship repair market and the industry is expected to grow by 40% over the next few decades.<sup>3</sup> These ships require bi-yearly maintenance as well as retrofitting to meet new Coast Guard standards. This type of use would require significant improvements to the dry-dock, similar to the 5-year plan outlined in the Childs Report at a cost of about \$2,500,000.

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<sup>3</sup> Port of Boston Economic Development Plan, 1996.

### Dockside Ship Repair

Due to the presence of the deep draft Pier 5 on the eastern portion of the site, dockside ship repair is another feasible use. This side of the dry dock is more stable structurally, has been used in the past for floating ship repairs, and can continue to be marketed for this use. Modern Continental installed a 440V electrical service to this side of the pier in November 1999, providing necessary shoreside power for ship repair activities. Such a use would require improvements to the steel cofferdams, repair of sinkholes and deck, repair/replacement of existing timber fender system and repair of utilities, cranes and crane rails. The cost estimate for such improvements is around \$1,470,000.

### Project-based Shipping

The site could be used for project-based shipping for deliveries of special cargo for projects such as the Central Artery/Tunnel project. Facility improvements required accommodating this type of use would be specific to the particular project and likely provided as a tenant improvement.

### Berthing

#### *Active Berthing*

There are several types of active berthing which could occur alongside Piers 5 and 6 ranging from more land support intensive uses such as cruise ship terminals and excursion type vessels to less intensive use such as pilots, tugs and Harbor Patrol. Recreational berthing is not allowed in Designated Port Areas. A.C. Cruise Lines offering excursions to Salem and Gloucester already operates from Wharf 8 and BankBoston Pavilion leased a water transportation docking facility from the MDC to encourage water transportation to its facility.

The dry dock itself could be modified to keep it "in the wet" allowing for additional berthing space for tug/pilot vessels, ferry vessels, fishing boats and similar vessels. This would require abandoning the dry dock operation and opening the facility to Boston Harbor. The dock floor and sidewalls would need to be repaired and a continuous timber fender system would need to be installed. The costs are estimated at \$850,000.

#### *Cruise Ships:*

Cruise ship berthing is not currently viable at this site, as Massport has already established a successful cruise ship facility at the Black Falcon Terminal. Due to the tremendous growth in the port's cruise ship industry, Massport has been looking at various alternative locations to provide additional facilities. The agency has recently decided to work with the BRA/EDIC to expand the cruise ship facilities at Black Falcon.

#### *Passenger Vessels:*

The BRA's *Passenger Water Transportation Plan* (1999) identified Wharf 8 as the location of a fully accessible passenger water transportation terminal with the potential for docking for excursion vessels, the water taxi and commuter transit ferries. The

terminal could encompass dockage along the face of Wharf 8 as well as along Northern Avenue. These types of use would require installation of accessible ramps, ticketing, and amenities such as restrooms. The costs of creating a water transportation terminal at Wharf 8 have not yet been determined.

The *Passenger Water Transportation Plan* also suggests that Wharf 8/Pier 6 could accommodate layover berthing and servicing for the water transportation fleet, a much needed service. To allow berthing for passenger vessels on either Pier 5 or 6 would require repairs to steel cofferdams, repair of sinkholes and re-paving deck areas and installation of a continuous steel fender system or individual fender dolphins at 100-foot spacing. The costs of providing berthing for passenger vessels on Pier 5 or 6 is estimated at around \$1,700,000.

The proposed build out plan for the MIP includes the reconstruction of Pier 7 which would be similar in size to adjacent Piers 5 and 6 (50 feet by 800 feet) as shown on Figure 3-5. The *Seaport Public Realm Plan* suggests that once this facility is constructed, ferry servicing and layover facilities could also be provided at this location. The cost estimate for the reconstruction of Pier 7 for passenger vessel berthing is around \$8 to \$12 million. The cost for support facilities to service the vessels has not yet been determined.

#### *Commercial Non Passenger Vessels:*

Berthing for commercial non-passenger vessels such as pilots or tugs is also feasible at the site on Piers 5 and 6. Repairs to both of these piers would be necessary to accommodate such uses including steel cofferdams, sinkholes, and deck as well as the installation of a timber fender system. The estimated cost to undertake such improvements is around \$1,120,000.

#### *Commercial Fishing Vessels:*

Berthing for commercial fishing vessels could occur at the site however there is adequate berthing at the Massport Fish Pier for the existing groundfish fleet and at the Cardinal Madeiros Pier for the lobster fleet.

#### *Inactive Berthing*

In addition to the several active berthing opportunities at the site, Pier 5 could be used for berthing inactive military vessels. This type of use would require a letter of intent and an executed license agreement between the vessels' owner and EDIC.

#### Marine Services

The site could also be used as a marine service center providing facilities such as a fuel dock, a chandlery and shops/equipment for making minor vessel repairs. This type of use would complement all of the suggested berthing uses and would require

development of the landside with buildings and infrastructure. Some dockside improvements would also be necessary.

### Seafood Uses

Seafood uses could occur on site such as seafood auction facilities or seafood processing and distribution services. There has been a lot of building construction for seafood processing and distribution facilities in the MIP recently and more is planned in the near future by Massport on parcel M at the MIP's Marine Terminal.

### Summary

As the foregoing analysis demonstrates, Dry Dock No. 4 does not warrant in the foreseeable future the public investment required to continue its availability for ship repair. Dry Dock No. 3 and the graving dock in East Boston are the best sites in Boston Harbor for major ship repair and public investment and has been and will continue to be focused on those facilities. With repair of utilities, infrastructure and sheet piling, the facility could be used for berthing, servicing, layover of passenger vessels and/or service vessels such as tugs and barges and dockside repairs of commercial vessels. The BRA/EDIC investment decision on long term future uses will be based on realistic, economically sound private sector proposals with job creation and revenue generation as the primary factors.

## **6.2.2 Capital Costs and Benefits of Accommodating Alternative Uses**

The capital costs to rehabilitate the facility vary depending upon the proposed use and the intensity of use as indicated in the discussions above. The costs to construct a new Pier 7 range from \$8 to \$12 million depending upon the ultimate use of the pier.

To accommodate the uses described in Section 6.2.1, improvements to Piers 5 and 6 must be undertaken, including the installation of fendering systems and repairs to the steel cellular cofferdams. The water transportation terminal will require significant waterside facilities for docking and some landside support facilities. The BRA/EDIC may further evaluate the feasibility of modifying the dry dock to create a berthing area inside the dry dock

The benefits of accommodating alternative uses at the site include providing necessary public facilities for existing and proposed uses; improving a substandard facility; and adaptive re-use of an underutilized publicly owned site; creation of jobs and generation of revenues (i.e. leases) for reinvestment into the MIP.

## **6.2.3 Potential Funding Sources**

The lease revenues generated from BankBoston Pavilion project will be re-invested into the MIP with priority given to marine facilities recommended for the Wharf 8 site and the



South Jetty. Other sources of funding for the capital improvements include the lease revenues generated at the MIP; state grants such as Seaport Bond funds and Office of Coastal Zone Management Capital Facility Improvement Program, the federal Department of Housing and Urban Development HUD 108 program and EEC (Enhanced Enterprise Community) loans and the City of Boston Capital Budget.

### **6.3 MARKETING**

The BRA/EDIC will continue to seek interest in water-dependent industrial uses for the site through solicitation practices it currently utilizes and by keeping abreast of growth trends in the maritime industrial expansion opportunities state and federal agency plans and policies.

As indicated in the BRA/EDIC's recent letter to Secretary Robert Durand, dated November 1, 1999, the EDIC's has recently negotiated a lease agreement with Modern Continental Construction Company to utilize Dry Dock No. 4 and Piers 5 and 6 for a period of 12 to 18 months to fabricate tunnel sections for the MBTA Silverline. Similar to this effort, the EDIC will continue to actively seek potential users of the Wharf 8/ Dry Dock No. 4 site on a short or long term basis. The EDIC has and will continue to make capital improvements to the site to enhance its marketability. Currently, the EDIC is negotiating the installation of a separate 400volt 13.8 electrical service for Pier 5. This service, separate from the 440-volt electrical service for Dry Dock No. 4 and Pier 6 will improve the marketability of Pier 5. Chapter 7.0 outlines the general marketing strategies for the MIP as a whole.

**CHAPTER 7**

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**ECONOMIC DEVELOPMENT**

## **CHAPTER 7.0 ECONOMIC DEVELOPMENT**

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This section focuses on economic development activities in the MIP. Included is a discussion of an Economic Development Plan for the MIP with emphasis on port development and expansion, industrial development, job creation/retention, and marketing. Economic development goals and objectives are outlined using specific opportunities that exist within the MIP.

### **7.1 THE PORT OF BOSTON ECONOMIC DEVELOPMENT PLAN**

The Massachusetts Port Authority and City of Boston joined together in early 1995 to embark upon a landmark effort to develop a comprehensive and coordinated Economic Development Plan for the Port of Boston. The impetus for this plan was the recognition of the special roles that the Massachusetts Port Authority and the City of Boston play in protecting the viability of the harbor, and the common interest they share in the survival and prosperity of the industrial port as an economic entity. The Port of Boston Economic Development Plan includes the MIP in its study area and will be used as a base for this chapter.

The primary objectives of the Port of Boston Economic Development Plan are as follows:

- Promote and encourage the development of the seaport economy.
- Maintain maritime jobs and preserve essential port properties for active maritime industrial uses.
- Provide the waterside and landside public infrastructure to support the future growth of the industrial seaport.
- Promote the Port as a component of the Boston tourist trade.
- Redevelop appropriate portions of the Port for a mixed harbor-wide economy.

The specific implementation strategies for the Port of Boston Economic Development Plan, pertinent to the MIP, include the following elements<sup>1</sup>:

- Create a new Seafood District within the Marine Industrial Park and Massport Marine Terminal area to accommodate an additional 250,000 sf of state-of-the-art seafood processing space.

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<sup>1</sup> It should be noted that since 1995 in some instances circumstances have changed rendering some strategies no longer relevant.

- Use the North Jetty at the Massport Marine Terminal as Port of Call facility creating visual and pedestrian access to downtown and South Boston Waterfront commercial districts.
- Build a public waterfront walkway along Jimmy's Harborside restaurant, creating a continuous pedestrian link from the Fish Pier to Wharf 8 seaward of Jimmy's Harborside restaurant.
- Provide economic development incentives to maintain and expand maritime industrial uses.
- Expand the current Foreign Trade Zone designation to additional South Boston maritime and industrial areas in South Boston and Crosstown to provide economic incentives for expanding foreign trade and job growth.
- Pre-permit sites for maritime industrial uses and supporting commercial and industrial uses within the MIP and surrounding Massport properties to reduce development time and cost.
- Complete the Master Plan for the MIP to ensure protection of maritime industrial uses and sufficient opportunity for uses that support maritime industry and for commercial uses that promote economic activity on Boston Harbor.
- Maintain and improve the unique assets of Drydock No. 3 and Drydock No. 4 for ship repair purposes through a marketing, repair and maintenance program.
- Develop a public access plan that encourages public access and knowledge of the seaport and provides safe areas where industrial activities can be viewed.
- Maintain the on-dock rail service to the MIP.
- Identify appropriate industrial sites near Conley Terminal to support up to 200,000 sf of marine-related warehousing and distribution space.
- Maintain the Massport Marine Terminal as an opportunity area for post-Central Artery/Tunnel maritime uses, seafood processing and other maritime uses.
- Use the City of Boston Enhanced Enterprise Community designation to gain financing for new and expanded port-related businesses in South Boston and Crosstown.

## 7.2 MIP MASTER PLAN GOALS AND OBJECTIVES

The primary objectives of the MIP Master Plan are to implement the recommendations of the Port of Boston Economic Development Plan as modified by current conditions and, in addition, to provide for general economic development of commercial and industrial uses through private enterprise. The plan takes advantage of public infrastructure investment in the CA/T project, South Boston Piers Transitway, Boston Harbor Navigation Improvement Project, the Boston Convention and Exhibition Center, and the Double Stack Rail initiative to expand economic development opportunities in MIP for maritime industrial uses and to redevelop portions of the MIP not needed for the maritime economy for general industrial and limited commercial purposes.

The Master Plan objectives represent an integration of the needs of the Port of Boston economy and the needs of the City of Boston and its neighborhoods for job growth and economic development. Through private investment, development of the MIP will create additional employment opportunities and economic activity. The Port of Boston Economic Development Plan describes in great detail the existing condition and future outlook of the Port's economic sectors. On the basis of a harbor-wide analysis of facilities, trends, economics, and land use considerations, specific recommendations have been made for actions which need to be taken in the MIP to support the Port economy into the next century. These recommendations are integrated into this Master Plan.

The South Boston Waterfront has been poised for change for some time and extensive planning has occurred for infrastructure improvements to support new development. As the downtown economy rebounds, there are signs of significant movement of downtown office and commercial development into South Boston. The Federal Courthouse and the Seaport hotel at the World Trade Center Expansion were recently constructed. The CA/T construction is well underway and construction of the South Boston Piers Transitway has started. The Massachusetts Convention Center Authority is commencing construction of a new \$700 million Boston Convention and Exhibition Center to be located south of Summer Street, between D Street and the Bypass Road. This facility will be under construction for the next several years, with a scheduled opening date in 2003.

In order to capture the opportunities represented by this new development and to provide space for existing maritime and non-maritime businesses displaced by new construction, the City of Boston looks to the MIP to play an important role in the coming decade. Without taking away from the essential port infrastructure, there are opportunities within the MIP to create new jobs and economic development.

The BRA/EDIC has taken the MIP over the past twenty years from an abandoned, dilapidated military facility to a thriving urban industrial park. There has been significant public investment required to upgrade utilities, roads, buildings, piers, and wharves and to demolish outdated facilities. The result of this investment of time and money is impressive.

The effort has turned a deteriorated area into a productive economic asset for the City of Boston.

### **7.3 ECONOMIC DEVELOPMENT POTENTIAL**

#### **7.3.1 Targeted Industries and Specific Expansion Opportunities**

In January 1991, EDIC issued a targeted industry strategy to attract enterprise from six national growth sectors to Boston. Called *Growth in the Nineties: Prospects for Strategic Economic Development in Boston*, the strategy represents an effort by the City, the Greater Boston Chamber of Commerce and Associated Industries of Massachusetts to market Boston to sectors such as advanced materials, environmental/recycling, biomedical and health related, specialty foods/seafood processing, tourism, and foreign owned firms. These industries all have significant growth potential and the capacity to provide a range of job opportunities for Boston residents.

In 1996, a Port of Boston Economic Development Plan was developed to promote the port's assets and secure a successful plan for the Port's future. This plan included specific expansion opportunities targeted for the MIP area that encourage tourism, trade, job creation, and preservation of maritime uses. These opportunities include intermodal transportation, seafood processing and distribution, cruise ship industry planning, industrial port tourism, and ship repair.

#### **7.3.2 Foreign Trade Opportunities**

In order to facilitate foreign trade opportunities, the current Foreign Trade Zone designation in South Boston should be examined to include additional South Boston maritime and industrial areas, if appropriate.

Foreign Trade Zones (FTZ) are specially designated areas in which commerce may take place free of duties on foreign imports and exports, thereby providing economic incentives for expanding foreign trade and job growth. These zones are established by the federal Department of Commerce upon petition by relevant state and local authorities. The zones are designed to prevent unfavorable tax treatment of businesses involved in the manufacture and distribution of imported and exported goods that may be subject to increased or doubled taxation. Examples of the goods and materials which might pass through a FTZ range from electronic products to automobile parts to watches and fabrics. No U.S. Customs duty or federal excise tax is paid on materials exported from an FTZ. Duties or federal taxes are levied on goods imported to a FTZ at the time they are removed from the zone; however, the duty or tax is payable at the rate for either the finished product or the individual parts, whichever is more favorable economically. The FTZ designation is most beneficial to firms which import materials and manufacture a product for export, as import duties on those goods ultimately destined for foreign markets are not imposed. Similarly, the FTZ



designation would be valuable for firms manufacturing products with foreign components where the import duties on the finished product are at lower rate than the individual components.

The Foreign Trade Zone designations in South Boston have recently been revised., as was recommended in the Port of Boston Economic Development Plan. The Free Trade Zone now covers two buildings within the MIP and several adjacent buildings. Within the MIP, Parcel Q, containing a variety of manufacturing, light assembly, warehousing and distribution firms and Parcel T, leased by Boston Freight Terminals, are designated as Free Trade Zones. Nearby, the Massport buildings 117 and 118 of the former South Boston Army Base, now being developed as the international Cargo Port Boston and 301 and 315 Northern Avenue, also owned by Massport, have also been designated.

The proximity of the South Boston industrial properties to the Seaport and Airport provides a nurturing environment for the expansion of existing businesses and the development of new businesses relying on foreign trade. The FTZ designation helps to stimulate economic growth in Boston and the MIP by attracting new businesses, generating capital investment, broadening the tax base, and creating jobs.

### **7.3.3 Development Financing**

The entire MIP property is within the area designated as Boston's Enhanced Enterprise Community Zone, making it eligible for substantial economic development funding. The federal Economic Development Administration (EDA) has a variety of programs related to general economic development and job creation which can be tapped for specific development projects. EDA funding has been used in the past to make improvements to Drydock No. 3 in South Boston. At the state level, the Executive Office of Communities and Development's Community Development Action Grant (CDAG) program also has funding available for publicly owned infrastructure in support of private economic development projects. Funding must be matched 50/50 with other public funds and must generate a significant ratio of private to public investment and lead to the creation or retention of jobs. The Executive Office of Transportation and Construction sponsors the Public Works Economic Development (PWED) program. This program provides funding for public roads, streets, bridges and other infrastructure improvements designed to spur economic development. The project must be part of an identified local economic development effort which seeks to promote economic growth through public and private incentives. The Massachusetts Coastal Zone Management Program offers the Coastal Facilities Improvement Program (CFIP), which has recently been reactivated through the Seaport Bond Bill. Funding is available for port and harbor improvements, with a priority for projects within Designated Port Areas. The lease revenues generated by the MIP are used by EDIC to support operating expenses such as snow removal, upkeep, security, lighting, metering and so forth as well as for capital improvements at the park. The City of Boston also contributes funds for capital projects out of its capital budget.

## **7.4 MARKETING THE MIP**

Efforts to attract job-creating industries to the MIP are based on its locational advantages, which include good transportation access and proximity to customers, suppliers, support industries and a skilled labor force.

In marketing the MIP, the BRA/EDIC has sought to identify tenants with a high ratio of jobs to square feet and to address perceived cost barriers (if any) to the Boston location. The BRA/EDIC has also sought tenants from industries that could cost-effectively use existing buildings, and targeted vacant parcels to create the special-purpose space required by certain other industries (e.g. seafood processing).

### **7.4.1 General Strategies**

Strategies for marketing the MIP to these industries include the following:

BRA/EDIC has employed a variety of marketing techniques to lease existing space including:

- Internet – Cyberspace for Industrial/Commercial Space
- Advertising in appropriate publications.
- Listing with commercial and industrial brokers.
- Direct mailings to industries located in the South Boston area.
- Coordinating with agencies and groups who work with industrial businesses.
- Targeting firms that need to relocate due to displacement or expansion.
- Special events to increase public awareness of the MIP.
- Formal promotional efforts to attract specific industries.
- CCIM Certified Commercial Investment Managers at EDIC

Other efforts, which the BRA/EDIC has undertaken in support of its marketing and recruitment strategy, include the following:

- Improving access by working with local and State government to encourage improved truck routes, improved infrastructure, and enforcement of parking and traffic regulations.
- Offering job training and educational programs through BRA/EDIC's Jobs and Community Services Division, including those at the Boston Technical Center, which can help companies enhance the skills of current and new workers.
- Providing financial assistance through the Boston Industrial Development Financing Authority (BIDFA) and the Boston Local Development Corporation (BLDC) for new and start-up companies and existing industries.

- Structuring flexible lease terms so that tenants have long term stability and can plan for future expansion. By maintaining flexibility to respond to present and future industrial needs, BRA/EDIC has been able to most effectively stabilize industrial activity and expand industrial jobs.

#### **7.4.2 Recent Marketing Efforts**

Recent marketing efforts have had significant success, primarily with maritime industries, including seafood, ship repair and intermodal cargo facilities. A special outreach effort was made in the recent past to relocate seafood businesses being displaced from Northern Avenue by transportation infrastructure projects. Paul's Lobster, a prominent Boston lobster dealer with significant air freight business, was affected by the reconstruction of Northern Avenue. BRA/EDIC was able to relocate Paul's Lobster to a much larger facility in an existing building on Parcel G. In 1996 A group of seafood processors and distributors that were located on Northern Avenue at the New England Seafood Center entered into an agreement with EDIC and developed a develop a 67,000 sf building on Parcel X (New Boston 1). This facility is a modern, state-of-the-art processing facility with generous off-street loading docks and can still accommodate a 30,000 sf addition in the future. A second phase of the seafood center, New Boston 2, which includes approximately 65,000 sf, is currently being planned for parcel M.

In 1996, a special joint effort between the BRA/EDIC and Massport to expand ship repair activity in the Port of Boston resulted in attracting Boston Ship Repair, Inc., to the Park. The company signed a lease for Drydock No. 3 and shortly thereafter began ship repair activities.

Boston Freight Terminals, Inc. opened a facility in the MIP to handle intermodal cargo from Conley Terminal in 1996. This company relocated from Fargo Street, where it faced an uncertain future, and greatly expanded its capacity, utilizing Parcels T and T-1. The facility has approximately 150,000 sf for intermodal container stuffing, stripping and distribution and generous outside space for storage of trucks and trailers. The site also has a direct curb cut onto the Massport Haul Road. The International Cargo Port Boston is in the process of constructing a 360,000 sf intermodal freight distribution facility on Massport-owned property on Reserved Channel and Boston Harbor adjacent to the MIP boundary. The facility will provide key distribution services for the Port of Boston, offering intermodal freight use on first floors and transportation related office space in the upper floors.

North Coast Seafoods has recently begun construction of a 70,000 sf seafood processing plant on parcel B. This two-story, state of the art facility re-house a long-standing City of Boston maritime dependent business that must be relocated for the Boston Convention and Exhibition Center.

These recent successes have demonstrated both the viability of the MIP as a locus for industry and the interest of the private sector in development in the park. The MIP has established itself as a haven for New England's maritime industries.

**7.4.3 Future Marketing Strategies**

BRA/EDIC capital investment in the MIP is over \$40 million, which has leveraged private investment of over \$150 million. These investments have helped the City to promote waterfront development and secure major leases for a range of maritime, industrial support, and commercial uses that have brought economic vitality and jobs to the MIP. The MIP has grown over the last twenty years as an attractive location for a variety of industries and businesses. The BRA/EDIC keeps local real estate brokers informed of site availability at the MIP, as it becomes available. In addition to working with real estate brokers, the EDIC also markets the space within the MIP to existing tenants seeking expansion opportunities as well as to prospective tenants. The EDIC currently utilizes the Internet as another source of marketing where access to industry markets such as Certified Commercial Investments Managers, the Society of Industrial Office Realtors and the National Association of Industrial and Office Properties maintain databases.

**CHAPTER 8**

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**IMPLEMENTATION**

## **CHAPTER 8.0 IMPLEMENTATION**

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Implementation of the MIP Master Plan will occur on the local and state levels through land leases, land use regulation, environmental review and capital improvement programming. Locally, the plan will be implemented through lease agreements with tenants, the creation of new and/or updated zoning districts and the implementation of a capital improvement program. On the state level, the plan will be implemented through a Chapter 91 Master Licensing process and MEPA oversight. The proposed zoning, capital improvement programming and the Chapter 91/MEPA processes are described below.

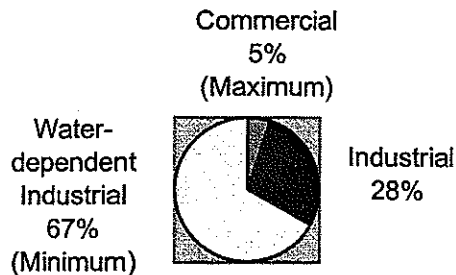
The implementation of the Master Plan and associated regulatory changes will require close cooperation between the BRA/EDIC, DEP Waterways, MCZM, Massport, and affected parties. There will be a significant effort required to achieve consistent regulatory changes within DEP, MCZM, and the City of Boston, all within the same time frame. With the filing of this Master Plan EIR with MEPA, a public review and comment period will be initiated. Depending on the level of public discussion and support for the reasonableness of the proposed Master Plan, no further formal environmental documentation may be required by MEPA. If unresolved issues are raised, some further review and response to comments may be required. Upon the issuance of a Certificate by the Secretary of Environmental Affairs, DEP and CZM may begin to formally approve subsequent stages of the regulatory process.

### **8.1 CHAPTER 91 MASTER LICENSE**

The BRA/EDIC has worked with DEP and CZM to develop a procedure whereby a park-wide Chapter 91 license application would be submitted to DEP by the BRA/EDIC; DEP would subsequently issue a written determination and a Master Chapter 91 license for the entire park. Included in the Chapter 91 Master License application would be a site plan showing existing and proposed building footprints and heights as well as proposed piers, wharves and roadways accompanied by a park-usage spreadsheet demonstrating compliance with the overall park-wide land use goals. A parkwide Chapter 91 license application was submitted to DEP in December of 1999. The purpose of the license application is to seek authorization under the Chapter 91 program for existing and proposed projects that are allowed under the Master Plan. The Department will issue a set of draft conditions and hold a hearing on the application in January of 2000. A written determination will be issued on the license application following the close of comment period. The determination will set forth the procedures for the approval of various kinds of activities within the marine industrial park boundaries. A master license will be issued which will formally establish these procedures for the approval of projects within the MIP. The Master License will require that a minimum of 67% of the MIP be devoted to water-dependent industrial use. A maximum of 5% of the MIP would be used for commercial uses incidental to and supportive of the water-dependent industrial uses. The balance of the MIP would be in other uses, primarily industrial. No residential or hotel facilities will be allowed (see Chart 8-1.) The Master License would

require the BRA to file an annual report with DEP identifying the current status of land uses within the MIP including a list of current tenants. Every five to ten years, the BRA could request an amendment to the Master License to update park-wide building and land use information.

**Chart 8-1**



### Chapter 91 Review Procedures

The intent of the MIP Master Plan and the Master Chapter 91 License is to pre-permit projects proposed in the Park which are consistent with the Master Plan. The Master Chapter 91 License and associated written determination will establish the allowed uses at the Park in accordance with this Master Plan. Proposed new development or changes in use for individual parcels would be reviewed in relation to their consistency with the Master Plan and effect on the overall land usage.

DEP would use the following guidelines to review proposed projects (new and/or changes in use) in the MIP:

*1. Activities which do not require DEP notification and/or licensing*

Change in Tenancy

Any change of tenancy that does not change the category of land use (i.e. water-dependent industrial, non-water dependent industrial and commercial).

*2. Projects which require Notification to DEP*

Change in Use

Projects subject to notification only are those which propose a change in use of an existing building or buildings from water-dependent industrial to nonwater-dependent industrial. In these cases, the BRA will submit the project plans and a narrative description along with the park-wide usage spreadsheet to document that the project does not exceed allowed uses in the MIP. DEP will receive the information for the file. No individual license will be required and DEP will provide written concurrence.



### *3. Projects which require Notification and DEP Finding of Consistency*

#### Commercial Uses

A more extensive public review process and a finding from DEP would be required for projects that include commercial uses (not including Change of Tenancy). For the purposes of this section, commercial uses are those listed in Table 8 (uses allowed in the Waterfront Commercial zoning district). For such projects, the DEP review will determine consistency with the Master Plan and written determination and compatibility with adjacent water-dependent industrial uses. The BRA will submit plans, narrative descriptions and a park-wide usage spreadsheet to DEP. DEP will undertake a review and distribute plans to intervenors and interested parties for a 20-day review period. No individual license will be required and DEP will provide written concurrence.

### *4. Projects which require Notification and DEP issuance of Minor Modification to Master License*

#### New buildings, piers and structural alterations (additions, major rehabilitation etc.) proposed within footprint and height limits delineated in Master License.

New buildings for any use or new piers which are proposed within the footprint and height limitations established in the Master Chapter 91 license or which propose minor modifications to existing buildings or piers, and which propose uses that conform to the Master License will be required to obtain a minor modification to the Master License.

Such projects will require filing a plan showing the proposed building or pier footprint and height. The plan will be accompanied by a narrative description of the proposed building and a park-wide usage spreadsheet. DEP will undertake a review and distribute plans to intervenors and interested parties for a 20-day review period. A minor modification letter will then be issued amending the Master License. The minor modification will not need to be recorded in the Registry of Deeds.

### *5. Projects that require an individual Chapter 91 License based on the Master Written Determination*

#### Buildings and structures in water outside of proposed footprints

All new water-dependent and water-dependent industrial buildings or new structures proposed outside of footprints identified in the Master Plan require the issuance of a Chapter 91 license. The license will be issued based on the DEP Master Written Determination. Chapter 91 Mylar plans and a narrative project description would be filed with DEP. DEP will undertake a review and distribute plans to intervenors and interested parties for a 20-day review period. A license will then be issued based on the previously issued park-wide written determination. The license will be recorded at the Registry of Deeds. Such activities will require filing a Notice of Project Change with MEPA.

*6. Projects which require a Chapter 91 License separate from the Master Written Determination*

Projects that are inconsistent with or were unanticipated in the Master Plan.

Projects that are inconsistent with or that were not anticipated at the time of the Master License issuance will require a separate Chapter 91 license issued in accordance with provisions of 310 CMR 9.00. A license application and Mylar plans will be submitted by the BRA or by the proponent to DEP and the standard Chapter 91 licensing process with its attendant public review, comment period and, for nonwater-dependent projects, written determination process, will proceed. Once issued, the license will be recorded at the Registry of Deeds. These projects will also be separately reviewed under MEPA.

Chart 2 details the Chapter 91 and MEPA approval process by activity type.

Determination of Use Methodology

The BRA and state agencies share a concern for preserving land area for maritime industrial use. The approach outlined below allows both the building and its associated land area to be considered in determining site usage. Under this approach, the site use would be determined based on a consideration of both building use and surrounding lot use.

*Building Footprint Area*

To determine the use of the building, a calculation is made based on the percentage of use within the building.

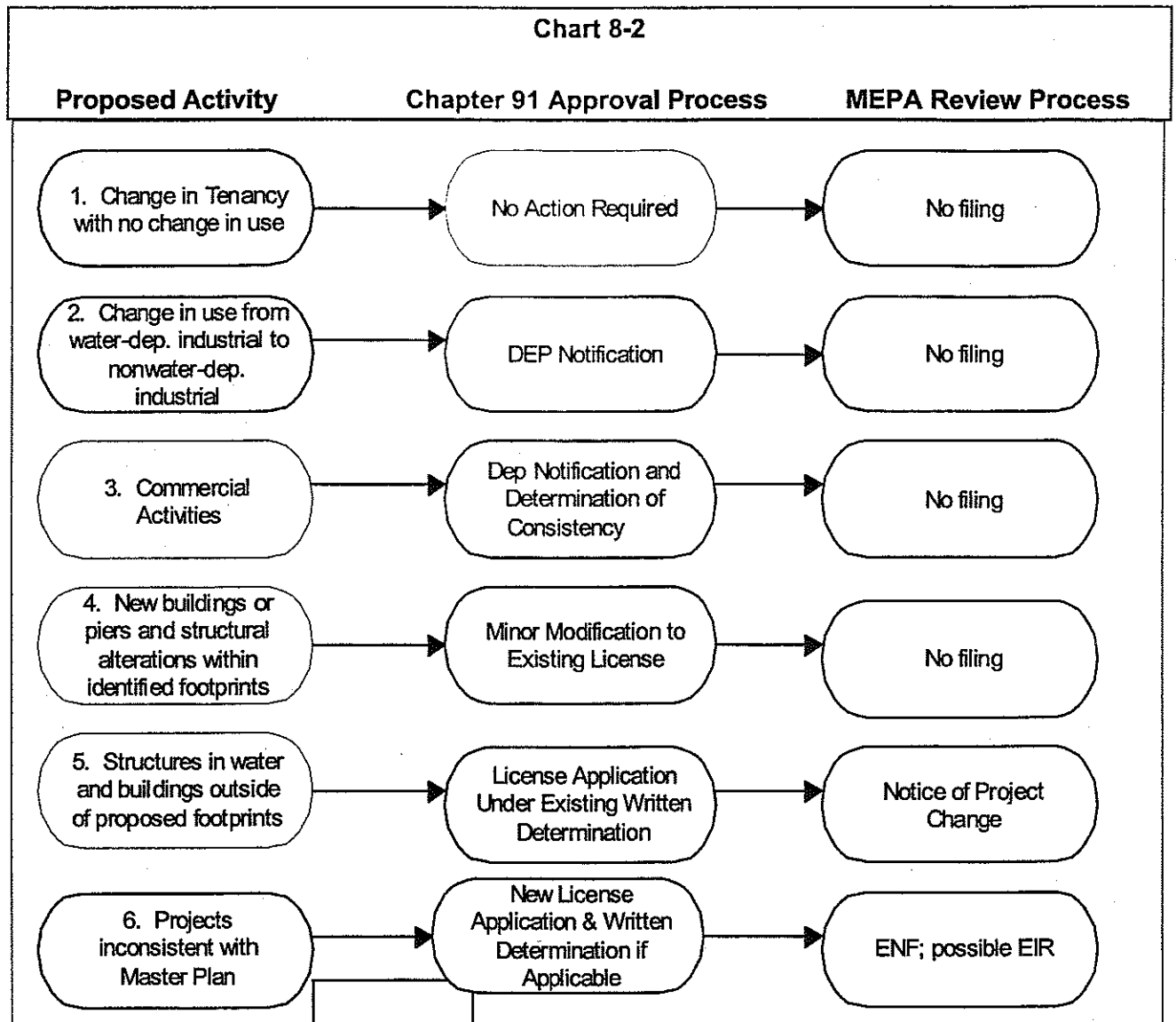
For example, if there are 3 floors in the building and 2 are devoted to industrial and 1 to maritime industrial use, the building usage would be 1/3 water-dependent industrial and 2/3 nonwater-dependent industrial. Thus, 1/3 of the building would be considered to be in water-dependent industrial use and 2/3 in nonwater-dependent industrial use.

*Land Area*

To determine the use of the land area outside of the building footprint, a calculation is made based on the actual use of outside land area.

For example, if there is 20,000 sf of land outside the building and 15,000 sf is devoted to truck loading, circulation and storage, and parking for the maritime industrial use and 5,000 sf is for industrial related parking, then 3/4 of the land area would be water-dependent industrial use and 1/4 nonwater-dependent industrial.

Once the use of the building footprint and land area are determined, the figures are added together to determine overall parcel usage and all parcels within the MIP are totaled to determine the overall MIP land usage (See Tables 3-3 and 3-4 Existing Land Usage and Future Build Out ). The BRA, DEP and CZM all concur with this approach. Currently the Parkwide allocation of land use (excluding vacant land) is 74% maritime industrial, 22% industrial 4% commercial.



## 8.2 MEPA

This Plan is being submitted to MEPA as a Marine Industrial Park Master Plan in accordance with 310 CMR 9.02. No future MEPA review will be required for projects proposed in the MIP except those which do not conform to the Master Plan. Projects which propose buildings or structures in water outside of footprints shown in Figure 3-5 Proposed Build Out, must file a Notice of Project Change to determine if any associated environmental impacts warrant the filing additional environmental documentation with MEPA.

## 8.3 ZONING

Land uses at the MIP are subject to the provisions of the City of Boston Zoning Code. The Master Plan proposes new zoning districts for the MIP and defines the allowable uses within each district. Up to one third of the area can be used for nonwater-dependent industrial use including incidental and supporting commercial use.

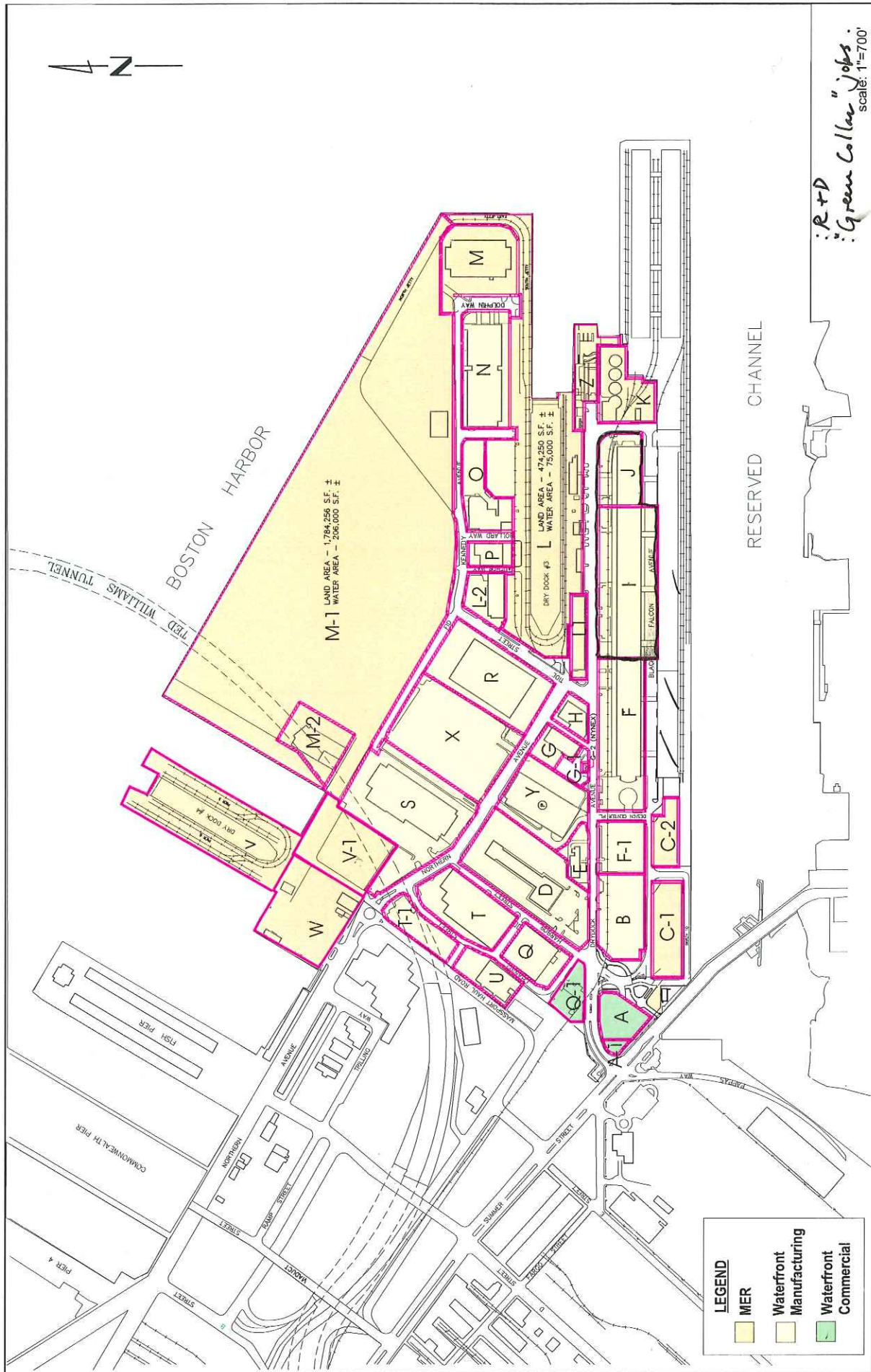
Under the City Zoning code, the MIP currently has two zoning designations, Maritime Economy Reserve (MER) and Industrial (I-2) as shown on Figure 2-2, Existing Zoning. The MER zone is very restrictive and allows only a limited range of maritime industrial uses. The I-2 zoning, however, is the most flexible of any zoning category in the city and allows the full range of commercial, office, hotel and industrial uses.

The Master Plan proposes new zoning districts for the MIP and defines allowable uses within each district that conform to the Chapter 91 land use restrictions (see Figure 8-1, Proposed Zoning). The intent is to further the objectives of the *Marine Industrial Park Master Plan*, which require that a minimum of two thirds (67%) of the land area be devoted to water-dependent industrial uses, and allow up to one third (33%) of the area to be used for nonwater-dependent industrial uses and limited commercial use.

### **The Master Plan now proposes the following zoning changes:**

- New Waterfront Manufacturing District
- New Waterfront Commercial District
- Slight increase in the MER District boundary
- Elimination of the I-2 District

The areas within the affected districts are shown in Table 8-1, Existing and Proposed Zoning.



**Table 8-1: Existing and Proposed Zoning**  
(includes on all parcels)

Zoning District	Existing Zoning	Proposed Zoning
Maritime Economy Reserve	3,259,234 sf (57%)	3,292,375 sf (58%)
Industrial-2	2,411,748 sf (43%)	N/A
Waterfront Manufacturing	N/A	2,302,728 (41%)
Waterfront Commercial	N/A	75,879 sf. (1%)

The interior triangular sub-area will be rezoned from I-2 to Waterfront Manufacturing, consistent with the existing industrial uses. The MER District will be slightly modified by the inclusion of Parcel L-1 adjacent to Dry Dock No.3 (reflecting its intended use as a support area for ship repair activities) and minor boundary changes in the vicinity of Parcels C-1 and C-2 to make the parcelization and zoning boundaries consistent. Outside of the MER District, the current I-2 District will be replaced primarily with the Waterfront Manufacturing District, except for parcels A and Q1, which will be rezoned to Waterfront Commercial. These two lots are located at the southern gateway to the MIP, outside of the DPA boundary, and will be developed for a range of office and commercial uses. A description of the zoning districts and proposed allowable uses are described below and shown on Figure 8-1 Proposed Zoning.

The Waterfront Manufacturing District encompasses most of the area previously zoned I-2, (except for two small areas added to the MER District and two parcels added to the Waterfront Commercial District described above). This district promotes a continuation of the existing range of industrial uses while eliminating office and hotel uses that could be incompatible with maritime industrial uses. This district would allow a mixture of maritime industrial uses, including certain industrial supporting office uses described below.

Allowable uses include:

- General Manufacturing
- Industrial Office
- Light Manufacturing
- Maritime-dependent Industrial
- Motor Freight Terminal
- Warehousing

The Waterfront Commercial District encompasses parcels A and Q-1, which are outside of the DPA at the Summer Street gateway to the MIP. These areas do not have direct access to the Harbor and are not capable of supporting ship to shore transfers. The parcel locations relate more to the Summer Street corridor than to the Harbor. This district is intended to provide new development opportunities for office and commercial uses in a limited area of the MIP in order to generate revenues for re-investment in the Park.

Allowable uses include

- Banking and Postal Uses
- General Manufacturing
- General Office
- Industrial Office
- Light Manufacturing
- Local Retail Business
- Maritime Dependent Industrial
- Motor Freight Terminal
- Restaurant (under 2,500 sf allowed; otherwise, conditional)
- Warehousing

MER District

The MER District includes all those portions of the MIP located along the shoreline. This district restricts uses to maritime-dependent industrial uses which involve activities that require access to the water, those that transport, store or process waterborne goods, or those that entail seafood processing. The MER zone was established to protect significant maritime properties throughout the Harbor and is more restrictive than the current Chapter 91 regulations. The MER zone boundary also is much more narrowly defined than the current DPA.

Allowable uses include

- Maritime-dependent Industrial

Use Definitions

The following definitions will apply to the uses defined above for the MIP:

*Banking and Postal Uses*

Automatic teller machine; bank; drive-in bank; or post office.

*General Manufacturing*

Includes plants, factories, mills or other facilities engaged in the mechanical or chemical transformation of materials or substances into new products (which may also include the blending of materials or the assembling of component parts of manufactured products), where such processes do not consist entirely of light manufacturing use and do not include a restricted industrial use. Performance standards, as defined in this Article (Article 80 of the



City zoning code), are applicable to general manufacturing.

*General Office*

The use of a structure or land principally for office space. Such use shall not involve manufacturing, repair, or storage of materials, goods or products that are physically located on the premises.

*Industrial Office*

Office use accessory to maritime dependent industrial uses, general manufacturing, light manufacturing, restricted industrial use, research and development, distribution, transportation, or similar use, but not including general office use, agency or professional office or similar uses with an active customer base.

*Light Manufacturing*

Manufacturing typically having low impacts on the surrounding environment. Light manufacturing includes the design, development, compounding, packaging, processing, fabrication, altering, assembly, finishing, packaging, repairing, servicing, renting, testing, handling or transfer of perishable and non-perishable products.

*Local Retail Business*

A store primarily serving the local retail business needs of the residents of the neighborhoods, but not constituting an adult bookstore or adult entertainment business, including, but not limited to, store retailing or renting one or more of the following: food, baked goods, groceries, drugs, videos, computer software, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliance, but not including a bakery (wholesale manufacturing facility) or liquor store.

*Maritime-dependent Industrial*

Marine terminals and related structures for the transfer between ship and shore of goods and/or passengers transported in waterborne commerce; facilities associated with marine terminals for the storage of goods transported in waterborne commerce; manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce; wharves, piers, docks, and processing and storage facilities for the commercial fishing industry; dry docks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessel and other marine structures; and other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction.

*Motor Freight Terminal*

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.

*Research and Development*

Basic laboratory; or product development or prototype manufacturing.

*Restaurant*

Lunch room, restaurant, cafeteria, or other place for the service or sale of food or drinks for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is serviced to, or consumed by persons while seated in motor vehicles. (Note: Under 2,500 sf allowed; otherwise special permit is required).

*Warehousing*

The holding or storing of goods, wares, or merchandise as a main use in a building, whether for the owner or for others.

Height Limitations

The height limitations will comply with those laid out in the Chapter 91 regulations. The Chapter 91 regulations do not place height restrictions on water-dependent uses. For nonwater-dependent uses, the Chapter 91 regulations impose a 55 foot height restriction for buildings over or within 100 feet of mean high water and an additional 1/2 foot in height is allowed for every foot of separation from the high water mark beyond 100 feet. The height limitations within the proposed zoning districts are provided below.

The MER District currently has a 55 foot height restriction for any use under the City of Boston zoning code with an exception for cranes, silos, storage facilities or other mechanical devices or facilities used for the transfer of goods from land to waterborne vessels or for the processing of such goods while the Chapter 91 regulations impose no height restrictions for water-dependent uses.

The height limitation for the Waterfront Manufacturing District will be 65 feet with 115 feet for Building 114. The 65 foot height limit is generally more restrictive than the Chapter 91 regulations for nonwater-dependent uses. There is, however, a portion of Parcel S within the Chapter 91 55 foot height limit that is recommended as 65 feet. Any future buildings on this portion of the site for nonwater-dependent use will conform to the more restrictive Chapter 91 height limits. Building 114 will have a separate height limit of 115 feet which reflects its current configuration. This building is "grandfathered" under Chapter 91 for height. There are a few other existing buildings which exceed 65 feet today and these buildings will be grandfathered under both zoning and Chapter 91, if applicable.

The height limitation in the Waterfront Commercial District will be 65 feet except where the Chapter 91 regulations are more restrictive. There is a small portion of Parcel A along Summer Street which is designated as 65 feet and which falls under the 55-foot height limit of the Chapter 91 regulations. In this case, the Chapter 91 restrictions would be adhered to.

### Consistency Between State and Local Regulatory Definitions

The terms used in the state regulations differ slightly from the local zoning terms. To ensure consistency of interpretation, Table 8.2 categorizes the allowable uses defined in the proposed zoning under the Chapter 91 categories of water-dependent industrial, nonwater-dependent industrial and commercial.

**Table 8-2**

<b>Chapter 91 Land Use Categories</b>			
Zoning Term	Water-dependent Industrial	Nonwater-dependent Industrial	Commercial
Banking and Postal Uses			X
General Manufacturing <sup>1</sup>		X	
General Office			X
Industrial Office <sup>1</sup>		X	
Light Manufacturing <sup>1</sup>		X	
Local Retail Business <sup>1</sup>			X
Maritime-dependent Industrial	X		
Motor Freight Terminal <sup>1</sup>		X	
Research & Development <sup>1</sup>		X	
Restaurant			X
Warehousing <sup>1</sup>		X	

- Note that these uses may qualify as water-dependent industrial depending upon the type of activity occurring in the facility. In such cases, the uses listed in the Chapter 91 regulations at 310 CMR 9.12(2)(b) will be relied upon to determine if such uses qualify under the definition of water-dependent industrial.

## **8.4 MIP CAPITAL IMPROVEMENTS**

The EDIC maintains an active capital improvement program for the MIP. Funding for capital improvements comes from three principal sources: General Obligation bonds, operating revenues, and allocations from the City of Boston. From 1984 through 1998, EDIC conducted approximately \$16.7 million in capital projects at the MIP, including improvements to roadways, maritime facilities, the sewer and storm drainage systems, and buildings.

In addition to its capital improvement program, other capital improvements are implemented using funding from other entities as well as leveraging from proposed projects. The list of proposed capital projects focused on maritime infrastructure and buildings is provided in Table 8-3.

**Table 8-3  
Marine Industrial Park Proposed and Potential Capital Projects**

Project	Description	Status	Cost
<b>South &amp; East Jetties</b>	<b>Reconstruction Project:</b> Demolition of existing structures & construction of new concrete wharf. (design completed in 1996)	D	\$20,000,000
<b>Drydock #3</b>	<b>Utilities:</b> Installation of 5 water meter pits	D	TBD
	Connect 1275 kW generator	C	\$ 200,000
<b>Wharf 8</b>	<b>New Pier:</b> Construct New Pier (Pier 7)	P	\$8 – 12,000,000
	<b>Reactivation Plan:</b> Repair Pier 5 or 6	P	\$1,700,000
	Berthing/Dockside Repair for Passenger Vessels		\$1,120,000
	Berthing/Dockside Repair for Tugs/Pilot Boats		\$1,470,000
	Berthing/Dockside Repair Commercial Vessels		\$ 910,000
	Converting Dry Dock to wet berthing Water Transportation Facility		\$ 850,000 TBD
<b>12 Channel St.</b>	<b>Elevators:</b> renovate, additions, & improve elevators and surrounding area.	C	\$ 660,000
	<b>Roof:</b> Repairs	P	\$350- 400,000
	<b>7<sup>th</sup> and 9<sup>th</sup> Floors:</b> renovate, subdivide and electrical and masonry work.	C	\$ 175,000
<b>Streets</b>	<b>Fid Kennedy:</b> Extend to Northern Ave.	P	TBD
	<b>Haul Road:</b> Connect to Dry Dock Ave	P	TBD
<b>Utilities</b>	Storm Drainage: Systemwide repairs	P	\$490,000

Status Codes: C – Construction, D – Design, P – Planned

**CHAPTER 9**

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**DRAFT SECTION 61 FINDING**

## **9.0 DRAFT SECTION 61 FINDING**

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This Draft Section 61 Finding has been prepared pursuant to M.G.L. c.30 s.61 for the Boston Marine Industrial Park Master Plan.

The Master Plan has been substantially revised since the first draft was published in 1996 in response to comments made by local and state agencies, interest groups and the general public. Most significantly, the Master Plan now ensures that:

- the City will retain ownership of MIP;
- a minimum of two thirds of the MIP will be for maritime industrial use;
- no hotel or residential uses will be allowed in the park;
- zoning for Wharf 8 will be maritime industrial, and
- commercial uses will be limited to 5% of the MIP.

The land use intent of the Master Plan is to preserve and encourage water-dependent industrial uses. This goal will be accomplished by requiring a minimum of two thirds of the land area be devoted to water-dependent industrial uses.

Implementation of the MIP Master Plan will occur on the local and state levels. Locally, the plan will be implemented through lease agreements with tenants and the creation of new zoning districts. On the state level, the plan will be implemented through a Chapter 91 Master Licensing process and MEPA oversight.

### **9.1 DESCRIPTION OF IMPACTS**

The Master Plan for the Marine Industrial Park (MIP) has been prepared in accordance with the various Certificates issued on the Project by the Secretary of the Executive Office of Environmental Affairs (EOEA) between 1990 and 1998, and with the Certificate issued on the Harborlights Pavilion Project (BankBoston Pavilion) on January 15, 1999.

The Master Plan describes existing conditions and proposes a future land use plan that includes a build out of the park in accordance with the state Chapter 91 regulations at 310 CMR 9.00 and is being approved as a Marine Industrial Park Master Plan under those regulations. The plan is consistent with local planning efforts such as the Harborpark Plan, the Port of Boston Economic Development Plan and the recently published Seaport Public Realm Plan.

As the MIP is developed, the BRA/EDIC in conjunction with the state DEP and Office of Coastal Zone Management will ensure that the land usage of the park conforms to the state Chapter 91 and Designated Port Area provisions as well as local zoning. The Master Plan proposes that a minimum of 67% of the park be used for marine industrial uses; a maximum

of 5% for commercial purposes and the remainder for industrial purposes. No changes to the boundary of the Designated Port Area within the park are being proposed and the existing City's Maritime Economy Reserve Zoning (MER) of waterfront parcels will be maintained and slightly expanded (see Chapters 3.0 and 8.0). The project has minimal impacts on state wetland and waterways resource areas. The Plan does propose the reconstruction of a portion of Pier 7 that will occur in flowed tidelands and land under the ocean. The pier will be water-dependent and is allowed under existing state regulations.

As discussed in Chapter 5.0, the existing utility systems are more than adequate to support the projected build out of the park. Significant upgrades in the natural gas and electrical distribution system were made in the early 1980's and the telecommunications system is now fully based on fiber optics. Similarly, the water distribution system was improved in the mid 1980's and is adequate for the projected flows. The sewer system has also undergone significant upgrading including pipeline rehabilitation and replacements as well as flow reduction improvements. A new, comprehensive study of overall sewer system capacity in South Boston is about to be undertaken. BRA/EDIC will fully cooperate in the study. The MIP is also serviced by a storm drainage system, which drains into Boston Harbor. Over the past several years, storm drainage structures and lines have been extensively cleaned and flushed and over \$400,000 in future improvements have been identified and are included in the EDIC's capital improvement budget.

The existing street and adjacent highway network system are adequate to service existing and projected growth in the park. As discussed in Chapter 4.0, on a day to day basis, interior circulation within the MIP works well, with no significant delays experienced at any of the intersections. The recent opening of the Dry Dock Avenue entrance to trucks by the BRA/EDIC has better distributed truck traffic between the MIP's two entrances at Northern Avenue and Summer Street. During peak events, such as cruise ship departures at Black Falcon, Big Apple Circus and BankBoston Pavilion shows, MIP staff has demonstrated the ability to accommodate significant vehicular traffic with minimal impact on traffic flows. Additionally, the South Boston Transportation Study being undertaken by the Boston Transportation Department has recommended two roadway improvements at the MIP that will provide better circulation and reduce travel time: the extension of FID Kennedy Avenue west and south to Northern Avenue (creating a four way intersection with the Massport Haul Road and Northern Avenue) and the creation of a trucks-only connector road between Dry Dock Avenue and the Massport Haul Road, parallel to the Conrail rail line (allowing direct access from the MIP to the South Boston Bypass Road, the Ted Williams Tunnel and I-90 westbound).

Finally, the Master Plan ensures that the park will continue to offer attractive maritime industrial and industrial job opportunities for Boston residents and will continue to provide revenues for capital improvements to the MIP infrastructure.



## 9.2 REQUIRED STATE PERMITS

### *Chapter 91*

As discussed in the Master Plan, the site is located on filled and flowed tidelands, and much of the park is within a Designated Port Area. A Master Chapter 91 License will be issued for the Master Plan authorizing the existing and proposed facilities at the park as described in the Master Plan. The only activities which will require future licensing outside of the Master Chapter 91 licensing process are those which do not conform to the Master Plan. Chapter 91 review will also be required for projects that propose buildings outside of proposed footprints or within flowed tidelands. Chart 2 in Chapter 8.0 details the Chapter 91 review process for various types of activities.

### *Water Pollution Control*

A Water Quality Certificate will likely be required for the reconstruction of Pier 7.

### *Sewer Connection Permit*

Any proposed projects that require new connections into the existing sewer system will require a sewer connection permit from DEP Division of Water Pollution Control.

### *CZM Review*

CZM review of the Project will occur as part of the Chapter 91 licensing process.

### *Massachusetts Historical Commission (MHC)*

MHC review will be undertaken as part of the MEPA process for this project.

## 9.3 MEASURES TO AVOID OR MINIMIZE IMPACT

The regulatory framework established in the Master Plan will ensure that the park is developed in accordance with state and local goals and objectives articulated in the Plan. As stated, the Master Plan is not expected to generate adverse impacts to state wetland and waterways resources; the local street network system and adjacent highway system; or to existing utility systems. The EDIC will require future development projects to file project plans with the Boston Water and Sewer Commission for review and to prepare Best Management Practice (BMPs) procedures for storm water management.

The impacts to flowed tidelands and land under ocean resulting from the proposed reconstruction Pier 7 will be minimized to the greatest extent possible. Erosion and sedimentation controls will be required for this and any other project located in state wetland resources areas or within 100 feet of said resources.

Finally, the EDIC will continue to upgrade utilities throughout the park and will implement the storm drainage system upgrades identified in its Capital Improvement Program.

**APPENDIX A**

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**MEPA DOCUMENTATION**



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

MICHAEL S. DUKAKIS  
GOVERNOR

May 24, 1990

JOHN DEVILLARS  
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM  
ESTABLISHING SPECIAL PROCEDURES FOR ENVIRONMENTAL IMPACT REVIEW

PROJECT NAME :Marine Industrial Park Master Plan  
PROJECT LOCATION :South Boston  
EOEA NUMBER :8161  
PROJECT PROPONENT :EDIC  
DATE NOTICED IN MONITOR :March 9, 1990

Pursuant to the Massachusetts Environmental Policy Act (G.L., c.30, s.61-62H) and Sections 11.04, 11.06 and 11.12 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project requires the preparation of an Environmental Impact Report in the form of a Major and Complicated review process.

**Project Description**

The Marine Industrial Park (MIP) consists of 191 acres in South Boston, most of which are located within the South Boston Designated Port Area. The waterfront portions of the MIP were rezoned by the City of Boston in August of 1988 as part of a comprehensive, harbor-wide local planning effort under the Maritime Economy Reserve (MER). The site is bounded on three sides by water; primary and secondary landward access exists on Summer Street and Northern Avenue. Today, approximately half of the 191 acres are either occupied by maritime industries or are available exclusively for water dependent users under the MER designation.

The proponent, the Economic Development and Industrial Corporation (EDIC), has been authorized by the State Legislature (c. 1097 of the Acts of 1971) to promote industry in the City of Boston through the retention and creation of manufacturing jobs. The MIP is currently home to 150 companies employing approximately 3,600 people in South Boston's Fort Point Channel District in maritime, manufacturing, wholesale trade and transportation related positions.

## History

The site now known as the MIP was formerly a portion of a larger area of flowed tidelands identified as the Commonwealth Flats lying north of South Boston. The Board of Harbor and Land Commissioners recommended that the site be filled in their Fourth Annual Report, referenced in Chapter 81 of the Resolves of 1866. The Department of Environmental Protection (DEP) has noted that the Harbor and Land Commissioners expected the benefits of this filling to include "extending the deep water frontage to meet any future possible demands, and providing broad areas for workshops and factories in a location favorable for receiving imported raw materials and distributing manufactured products."

The Legislature authorized the Harbor and Land Commissioners to dredge and deepen the Commonwealth Flats in Chapter 354 of the Acts of 1867, and to fill the Flats in Chapter 326 of the Acts of 1868.

In 1977, EDIC purchased the 160 acre former South Boston Naval Annex and renamed it the Boston Marine Industrial Park (BMIP). At that time, the site consisted of 23 buildings, two dry docks and deteriorated infrastructure. EDIC's proposed extensive renovations to the BMIP were described in a Final Environmental Impact Report (FEIR) which was approved by the Secretary of Environmental Affairs in 1978 (EOEA #2474). This represented EDIC's "Master Plan" for the renovation and conversion of the former South Boston Naval Annex to the Boston Marine Industrial Park. In addition, EDIC's plans to redevelop the former South Boston Naval Annex into a diversified industrial area were reviewed in the form of an Economic Development Plan (EDP) which was approved by the Mayor and the City Council in 1978.

Early in 1983, EDIC submitted, and the Secretary approved, an FEIR for proposed renovations of 1.6 million square foot (sf) structure known as Building 114 which is located immediately adjacent to the BMIP (EOEA #4427). The structure, which was part of the former U.S. Army Base later purchased by EDIC, contains six sections which were then identified as Sections A through F. The first phase of renovations focused on Sections B, C and D, and created a complex for light manufacturing firms now known as the Bronstein Industrial Center, although garment industry uses were originally contemplated. The EDP for the South Boston Naval Annex or BMIP was amended to include EDIC's renovation plans for Building 114, the former U.S. Army Base. The amended EDP was approved by the Mayor and City Council in early 1980.

In 1984, EDIC began the second phase of work to renovate Sections E and F for companies engaged in the home furnishings and interior design industry (i.e. the Boston Design Center). Later, in 1988, the remaining Section A of Building 114 was renovated for light industrial and warehouse space. That area is now called Drydock Center.

Together, the former Naval Annex and U.S. Army Base comprise the Marine Industrial Park.

### MEPA History

As stated above, to date there have been two Environmental Impact Reports (EIRs) completed by EDIC for the MIP, both of which related to the phased acquisition of portions of the property. The focus of both reports included transportation, air quality, noise, and infrastructure issues, while the more recent report for Building 114 also included considerations of public access opportunities.

In the fall of 1989, a project change notice was filed with MEPA by EDIC. The notice described EDIC's intent to construct a parking garage on Lot E, in order to replace several existing surface parking lots within the MIP.

The parking garage was proposed as consolidation (and reduction) of existing at grade parking within the Marine Industrial Park. Although both CZM and DEP voiced concern during the MEPA review of the project change that the parking structure would irretrievably commit the site to non water-dependent use within a Designated Port Area, the DEP recognized that the garage was necessary to mitigate the potential impacts from the construction of the Third Harbor Tunnel. Further, DEP recognized the parking facility to be a piece of supporting infrastructure to the marine industries and other users of the waterfront associated with the Marine Industrial Park.

The Secretary's Certificate of December 11, 1989 on the project change did not require further study of the parking garage under MEPA. However it did require that EDIC file a new ENF and initiate an update of the Master Plan for the MIP site as a whole. The Certificate stated that "additional Notices of Project Change or new ENFs are no longer appropriate." The basis for this decision was changes in relevant state regulatory requirements, enacted since 1984, which are summarized below.

In the DEP's Written Determination of March 19, 1990 on the parking facility, it was found that the garage's provision of "accessible parking is considered an integral part of the infrastructure of the industrial park necessary to support and maintain a stable work force." Further, DEP found that consolidation of parking on lot E would release other lands, specifically Lots A, B and F for future development of a kind that could contribute to the capacity of the Marine Industrial Park to accommodate marine industry and appropriate uses.

Following the requirement for EDIC to update their Master Plan, DEP's Written Determination on the parking garage concluded that it would no longer be appropriate for the Department to issue future waterways licenses within the MIP for other than maritime - industrial use projects, except within the context of a current Master Plan.

#### Changes in Chapter 91/MCZM Requirements

According to GL Chapter 91, as amended in December of 1983, any structural alteration or change in use of filled or flowed tidelands which is proposed or has occurred after January 1, 1984, requires Chapter 91 review and approval (emphasis added). Prior to 1983, only flowed tidelands were regulated under this statute.

The Designated Port Area (DPA) designation dates back to 1978 when Coastal Zone Management Regulations were promulgated. As indicated above, the 1983 amendments to Chapter 91 expanded the area for which permits were required within DPAs, thus expanding the State's ability to monitor the consistency of activities within DPAs with the applicable state standards/policies.

MCZM has developed policies for guiding development in uses of regulated tidelands. Of particular applicability to DPAs is Policy #7, which states:

Encourage the location of maritime commerce and development in segments of urban waterfronts designated as port areas. Within these areas, prevent the exclusion of maritime-dependent industrial uses that require the use of lands subject to tidelands licenses.

Policy #7 also states that:

"proposals for development in designated port areas which are not maritime-dependent and which require tidelands will be permitted so as not to deter viable economic uses of vacant port lands."

Due to the fact that previous EIRs for the MIP were prepared and filed prior to the Chapter 91 amendments, those documents did not address the implications of these regulatory amendments.

In 1985, an Harbor Planning program was established within CZM to encourage communities to prepare, adopt and implement a comprehensive municipal harbor plan (MHP) to serve as the principal device by which that community strikes a balance between conservation and development of its harbor resources and among the various uses that compete for waterfront space. These plans will include a community's objectives, standards and policies for guiding the public and private utilization of filled and flowed tidelands, and an implementation program of legal and institutional arrangements for achieving the desired level and character of development.

An important function for MHP's is emerging, and was reflected in the 1989 draft of Chapter 91 regulations, whereby MHP's will be approved by the state and given a significant role in guiding DEP's tidelands licensing decisions. Therefore, a master plan for a key area of the Boston waterfront, such as MIP, would have an integral role in implementation of the Boston MHP.

#### Purpose of Master Plan

Primarily, the purpose of the Master Plan is to analyze the existing MIP and future plans for the MIP in light of current standards for Designated Port Areas and filled tidelands, while concurrently respecting EDIC's mandate to promote employment opportunities in the City of Boston. In this regard, its purpose is essentially threefold:

1. to analyze the impacts of projects not anticipated in the EIRs prepared when EDIC purchased the Naval Annex and Building 114;
2. to establish a conceptual framework for future development within the MIP that is consistent with EDIC's legislative mandate, local zoning and planning studies (including MER designation, Municipal Harbor

Plan), the Designated Port standards established in CZM policy #7, and Waterways Regulation 310 CMR 9.24, the EDP for the MIP and the 1868 authorization to fill the MIP site, hereinafter referred to as "Regulations and Authorizations; and

3. to ensure that the MIP remains an economically viable "industrial Haven in which reasonable arrangements are made to encourage present and future water dependent industrial development."

The majority of available land within the industrial park is already developed. Therefore, the goal of the Master Plan update is to establish standards to be used by the EDIC in evaluating changes in use within the MIP. With the development of such standards, it is intended that the DEP could issue a "master license" to EDIC for the entire MIP which would describe types of changes that should be considered compatible with the goals and requirements of the DPA. Thus, certain changes in use within the MIP, which are determined to be consistent with the "master license" would not require the issuance of a new license. In addition, the Master Plan will provide the basis for evaluating new development proposals, such as the Boston Thermal Cogeneration Center (EOEA# 8136), and other changes in use that are considered non-water dependent or non-maritime industrial.

Thus, while the Master Plan will not eliminate, in every individual case, the need for evaluation of Chapter 91 issues through MEPA review (or DEP licenses/MCZM Consistency determinations, e.g. Boston Thermal), it will facilitate the review of individual projects by providing the proper context and established set of guidelines for development. To that extent, the Master Plan and related "Major and Complicated" review under MEPA are intended to afford greater flexibility and simplicity of review to subsequent individual MIP projects.

In addition, although to a lesser extent, the Master Plan will identify ways to minimize the infrastructure impacts (water, sewer, traffic) from the MIP, as discussed further in this document.



### Major and Complicated Designation

MEPA Regulation 11.12 authorizes the Secretary of Environmental Affairs, with the agreement of the project proponent, to "designate a project as 'major and complicated' and (to) establish a project specific procedure for evaluation and review."

In contrast to the designation "major and complicated," the use of this process for the EDIC MIP will simplify the planning and review efforts of EDIC, state agencies and private proponents. The Master Plan concept for the MIP will benefit EDIC, its current and future tenants and state agencies by streamlining the permitting and review procedures for all activities within the MIP. As a result of the Master Plan, some activities will be allowed to operate under the umbrella of the master license which was discussed above. Other activities within the MIP will also benefit from the Master Plan because the Master Plan will establish a framework evaluating future development which establishes guidelines for licensing in accordance with Regulations and Authorizations. Outside of this context, individual, non water dependent/maritime industrial uses cannot be evaluated properly within this DPA.

### Special Procedures

A further benefit of the major and complicated designation is that a special review procedure can be developed which deviates from the usual "Draft" and "Final" EIR review process. For the MIP Master Plan review, the following procedures are adopted:

1. EDIC will prepare and circulate a Draft Master Plan Environmental Impact Report (DMPEIR) that addresses issues which are discussed further in this document. Notice of availability of this report will be published in the Environmental Monitor, and a thirty day comment period will ensue. Seven days after the close of comment period, the Secretary of Environmental Affairs will issue a Certificate on the DMPEIR.

2. The need for a Final Master Plan EIR will be determined based on the degree to which the DMPEIR thoroughly addresses the issues which have been scoped in light of the public and agency comment that may be received. Should an FMPEIR be required, it will be circulated and reviewed in accordance with the procedure outlined above.
3. EIRs for individual projects within the MIP may be submitted to the Secretary at any time. However the Secretary will not rule on those reports until a Certificate of Adequacy has been issued for the DMPEIR. Environmental Notification Forms for such projects may be reviewed and EIR scopes may be issued in advance of the DMPEIR review.
4. Any proposed use within the MIP which is maritime industrial may commence MEPA review (if required) or permit applications with DEP at any time.
5. Any proposed industrial use of space (change in use or structural alteration) within an existing building which falls within the same use category, and does not result in a change in the vertical or horizontal footprint of the building, may request a determination of jurisdiction from DEP at any time.

#### SCOPE

##### General

The Master Plan must contain copies of this and subsequently issued Certificates and comments. It must be distributed in accordance with MEPA Regulation 11.24 and to all who have commented on the project.

##### Study Area

For reasons stated in the MCZM and DEP comments, the study area shall include the entire MIP, including the Designated Port Area, all filled and flowed tideland areas, portions of the MIP designated for new development opportunities and for renovations.

## Report Contents

The Master Plan must contain four main components, which are: (1) existing conditions; (2) suitability of the area for maritime industrial uses; (3) demand for industrial space; and (4) potential development opportunities over the short and long term.

### 1. Existing Conditions

a) Natural Features and the Built Environment - The proponent must describe the geographic extent of the MIP, both on land and in the waterway. How much land area is contiguous with the watershed? How much would be characterized as developed parcels, what are the size, dimensions, and distance to mean high water shoreline of existing structures? How far is the MIP to the shipping channels in the area; what is the distance to open water? What other information is pertinent to the navigability of these channels and to the ability of vessels to berth along the perimeter of the MIP?

Describe the existing conditions of the infrastructure that is available to support the industrial activity in the area, whether maritime or otherwise. To what extent are these currently utilized in relation to capacity? What maritime related infrastructure is currently in place (piers, wharves, drydocks, cranes, support facilities, etc)? To what extent are these currently utilized in relation to capacity, and to what extent is repair or rehabilitation necessary? What capital improvements has EDIC made in the past and is it proposing in the future?

b) Land Use and Development - How many individual parcel are there in the MIP, in the MER Zone, and in the DPA? What are their respective sizes and to whom are they leased? What are the lengths of leases and the terms for renewal? Briefly describe the existing uses of the parcels and classify in one of the following categories: maritime industrial; other industrial and manufacturing uses; office, commercial or other uses. Are there general use zones within the MIP? If so, graphically illustrate these zones, noting any individual parcel that do not conform to the overlay use zone.

c) Consistency with Local, State, and Federal Regulations  
Describe the EDIC legislative mandates, regulations and policies that guide EDIC in the development of the MIP. What is the existing and proposed zoning in the MIP? What uses are allowed by right and which require special permits? What other provisions of the local zoning ordinance, other local bylaws and regulations are applicable to present or projected activities in the MIP?

Analyze the existing and proposed activities relative to the Designated Port standards of 310 CMR 9.24. What percentage of existing uses fall into the three classifications described above (maritime industrial, other industrial, and commercial/office/other uses)? How do these percentages change with the proposed projects?

## 2. Suitability of the Area to Accommodate Maritime Industries

Given the past and present uses of the MIP, it appears particularly well-suited to accommodate the seafood distributors and processors, transshipment and storage of container cargo and associated industrial/commercial/office uses, tour or excursion boat terminals, and large and small ship repair and temporary berthing. In narrative and graphic form, describe which sites are particularly well suited for the above mentioned, or other, maritime industries? What special physical features or infrastructure present at the MIP would attract maritime industries? Are there any special siting needs which the area might be called upon to satisfy in the future (e.g. transshipment point to support major construction projects, large ship repair, etc)? What limitations on the physical features or infrastructure would make sites within the MIP unsuitable for maritime industries? Are such limitations permanent, as a practical matter or might they be removed or converted under certain circumstances?

## 3. Demand for Industrial Space

a) Maritime Industry - How long have the respective maritime industries been in existence and how economically stable are they? To what extent is existing plant and equipment utilized in relation to capacity, and do plans exist for modernization or expansion? Do any of the current maritime activities suffer from chronic operational problems related

to conditions in the area (e.g. inadequate space, conflicts with other uses)? Have any businesses failed or relocated over recent years, and why? This analysis should include appropriate information from all available studies which have evaluated the growth potential of the maritime industries of the area such as the EDIC survey of the fishing industry in the Fort Point District. In addition, the proponent should provide a bibliography of any documents referenced.

b) Other Industrial Activity - The proponent should answer the same questions raised above in relation to the general categories of other manufacturing and industrial uses existing at the MIP.

c) Compatibility/Conflict with Non-Industrial Users - What is the incidence of non-industrial users within the MIP, both existing and projected? How compatible have such uses proven to be with existing industrial activity? Would they be considered incidental to, or supportive of the industrial activities of the MIP?

#### 4. Potential Development Opportunities

While the existing development within the MIP is predominately a mixture of maritime and other industrial uses, there appears to be no incompatibility between specific uses. For the short term, describe the proposed allocation of vacant parcels and facilities (Lot F, Lot A, the Harbor Gateway parcel, the rehabilitation of the Towle Silver Building and other buildings where redevelopment is anticipated). Would the proposed non-water dependent projects conflict with the adjacent maritime industrial uses? Are any of the proposed non-water dependent uses located on sites within the MER Zone or in facilities outside of the MER Zone with special attributes suitable for maritime industrial use? Should demand for maritime industrial use increase in the future, in what ways could these sites be converted to maritime industrial use? Consider lease terms, interior and exterior building design, etc.

Given EDIC has short term development opportunities, what is being done to encourage or attract maritime industrial uses? Of special interest is the role the MIP can play in providing space and facilities for the construction jobs expected to be created by the Boston "mega projects" and for

the maritime industrial uses which might be displaced. Might the large Boston Harbor projects such as the Boston Harbor Clean-up and the Central Artery/Third Harbor Tunnel encourage traditional maritime industries to relocate or expand at the MIP to take advantage of being close to the outer harbor? The proponent should prepare an alternative development proposal for the group of parcels and facilities available over the short term in which the predominate uses would be maritime industrial and the remainder would be for manufacturing or other industrial purposes. Particular emphasis should be placed on Lot F and the Harbor Gateway site, as they appear to offer the most potential for this type of development.

On the longer term, the proponent should describe planning goals, marketing strategies, and lease conditions that could be reasonably implemented to encourage maritime industries to locate or remain at the MIP.

#### Alternatives

The DMPEIR must include an analysis of alternative uses for the following four sites within the MIP:

- o Lot F
- o Building L (the former site of Towle Silver Manufacturing)
- o the Harbor Gateway site
- o any other space for which new development opportunities are anticipated in the near future (e.g. Building 20)

For Lot F, which is the proposed location for the Boston Thermal Cogeneration Center, an alternative to be considered is the use of all or portions of the site for Third Harbor Tunnel mitigation.

The DMPEIR may also include other environmental, economic and other area-wide land use impact criteria in this alternatives analysis.

May 24, 1990

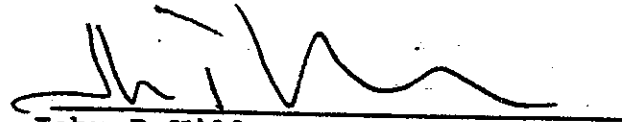
**Infrastructure**

The DMPEIR should include an analysis of methods whereby the tenants in the BMIP can minimize impacts of the facilities on water, sewer, traffic and solid waste generation. It should include a plan to be implemented by the EDIC that encourages the adoption of water conservation measures of the type outlined in the MWRA comment letter, and which encourages the use of mass transit, and encourages tenants to recycle solid waste to the greatest extent feasible and to design any new construction with that in mind.

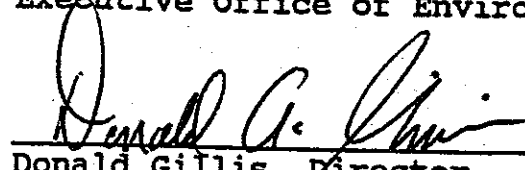
**Comments**

The DMPEIR must include a separate section which includes copies of the comments, providing responses individually or otherwise indicating where the issues were addressed in the main body of the document.

May 25, 1990  
Date

  
John DeVillars, Secretary  
Executive Office of Environmental Affairs

May 25, 1990  
Date

  
Donald Gillis, Director  
Economic Development and Industrial Corp.

**Comments received :**

Boston Redevelopment Authority 4/2/90  
DEP, Waterways 4/2/90  
MA Coastal Zone Management 3/30/90  
Exec. Office of Economic Affairs 3/30/90  
Exec. Office of Transportation and Construction 3/29/90  
MA Water Resources Authority 3/27/90  
Boston Water and Sewer Commission 3/26/90  
Boston Environment Dept. 3/29/90  
Glynn 3/28/90

JPD/JW/jiw



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
 100 Cambridge Street, Boston, 02202

W/C  
 4/9/92  
 [Signature]

WILLIAM F. WELD  
 GOVERNOR

MARGO PAUL CELLUCCI  
 LIEUTENANT GOVERNOR

SUSAN F. TIERNEY  
 SECRETARY

April 8, 1992

(617) 727-9800

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
 ON THE  
 ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Harbor Gateway Seafood Center  
 PROJECT LOCATION : Boston  
 EOEA NUMBER : 8975  
 PROJECT PROPONENT : Harbor Gateway Associates  
 DATE NOTICED IN MONITOR : March 9, 1992

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

The project consists of the construction of a 66,000 s.f. one story industrial building parallel to the Berth 10 pier in the South Boston Marine Industrial Park. The project will consist of 12 units to house seafood companies. All companies in the project are relocating from nearby and are water dependent users. The proponent is considering a second project on an adjacent parcel. Whether that project goes forward will be based, at least in part, on the success of this project.

The project is within the Boston Marine Industrial Park, which is managed by the Economic Development and Industrial Corporation (EDIC). This project is consistent with EDIC's Economic Development Plan. It is also consistent with the City's recently established Marine Economy Reserve (MER) zone for the South Boston waterfront and the City's Municipal Harbor Plan.

In May of 1990, a Special Procedure was established by EDIC and MEPA to undertake a master planning effort that would be reviewed as a Draft and Final Master Plan EIR. To date, no Draft Master Plan EIR has been certified as adequate by this office. The Special Procedure allowed that "Any proposed use within the MIP which is maritime industrial may commence MEPA review (if



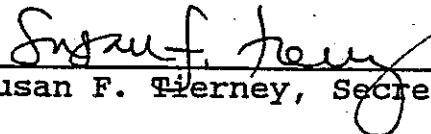
April 8, 1992

required) or permit applications with DEP at any time." If EIRs are required, the Secretary "will not rule on those reports until a Certificate of Adequacy has been issued on the DMPEIR."

I find that this project will have minimal impacts, therefore no EIR is needed. The Department of Environmental Protection (DEP) has stated at the consultation session for this project that it is considered to be maritime industrial. In the absence of the requirement for an EIR, DEP is free to act on permits for the project. Comments have been provided by several agencies that can provide some guidance to assist the proponent in permitting issues.

April 8, 1992

Date

  
Susan F. Tierney, Secretary

## Comments:

Boston Water and Sewer Commission  
City of Boston Environment Department  
MWRA  
MCZM  
DEP/NERO

SFT/JMD/jd

P:HGSC



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
 100 Cambridge Street, Boston, 02202

5/11/94  
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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
 REVISING THE  
 SCOPE FOR THE SPECIAL PROCEDURE DOCUMENTS

PROJECT NAME : Marine Industrial Park Master Plan  
 PROJECT LOCATION : S. Boston  
 EOE A NUMBER : 8161  
 PROJECT PROPONENT : EDIC  
 DATE NOTICED IN MONITOR : December 22, 1993

Introduction

A Master Plan update for the Boston Marine Industrial Park (BMIP) is required pursuant to a Certificate of the Secretary of Environmental Affairs issued December 11, 1989, following the filing of a Notice of Project Change on the original Master Plan that introduced a parking garage on Lot E. Additionally, the Department of Environmental Protection's (DEP) Written Determination on the parking garage concluded that it was no longer appropriate for the Department to issue future waterways licenses within the BMIP for other than maritime - industrial use projects, except within the context of a current Master Plan. An Environmental Notification Form (ENF) was filed by the Economic Development and Industrial Corporation (EDIC) for a Master Plan update, and a Special Procedure for the review of that Master Plan was established between the Secretary of Environmental Affairs and EDIC, in accordance with the MEPA Regulations at 301 CMR 11.12, on May 24, 1990.

The EDIC has requested that the scope for the previously required Master Plan for the BMIP be updated and modified to reflect regulatory changes and changes in the environment. Three specific events have occurred since the original scope was issued. First, DEP's new regulations for Chapter 91 have become effective. These new regulations contain changes to the manner in which DEP licenses water dependent and non-water dependent uses, and allow for the creation of Municipal Harbor Plans and Marine Industrial Parks with special licensing provisions.

Second, the City of Boston submitted a Municipal Harbor Plan covering a portion of the Boston Waterfront. This Municipal Harbor Plan was approved in May of 1991 by the Secretary of Environmental Affairs. Finally, the Central Artery/Third Harbor Tunnel construction has commenced and has had a larger impact on the Boston Marine Industrial Park than initially anticipated.

The EDIC submitted a proposed revision of the scope with its Notice of Project Change. This proposed revision was noticed in the Environmental Monitor for public comment. The EDIC did not seek any modifications to the special procedures established for the environmental review.

#### Purpose of the Master Plan

As noted in the Certificate on the ENF which originally established the special review procedure, the purpose of developing the Master Plan is: "... to analyze the existing Marine Industrial Park (MIP) and future plans for the MIP in light of current standards for Designated Port Areas (DPAs) and filled tidelands, while concurrently respecting EDIC's mandate to promote employment opportunities in the City of Boston."

The Master Plan and related MEPA review is intended to afford greater flexibility and simplicity of review for future development in the BMIP. In particular, the development of a Master Plan will provide the EDIC with flexibility to meet Chapter 91 requirements through BMIP-wide land use planning, rather than parcel by parcel designations. While the Master Plan will not eliminate the need to evaluate Chapter 91 issues through MEPA review in every case, it will facilitate the review of individual projects by providing proper context and guidance.

A majority of land within the industrial Park is already developed. The goal of the Master Plan, therefore, is primarily to establish standards to be used by the EDIC for evaluating changes of use within the industrial park. Based on the development of such standards, it is intended that the EDIC will request a "master license" from DEP for the entire marine industrial park. Accordingly, certain changes in use which are determined to be consistent with the master license will not require the issuance of a new license. Additionally, the Master Plan will provide a basis for evaluating development proposals or other changes that are either non-water dependent or non-maritime industrial.

The Draft Master Plan Environmental Impact Report (DMPEIR) should provide an update of the conditions in the MIP and analyze the impacts of projects that were not anticipated when the EIRs were prepared for the purchase of the Naval Annex and Building 114. It shall establish a conceptual framework for future development that is consistent with EDIC's mandate, local zoning and planning including the Maritime Economic Reserve (MER) Zone and the Municipal Harbor Plan, Chapter 91 Waterways Regulations and Massachusetts Coastal Zone Management Policies. It shall provide an analysis and discussion of the MIP's unique suitability for maritime industry with its large land area, single ownership/manager, prime port location, and good water and land infrastructure. It shall provide the analytical basis from which the Master Plan can logically emerge.

The remainder of this Certificate contains modifications to the original scope. The previously agreed to procedures are set forth herein for informational purposes:

#### Special Procedure

1. EDIC will prepare and circulate a Draft Master Plan Environmental Impact Report (DMPEIR) that addresses the issues which are discussed in this document. Notice of availability of this report will be published in the Environmental Monitor, and a thirty day comment period will ensue. Seven days after the close of comment, the Secretary of Environmental Affairs will issue a Certificate on the DMPEIR.
2. The need for a Final Master Plan EIR (FMPEIR) will be determined based on the degree to which the DMPEIR thoroughly addresses the issues which have been scoped in light of the public and agency comment that may be received. Should an FMPEIR be required, it will be circulated and reviewed in accordance with the procedure outlined above.
3. EIRs for individual projects within the MIP may be submitted to the Secretary at any time. However, the Secretary will not rule on those reports until a Certificate of Adequacy has been issued for the DMPEIR. Environmental Notification Forms for such projects may be reviewed and EIR scopes may be issued in advance of the DMPEIR review.
4. Any proposed use of the MIP which is maritime industrial may commence MEPA review (if required) or permit applications with DEP at any time.

5. Any proposed industrial use of space (change in use or structural alteration) within an existing building which falls within the same use category, and does not result in a change in the vertical or horizontal footprint of the building, may request a determination of jurisdiction from DEP at any time.

### Revised Scope

The revised scope proposed by EDIC submitted with the Notice of Project Change was noticed in the Environmental Monitor for public review and comment. A meeting was held with the interested parties and agencies to discuss this proposal. Subsequently, a second revised scope proposal was submitted and circulated by EDIC. The second revised scope is generally adopted herein; however, an alternatives component has been introduced within the Planning Issues Section (Section 5), based on the agency comments received. This component is expected to identify and evaluate alternative development scenarios, and to demonstrate ways in which an overall plan can be implemented in which two-thirds of the MIP are devoted to water-dependent industrial use, consistent with the Chapter 91 Regulations describing marine industrial parks.

The scope outlined below generally follows the outline for the chapters of the upcoming Master Plan. The comments of DEP and Massachusetts Coastal Zone Management (MCZM) offer additional guidance on certain issues.

#### I. General

The DMPEIR shall contain a copy of this Certificate and any Certificates issued since May 24, 1990. Copies of all MEPA correspondence shall be included. It must be distributed in accordance with the MEPA Regulations at 301 CMR 11.24 and to all who have commented on the project, including those who commented on the ENF.

#### II. Study Area

The study area shall include the entire Boston Marine Industrial Park including the Designated Port Area, all filled and flowed tidelands, portions of the MIP designated for new development opportunities and renovations. The study area shall include the Subaru site currently leased to Massport.

### III. Report Contents

The Master Plan shall include seven sections: (1) Introduction; (2) Context; (3) Existing Conditions; (4) Economic Development Plan; (5) Planning Issues; (6) Regulatory Environment and; (7) Implementation.

#### 1. Introduction

The introduction shall explain the purpose of the Master Plan and document its development. This section shall explain the legislative, regulatory and policy context of the Master Plan. It shall also provide a history of the site, including ownership prior to EDIC.

#### 2. Area Context

This section of the Master Plan shall address the role the Marine Industrial Park plays in the context of the City of Boston, its importance to the Port of Boston, the Commonwealth, and the South Boston community. In addition, this section shall present a discussion of the land use context of the area in which the project is located.

#### 3. Existing Conditions

This section of the Master Plan shall document the existing features of the MIP, using both text and graphics. This information shall be presented in tabular form, where appropriate, with references to relevant sections of the Master Plan narrative.

This section shall provide detailed descriptions of the existing buildings, land uses, maritime infrastructure (including channels, docks, upland support areas, etc.), existing transportation infrastructure, including water, rail, roadway and pedestrian and utility infrastructure. There shall be a section that inventories real estate leases, easements, ownership and parcelization. Utilization of existing land shall be discussed, including underutilized or overburdened parcels.

The Master Plan shall describe the geographic context of the MIP. It shall describe how much land is contiguous to the waterside. The amount of land that could be characterized as developed parcels, including size and dimension and distance to mean high water shoreline, should be identified. The Master Plan shall describe the distance to shipping channels and to open

water and identify the parcels that are particularly well suited to maritime industrial uses. It shall also include information on the navigability of these channels and the ability of vessels to berth along the perimeter of the MIP.

The Master Plan shall identify the parcels that are in the MIP, in the MER Zone and in the DPA. This section shall include identification of the respective parcel sizes and identify to whom they are leased and the terms of the leases. It shall briefly describe the uses of these parcels in the following categories: maritime industrial; other industrial and manufacturing uses, non-leasable areas, and other accessory and/or supporting uses. Any parcels where the land use does not conform to current zoning should be described.

#### 4. Economic Development Plan

The Economic Development Plan shall focus on retaining and expanding economic development activities and focus on the potential for port development and expansion, industrial development, job creation/retention and marketing. The Economic Development plan shall form a set of goals and objectives for future development and management of the MIP and shall specifically identify any expansion opportunities.

This section shall identify the efforts EDIC has made to date with respect to short and long term planning goals and marketing strategies that will be utilized in the future to attract and retain maritime industrial uses.

#### 5. Planning Issues

This section shall focus on the planning issues related to the retention and expansion of economic development activities, focusing in particular on opportunities presented in the post Central Artery/Tunnel construction time frame.

Alternative land use patterns within the MIP shall be examined, with major emphasis given to analyzing the potential for increased utilization of (1) intermodal transportation, including deep draft shipping, rail and air freight activity, and highway access; (2) seafood distribution and processing activities and facilities; (3) marine passenger facilities, layover facilities, and servicing of public and private water transportation vessels. This section should identify planning issues of concern to the abutting South Boston neighborhood, including public transit and parking. This section shall also

include an analysis of existing and proposed land use controls which will form the basis of future development within the MIP.

As noted in the comments of DEP and MCZM, the DMPEIR should include an analysis of undeveloped and underutilized parcels and describe how they could be developed for water-dependent industrial uses. This section shall examine approaches that balance the flexibility desired by the EDIC to meet its economic development mandate with its obligation to meet the requirements applicable to a marine industrial park under Chapter 91.

The DMPEIR shall include an alternatives analysis which focuses on alternative development scenarios that are consistent with an overall plan in which at least two-thirds of the BMIP can be devoted to water-dependent industrial use. This analysis shall include an evaluation of underutilized parcels within or adjacent to the MER Zone which do not have a long term commitment and all parcels surrounding Drydock #3. The alternatives analysis shall consider, among other options, the feasibility of designating all vacant parcels seaward of Northern Avenue, Tide Street, and Drydock Avenue as among the park spaces dedicated to maritime industry.

To the extent the DMPEIR presents alternative scenarios that do not meet this two-thirds maritime industrial standard, it shall include a substantial analysis of mitigation measures, such as future conversion of other parcels to water-dependent industrial use as they become available, and/or the development of other measures that ensure future consistency with the two-thirds alternative. For example, if a non-water dependent use is proposed for a parcel that is suitable for maritime industry, how would this be balanced, compensated, or mitigated elsewhere in the BMIP?

## 6. Regulatory Environment

This section shall review the regulatory environment as it applies to the MIP and assess the relationship of the Master Plan and proposed activities to local, state and federal regulatory programs. In particular, this section shall address the Chapter 91 licensing history of the MIP and the relationship of the existing DPA designation and MER zones to the proposed Master Plan, assess the need for modification or extension of the Municipal Harbor Plan, and provide an analysis of the need for, and benefit of, the designation as a Marine Industrial Park under



Chapter 91. This section shall demonstrate consistency with MCZM policies.

A very important component of this section will be the development of a framework for, and explanation of, the proposed master license for the entire MIP under Chapter 91. The process that will be followed for future major and minor project reviews should be included.

This section shall also address the regulatory issues as they relate to infrastructure, including water, sewer, stormwater runoff and utilities and include an analysis of any changes to the infrastructure system which will be required. An analysis of methods to conserve resources and minimize environmental impacts related to the BMIP shall be included.

7. Implementation

This section shall identify park-wide development goals and formulate a plan of action for implementing the Master Plan. This section shall identify specific actions which are contemplated as being either necessary or beneficial to the implementation of the Master Plan and contain a schedule for completing the mitigation and compliance measures. This shall include an analysis of land use controls (zoning, DPA, municipal harbor plan, marine Industrial Park designation, etc.), park-wide approvals from MEPA, MCZM, DEP Waterways and other agencies as well as any proposed capital improvements. This section shall also include a marketing strategy for the MIP.

April 27, 1994  
Date

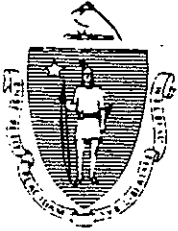
Trudy Cox  
Trudy Cox  
Secretary  
Executive Office of Environmental Affairs

24 April 1994  
Date

Marisa Lago  
Marisa Lago  
Chief Executive Officer  
Economic Development and Industrial Corporation

*one*  
*UNA*

Comments:  
MCZM  
DEP  
P:BMIC.NPC



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*100 Cambridge Street, Boston, 02202*

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT GOVERNOR

TRUDY COXE  
SECRETARY

September 7, 1995

Tel: (617) 727-9800  
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FINAL RECORD OF DECISION

PROJECT NAME : Portable Concrete Batch Plant  
PROJECT LOCATION : Boston  
EOEA NUMBER : 10435  
PROJECT PROPONENT : Boston Sand and Gravel Co.  
DATE NOTICED IN MONITOR : July 10, 1995

Project Description

The proposed project entails the reactivation of a temporary portable concrete batch plant at Building 16 of the Boston Marine Industrial Park. The proposed term of the temporary lease between the proponent and the Boston Economic Development and Industrial Corporation will run for a maximum of seven years. The plant originally received a Chapter 91 license in 1993 as a water dependent use, as the plant was used for production of concrete for the water dependent Third Harbor Tunnel.

Categorical Inclusion

The proponent now hopes to supply concrete to the non-water dependent portions of the Central Artery/Tunnel project, and possibly to other non-water dependent projects. This change in ultimate use of the concrete has caused a reclassification of the project from water dependent to non-water dependent. The project involves 1.5 acres of filled tidelands subject to Chapter 91, and thus meets the categorical inclusion threshold at 301 CMR 11.25 for the preparation of an Environmental Impact Report (EIR).

Jurisdiction

The need for a Chapter 91 license confers MEPA jurisdiction over the waterways and wetland impacts of the proposed project. The project does not need any other state permits or actions by state agencies, nor does the project involve expenditure of state funds. MEPA jurisdiction is therefore limited to issues of waterways and wetlands.

awaiting approval for reactivation.

2. The City of Boston has regulations for the control of both fugitive dust and noise. The existing enforcement procedures associated with these regulations can ensure that any unexpected operational issues with dust or noise are promptly corrected.
3. The Boston Conservation Commission has written to the proponent stating that the Commission does not anticipate any wetland impacts from the reactivation of the plant. Again, any unexpected problems can be handled through the enforcement proceedings of the existing Wetlands Protection Act regulations.
4. The proponent has conducted a traffic study which shows that the project will not produce a significant impact on traffic in either the immediate project area or on a regional level. The project will generate about 150 truck trips per day. Most if not all of these trips will access the site via the South Boston Bypass Road and/or other designated truck routes.
5. The location of the plant in the Boston Marine Industrial Park (BMIP) will allow for shorter travel distances between the site of concrete production and most construction sites using the proponent's concrete than would be the case if the proponent used its permanent facility in Charlestown for production. The location of the temporary facility will thus help minimize emissions from heavy vehicles supporting construction in the Fort Point Channel area of the Central Artery/Tunnel Project. This decrease in truck emissions represents a benefit which would not immediately occur in the absence of a waiver.
6. The comments from the Boston Redevelopment Authority show strong local support for the waiver request. Attempts by the Boston Economic Development and Industrial Corporation to find a suitable water-dependent marine industrial use at the site have proven unsuccessful to date. The City of Boston has just invested a considerable sum of money in stabilizing the roof of the building, and feels that having a tenant in the building is important to protecting the investment by ensuring ongoing maintenance of the building.
7. The comment from DEP supports granting the waiver. The DEP comment states that the proposed reactivation of the plant is consistent with Chapter 91 regulations, and that the existing public access to the waterfront in the project area is appropriate for a maritime industrial site and will not need to be expanded.

City anticipates filing the Draft Master Plan EIR in the early to middle part of 1996. I urge the City to keep to this timetable, so that the review of EOEA #8161 can be brought to closure and future project proposals within the BMIP are not delayed unnecessarily.

Based on these findings, it is my judgment that the waiver request has merit, meets the tests established in 301 CMR 11.18, and will serve to advance the interests of the Massachusetts Environmental Policy Act. Therefore, I hereby grant the waiver for the Temporary Concrete Batch Plant.

9/7/95

DATE

Trudy Coxe

comments received:

on the ENF:

7/24/95	BRA
7/31/95	MHD
8/2/95	DEP Boston WW

on the DROD:

8/31/95	Keith Davison
9/6/95	BRA

TC/ASP/asp



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
 100 Cambridge Street, Boston, 02202 <sup>3/19/96</sup>

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WILLIAM F. WELD  
 GOVERNOR  
 ARGEO PAUL CELLIUCCI  
 LIEUTENANT GOVERNOR  
 TRUDY COXE  
 SECRETARY

March 15, 1996

**CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
 ON THE  
 NOTICE OF PROJECT CHANGE**

**PROJECT NAME** : Central Artery/Tunnel Project  
 (Materials Disposal Program)  
**PROJECT LOCATION** : Boston  
**EOEA NUMBER** : 4325  
**PROJECT PROPONENT** : Massachusetts Highway Department (MHD)  
**DATE NOTICED IN MONITOR** : February 7, 1996

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on the above project and hereby determine that it does not require the preparation of a Supplemental Environmental Impact Report (SEIR).

The project change involves changes to the Materials Disposal Program of the Central Artery/Tunnel Project, including an increase of approximately 600,000 cubic yards of material bound for Spectacle Island and an extension of the closure and capping process from 1995 until 1999; a new clay distribution program; revised South Boston materials processing operations; revised disposal of dredged materials; and a reduction in fuel-contaminated soil excavation at Logan Airport.

The NPC has generated relatively (although not universally) favorable comments, reflecting the coordination over the past few years between MHD and numerous parties interested in materials disposal. However, the NPC has generated some concerns, particularly with respect to Spectacle Island disposal activities and truck traffic impacts in South Boston.

The Environmental Oversight Committee (EOC) has raised a concern that the closure and capping operations at Spectacle Island, if allowed to continue past 1999, could delay development of the park at the island until after substantial completion of the highway improvements. I remind the Highway Department that the development of a park at Spectacle before project completion is considered a mitigation measure, and any delays in landfill

closure and capping past 1999 could require another Notice of Project Change and evaluation of the potential interference with the park development schedule.

The project changes will require amendments to the Spectacle Island Memorandum of Understanding (MOU) among MHD, the City of Boston, and the Department of Environmental Management. This MOU governs project activities on the island during and after construction of the Central Artery/ Tunnel project. I believe that the process of revising the MOU presents a good opportunity to finalize an "outside date" for closure and capping activities and obviate the need for further MEPA review of the issue.

Numerous comments, both written and verbal, have taken exception with the NPC's wording of the proposed changes at Spectacle Island. The NPC implies that the footprint and contours of the landfill closure plan are environmentally necessary or preferable. As the comments from the Boston Harbor Association point out, the contours grew out of an agreement between MHD and the Spectacle Island Park Advisory Committee (SIPAC) to accommodate the amount of fill which the FSEIS/R indicated would be necessary to dispose of at Spectacle Island. The contours do not represent an optimal design for recreational use of the Island, but are considered necessary to accommodate the amount of material generated by the Central Artery/Tunnel project.

MHD has been working with SIPAC, DEM, and the City of Boston to develop a pier on the island for future support of park activities as contemplated in the FSEIS/R. The development of this pier has clear implications for the future useability of the park and its inclusion in park design is an important mitigation commitment. Again, I believe that the process of amending the Spectacle Island MOU can provide an adequate forum for finalizing the details of this important design element.

The project changes should lead to a reduction in truck traffic in South Boston (except for an increase in truck traffic in the area immediately around Subaru Pier). Overall truck traffic will decrease primarily because of substantial reductions in truck traffic associated with the clay distribution program and revised materials processing operations.

MHD now proposes truck transport of 150,000 cubic yards of material from the East Boston approach to the Williams Tunnel, and truck transport for at least a substantial portion of the dredged material from the Fort Point Channel Area to Subaru Pier. The 1992 NPC had relied mainly on barge transport of these

materials. MHD also plans to transport approximately 16,000 cubic yards of fuel-contaminated soils from Logan Airport by truck. The disposal method of these contaminated soils was unclear from earlier reviews.

This new truck traffic will offset some of the reduction in South Boston truck traffic described previously, and has raised some concerns, summarized in the comment from the Boston Harbor Association. I agree that the Notice of Project Change could have included more specific quantitative information on the number of truck trips expected from the revisions. However, I am not requiring further MEPA review of this NPC. It is clear that the changes described in the NPC will result in an overall decrease in truck traffic in residential areas along truck routes and in South Boston in general, compared to previously approved levels of truck traffic.

Nonetheless, truck traffic from the project will still prove significant, and the Highway Department should undertake to mitigate this impact wherever and whenever feasible. The NPC has demonstrated that barging of sediments dredged from the Fort Point Channel south of Summer Street will prove infeasible due to physical constraints related to bridge heights along the barge route, and that barging of East Boston materials will prove logistically infeasible as well. However, MHD has indicated that barging of Fort Point Channel sediments originating north of Summer Street is at least logistically feasible.

I strongly recommend that the Highway Department encourage prospective contractors to propose transporting excavated and dredged materials from the area north of Summer Street in a manner that minimizes both cost and impacts, for example by combining trucking and barging options, or by relying on trucking as a backup method when barging is infeasible. Contractor reliance (at least partially) on barging will ensure maximum mitigation of truck impacts and will help realize the maximum environmental benefits of the proposed changes.

Some comments have indicated potential problems with existing oversight of truck traffic. MHD must ensure strict enforcement of approved truck routes and management procedures (i.e., ensuring that trucks are covered and wheels are washed prior to entry onto the local roadway network). Otherwise, impacts will prove greater than predicted in the project's environmental documentation. MHD has committed to reevaluate its truck oversight procedures and promptly correct any deficiencies discovered in the system. Comments on the NPC demonstrate the

need for continued coordination among MHD, regulators, and area residents and businesses to resolve the issue of how best to ensure compliance with truck traffic mitigation commitments.

I conclude that no further MEPA review is required. Concerning truck traffic, the project changes described in the NPC are generally environmentally positive. Some issues regarding the future of Spectacle Island remain unresolved, but the process of amending the Spectacle Island MOU can allow satisfactory resolution of these concerns. The NPC demonstrates the need for continued coordination with interested agencies, groups, and abutters.

3/15/96

DATE

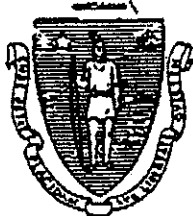
*Trudy Cox*  
Trudy Cox

Comments received :

2/22/96	DEP Boston
2/23/96	Central Artery Environmental Oversight Committee
2/27/96	Boston Environment Department
2/27/96	249 A Street Cooperative Corp, Inc.
2/27/96	Keith Davison
2/27/96	Boston Redevelopment Authority
2/28/96	DEM
3/5/96 (late)	BTD
3/6/96 (late)	Massachusetts Audubon Society
3/12/96 (late)	TBHA
3/14/96 (late)	Sierra Club
3/14/96	MHD

TC/ASP/asp





*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
 100 Cambridge Street, Boston, 02202

WILLIAM F. WELD  
 GOVERNOR

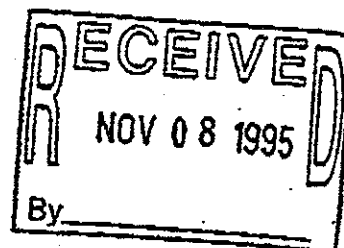
ARGEO PAUL CELLUCCI  
 LEUTENANT GOVERNOR

TRUDY COXE  
 SECRETARY

November 6, 1995

Tel: (617) 727-9600  
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Ms. Mary Marshall  
 Pitt, Hubbard & Marshall  
 201 Devonshire St.  
 Boston, MA 02110



Re: EOE A #4427, Boston Design Center  
 Request for Determination

Dear Ms. Marshall:

I have reviewed your request for determination and supplemental materials dated October 30, 1995 for the proposed change in use (from industrial use to office use) of approximately 156,250 square feet of space at the Boston Design Center. This information serves as a follow-up to the July 21 meeting between the Design Center, DEP, and MEPA staff.

The traffic analysis for the Design Center Final EIR (EOEA #4427) assumed 200,000 square feet of office space development at the facility. None of the building is currently considered in office use. The total office use of the Design Center after implementation of the proposed change would therefore remain within the parameters and consistent with the assumptions in the Final EIR. Conversations with EDIC have confirmed that, in the opinion of the City of Boston, the lapse in time between the Final EIR and the current proposed change in use does not serve to create any additional environmental impacts beyond those which have already received adequate study.

Based upon the factors cited in 301 CMR 11.17, it is the opinion of the Secretary that the changes outlined above do not significantly increase the environmental consequences of the project. No further MEPA review is required.

Sincerely,

Jan H. Reitsma  
 Assistant Secretary  
 Environmental Impact Review

JHR/ASP/asp



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*100 Cambridge Street, Boston, 02202*

WILLIAM F. WELD  
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November 21, 1996

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
 ON THE  
 DRAFT MASTER PLAN ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Boston Marine Industrial Park Master Plan  
 PROJECT LOCATION : Boston (South Boston)  
 EOEA NUMBER : 8161  
 PROJECT PROPONENT : Boston Redevelopment Authority/  
 Boston Economic Development and  
 Industrial Corporation  
 DATE NOTICED IN MONITOR : August 9, 1996

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, s. 61-62H) and implementing regulations (301 C.M.R. 11.00), the Secretary of Environmental Affairs has reviewed the Draft Master Plan Environmental Impact Report (Draft Master Plan) submitted on the above project and hereby determines that the project **requires** the preparation of a Final Master Plan Environmental Impact Report. This Certificate also serves to modify the special procedures for major and complicated review by adding the requirement for an Interim Document which will address comments received and resolve several issues discussed in more detail below.

General

The review of the Draft document has raised many questions regarding the regulatory environment which will control future development at the Marine Industrial Park and the relationships among tenants. The review has also generated questions and concerns as to how the proposed sale of all or part of the park will affect the proponent's ability to carry through on commitments made during the Master Plan review.

From the numerous oral and written comments, it is clear that the

proponent needs to respond to comments received, resolve several key permitting and regulatory issues, and give better definition to a proposed regulatory framework before the project can proceed to the stage of a Final Master Plan. It is my intention (and the intention of the state agencies and proponent) that the Final Master Plan will present a comprehensive guide for the BMIP which reflects state permitting considerations. To be found adequate, the Final Master Plan will therefore have to resolve the substantive regulatory concerns of DEP and CZM, which are described in more detail below and in the enclosed comment letters.

I am therefore modifying the Special Procedures for Environmental Impact Review developed in the May 24, 1990 and April 27, 1994 Certificates by adding the requirement for an Interim Document, which should follow the outline and content as directed by this Certificate.

#### Project Description and MEPA History

The Boston Marine Industrial Park (BMIP) consists of 191 acres of filled and flowed tidelands in South Boston and comprises a major portion of the South Boston Designated Port Area (DPA). The BMIP is located approximately 3/4 mile from downtown Boston, and sits directly across the harbor from Logan Airport, to which it is now connected via the Williams Tunnel. Summer Street and Northern Avenue also provide access to the site. Boston Harbor borders the BMIP on three sides.

The Boston Redevelopment Authority (BRA)/ Boston Economic Development and Industrial Corporation (EDIC) currently owns the site, and has the charge of promoting industry in the City of Boston through retention and creation of manufacturing jobs. The BMIP currently houses approximately 200 businesses employing about 3,500 people.

EDIC purchased the BMIP (then known as the former South Boston Naval Annex) in 1977, and described an extensive renovation plan in an Environmental Impact Report (EIR) which the Secretary of Environmental Affairs certified as adequate in 1978 (EOEA #2474). This document represented a "Master Plan" for the renovation and conversion of the Naval Annex into the BMIP. At the same time, the City approved an Economic Development Plan (EDP) to guide the development of BMIP into a diversified industrial area.

In 1983, the Secretary certified the adequacy of a Final EIR (EOEA #4427) for renovations and redevelopment of a 1.6 million

square foot structure known as Building 114. This building was a part of the former Army base adjacent to the BMIP. EDIC added building 114 to the BMIP, and the City approved an amended EDP for the BMIP which reflected the redevelopment plan for Building 114. Building 114 now houses a variety of light manufacturing firms, companies related to the home furnishing and interior design industries, and light industrial and warehouse space.

In 1989, EDIC filed a Notice of Project Change to the original Master Plan which proposed to construct a parking garage on Parcel E, to consolidate several surface parking lots in the BMIP. The Secretary did not require further review of the Project Change for the garage, but as part of the decision required that EDIC prepare a new Environmental Notification Form (EOEA #8161, the current file) to initiate the process of updating the Master Plan in light of various regulatory changes.

The Secretary, with the consent of the proponent, also designated the update to the Master Plan as a "major and complicated" project pursuant to 301 C.M.R. 11.12. This designation allowed for customized review procedures which could vary from the usual Draft and Final EIR format. EDIC submitted a Draft Master Plan late in 1990, although this document was withdrawn from the MEPA process prior to the issuance of any Certificate. I revised the scope for the Master Plan in April 1994 to respond to further changes in existing port and waterfront regulations. BRA/EDIC has submitted the Draft Master Plan EIR now under review in response to this latest Certificate.

#### The 1996 Draft Master Plan

In general, the Draft Master Plan has earned praise for its thorough description of existing conditions, but has generated sharp and sometimes conflicting commentary on proposed regulatory controls, and many reviewers have raised concerns with the

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<sup>1</sup>The procedures for major and complicated review allow for (but do not require) the creation of a Citizens Advisory Committee (CAC) to assist the Secretary with project review. The BMIP review currently does not include such a CAC. The Mayor of Boston has created a South Boston Waterfront Committee to review issues related to the BMIP. I encourage the proponent to use this existing citizens committee as a CAC for purposes of Master Plan review. I also encourage the City of Boston to broaden the membership of this committee to include representatives of existing tenants of the BMIP.

1.1

proposed sale of all or part of the BMIP to private owners. In particular, comments from some BMIP tenants, many South Boston residents, and the state regulatory agencies have expressed the concern that alterations in the zoning and state regulatory controls could lead to increased land use conflicts within the BMIP, as established industrial tenants potentially gain more upscale, commercial neighbors. The industrial tenants are concerned that the BMIP might eventually become inhospitable to industrial users as a result. On the other hand, some existing tenants (particularly the non-maritime users of Building 114) are concerned that the Master Plan retain sufficient flexibility to accommodate their needs. In addition, the state regulatory agencies have raised numerous and detailed concerns with the Master Plan's consistency with state regulations.

Interim Document

It is clear that BRA/EDIC needs to coordinate further with the state regulatory agencies, existing tenants, and interested parties prior to producing a Final Master Plan. Existing state regulations allow for several different regulatory frameworks for the site, depending on whether the governing document is a DPA Master Plan, a Marine Industrial Park Master Plan, or neither. Since the Draft Master Plan does not include a preferred regulatory framework (and associated environmental analysis), it is premature to comment on the adequacy of the Master Plan to guide the BMIP under a specific framework. (The lack of a clear regulatory preference is a shortcoming of the Draft Master Plan, although I recognize that the proponent is not solely responsible for providing such direction. State environmental agencies must work with the proponent in evaluating the currently available regulatory options, and developing a viable regulatory structure for the BMIP.)

Therefore, I am requiring the proponent to produce an Interim Document which reprints and responds in depth to the written comments received on the Draft Master Plan, includes analysis of the various regulatory frameworks available to guide the BMIP, and designates a "preferred alternative" regulatory framework which will be carried forward to the Final Master Plan for further analysis.

The proponent should circulate the Interim Document to those on the distribution list for the Draft Master Plan, and/or to those listed as commenting at the end of this Certificate. I am hopeful that the Interim Document will clear up much of the confusion as to regulatory issues, the possibility of land use

conflicts, and the implications of dual (or multiple) ownership of the BMIP. I will publish this document in the Environmental Monitor for a thirty day comment period. If the Interim Document adequately addresses the issues discussed in this Certificate and raised by commenters, I will then issue a scope for the Final Master Plan. 1.7

The proponent should develop the Interim Document in close consultation with the state regulatory agencies. I ask that the staff of the environmental agencies (in particular the Coastal Zone Management Office (CZM), Department of Environmental Protection (DEP), and MEPA Unit) be available for assistance. I also ask that CZM and DEP conduct their permitting and consistency reviews simultaneously with the MEPA review of the Master Plan documents to the maximum extent allowed by the MEPA regulations (see below). This approach will eliminate duplication, and is imperative if the Master Plan which emerges from the MEPA review is to be a document which can stand on its own and effectively guide the future of the BMIP. 1.8

For the reasons described above, it will be necessary to essentially resolve numerous permitting/consistency issues during the MEPA review (as opposed to the usual process of focusing on permitting after the conclusion of MEPA review). Two key state regulatory issues concern (1) the definition of a "supporting use" in the DEP regulations and (2) whether or to what extent to define buildings with multiple uses as (marine) industrial if the ground floor is in (marine) industrial use but upper floors are not (e.g., Building 114). The proponent should settle these two important issues with state regulatory agencies, and report the results in the Interim Document, along with a clear explanation of how the settlement of these issues affects the Master Plan. 1.8  
1.9  
1.10  
1.11

To keep resolution of permitting issues (and potential DPA boundary review) in synch with MEPA review, the proponent should submit permit/consistency applications and boundary review requests (if applicable) to DEP and/or CZM well before filing the Final Master Plan under MEPA. The Final Master Plan should contain draft<sup>2</sup> permitting decisions by the state agencies, to allow for public review of a coordinated, unified document. 1.12

Because the proponent and state agencies will work toward

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<sup>2</sup>The permitting decisions will necessarily be in draft form, because the MEPA regulations forbid state permitting agencies from taking final permitting actions prior to MEPA compliance.

resolution of substantive permitting decisions before the proponent circulates the Final Master Plan, it will be essential to ensure a high level of public notice and input into the permitting process. I therefore require that the proponent submit completed permit/consistency applications (and requests for DPA boundary changes, if applicable) to the MEPA Unit for publication (or notice of availability, as appropriate) in the Environmental Monitor. I also require that the proponent circulate notice of any public meetings or hearings held on permit/consistency applications to the MEPA Unit and those who commented on the Draft Master Plan.

#### Designated Port Area Boundary Changes

The proponent has indicated that it will likely request changes to the current boundary of the South Boston Designated Port Area. I remain open to consider changes to the DPA boundary, if the proponent ultimately decides to pursue such changes. The Coastal Zone Management Office has also committed to coordinate the consultation process for the boundary change review with the MEPA process if the proponent decides to pursue the boundary change.

That being said, I do not find (nor do commenters) that the Draft Master Plan has made a strong case for DPA boundary changes. The comments from the Boston Harbor Association put forth good arguments against shrinking the DPA. The comments from the state regulatory agencies indicate that the proponent may be able to realize its goals for the BMIP without changes in the current DPA boundary. I therefore strongly encourage the proponent to reconsider the need for requesting DPA boundary changes.

The Interim Document should settle the question of whether the proponent intends to pursue changes to the DPA boundary. The Interim Document should fully discuss the permitting and Master Plan implications of DPA boundary changes, and discuss the potential for a reduced DPA to encourage increased commercial/office use at the BMIP. The Interim Document should also discuss the feasibility of expanding the DPA to include the parcel which houses the International Cargo Center of New England.

#### Waterways Issues

Regardless of which regulatory framework is designated as the preferred alternative, the state Waterways regulations allow for a streamlined and customized review procedure for complex public projects. The proponent should consult with DEP on waterways

issues, and report back in the Interim Document on what the implications are for the Master Plan review. The discussions will hopefully lead to a proposed Master Chapter 91 License for the BMIP as a whole. The Interim Document should detail what land uses the Master License would allow, where the Master License would allow the uses, and what level of project-specific 1.19 DEP review would be required for various land uses.

#### Local Zoning

The proposed expansion of the Maritime Economy Reserve Zone has earned support among those commenting on this aspect of the Draft Master Plan. Other proposed zoning changes have raised concern, particularly since the Draft Master Plan does not include much information on allowed land uses within zones. The Interim Document should offer more details on allowed land uses, particularly within the proposed Waterfront A and Waterfront B zones. The Interim Document should also explain how the local rezoning effort will relate to the state regulatory system governing the BMIP, and should aim to demonstrate that the local 1.20 and state land use controls support and complement each other.

#### Parcel B and Environs

The possibility of a hotel or office building on Parcel B has proven to be one of the most controversial aspects of the Draft Master Plan. Numerous comments have claimed that inevitable and 1.21 irreconcilable land use conflicts with existing industrial tenants would result from non-industrial uses on Parcel B and adjacent parcels. The Revised Scope of 1994 required that the proponent "...consider...the feasibility of designating all vacant parcels seaward of Northern Avenue, Tide Street, and Drydock Avenue as among the park spaces devoted to maritime industry." The Draft Master Plan does not include this analysis. The Interim Document must include this analysis, and discuss how maritime industry in this portion of the park would affect, or be 1.22 affected by, the possible change to the DPA boundary, if still contemplated.

#### Potential BMIP Sale

Many of the comments received have expressed opposition to the proposed sale of all or a portion of the BMIP. Many have urged that I "stop" or "kill" the Master Plan for this reason. I remind reviewers that the requirement for a Master Plan predates the proposed sale of the BMIP by many years, and is anyway necessary to facilitate the continued operations at the BMIP (and



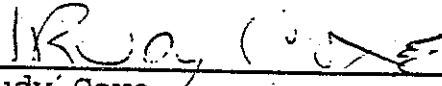
to comply with state environmental regulations). In other words, abandoning the master planning process is simply not an option.

I also wish to stress that the decision on selling all or part of the BMIP is ultimately a policy decision that must be made by the City of Boston. I have neither the authority nor the expertise to pronounce judgement on the wisdom of the sale. However, I am concerned that the sale could potentially affect the environmental analysis, to the extent that the ability to enforce Master Plan commitments on future private owner(s) is called into question, and to the extent that existing DPA regulations presume single ownership of Marine Industrial Parks. Both of these issues are clearly relevant to the master planning process, and the proponent should address them fully in the Interim Document. 1.23

Special Procedures

The proponent's signature below indicates consent pursuant to 301 C.M.R. 11.12 to the changes in the Special Procedures for Environmental Impact Review described in this Certificate.

11/21/96  
DATE

  
\_\_\_\_\_  
Trudy Coxe  
Secretary  
Executive Office of Environmental Affairs

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Marisa Lago  
Chief Executive Officer  
Boston Redevelopment Authority/ Economic  
Development and Industrial Corporation

Comments received :

- |          |   |
|----------|---|
| 9/10/96  | South Boston Waterfront Committee (K. Sinkiewicz) |
| 10/7/96  | Audrey McAuley                                    |
| 10/7/96  | Stavis Seafoods, Inc. (F. Stavis)                 |
| 10/7/96  | Raffaella Contartese Hanley                       |
| 10/10/96 | John Nagle Co. (R. Nagle)                         |
| 10/11/96 | Coastal Cement Corporation (J. Koch)              |
| 10/11/96 | DLJ Harbor (Boston) Corporation (J. Winston)      |

Comments received (cont.)

10/11/96 Au Bon Pain (L. Kane)  
10/15/96 Hornick/ Rivlin Studio (R. Hornick) ✓  
10/15/96 Boston Design Center (L. Crosby) ✓  
10/22/96 CZM (M. Brady) ✓  
10/25/96 Massachusetts Highway Department (P. Zuk, CA/T) ✓  
10/29/96 Mary Cooney ✓  
10/29/96 Artco Offset, Inc. (A. Frank) ✓  
10/29/96 Commercial Lobster Co., Inc (J. Zanti) ✓  
10/29/96 Design Communications Ltd (C. Kutner and K. Reath) ✓  
10/29/96 Mary Lema ✓  
10/29/96 Scott Wilson ✓  
10/31/96 DEP Boston (R. Golledge) ✓  
10/31/96 Boston Ship Repair, Inc. (S. DiLeo) ✓  
10/31/96 Harold Crowell ✓  
10/31/96 Matt J. McDonald Co., Inc (M. McDonald) ✓  
10/31/96 Save the Harbor Save the Bay (J. Sugerman) ✓  
11/1/96 Louise Baxter ✓  
11/4/96 Keith Davison ✓  
11/7/96 Harpoon Brewery (D. Kenary) ✓  
11/8/96 Outward Bound (G. Armstrong) ✓  
11/15/96 Senator Stephen Lynch ✓  
11/15/96 The Boston Harbor Association (V. Li) ✓  
11/18/96 Massachusetts Port Authority (R. Cox) ✓  
11/18/96 The International Cargo Center of New England (N. Fitzpatrick) ✓

TC/ASP/asp



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*100 Cambridge Street, Boston, MA 02202*

ARGEO PAUL CELLUCCI  
 GOVERNOR  
 TRUDY COXE  
 SECRETARY

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November 16, 1998

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
 ON THE  
 MASTER PLAN UPDATE (INTERIM DOCUMENT)

PROJECT NAME : Boston Marine Industrial Park (BMIP) Master Plan  
 PROJECT MUNICIPALITY : Boston (South Boston)  
 PROJECT WATERSHED : Boston Harbor  
 EOEA NUMBER : 8161  
 PROJECT PROPONENT : Boston Redevelopment Authority/  
 Boston Economic Development and  
 Industrial Corporation  
 DATE NOTICED IN MONITOR : August 26, 1998

The Secretary of Environmental Affairs hereby determines that the Master Plan Update (Interim Document) submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 C.M.R. 11.00).

The issuance of this Master Plan Update marks an important step in planning for the future of the Port of Boston and Boston's Seaport District. The City, state agencies, and other interested parties have worked together in an inclusive public planning process that should ensure the future of the BMIP for maritime and industrial uses. Once the Final Master Plan has been completed, a Master Chapter 91 License for the entire park will provide a streamlined regulatory framework that will expedite the permitting of future projects. I am confident that the City will

continue to work with all parties in the same cooperative spirit to resolve the remaining outstanding issues, including the preservation of transportation access to the park and the nature of the transitional zone at Wharf 8.

The land areas of the Port of Boston devoted to maritime industrial activities are a scarce and irreplaceable resource for the economy of the City, the region, and the entire Commonwealth. The Master Plan Update ensures that within the larger 1000 acres of the Seaport District, the 200 acres of BMIP will continue to provide a solid base for manufacturing and water-dependent industrial uses, consistent with state and city policies. As the Massachusetts Port Authority (Massport) and the Boston Redevelopment Authority (BRA) stated in the Port of Boston Economic Development Plan, issued jointly in 1995: "The South Boston Waterfront is the largest and most active maritime industrial area of the harbor. South Boston is unique in possessing all of the desirable qualities of a thriving seaport: deep water channels, direct access to the interstate highway system, large land areas, and compatibility with adjacent land uses." More recently, in June 1998 the South Boston Waterfront Committee appointed by Mayor Menino resolved that protection of the industrial port should be one of the key principles to guide the ongoing planning of the South Boston Seaport District.

The Master Plan Update has resolved several critical issues remaining from the review of the Draft Master Plan Environmental Impact Report, reviewed under MEPA in 1996. The proponent has decided upon a preferred regulatory framework to guide future development of the BMIP (as a Marine Industrial Park pursuant to Chapter 91 regulations), and has decided to retain single ownership of the BMIP. In addition, the proponent has decided against pursuing changes to the Designated Port Area (DPA) boundary; has decided against development of a hotel within the BMIP; and has developed a Master Plan that promises to largely preserve the maritime and industrial land use mix of the BMIP. I commend the proponent for the work done since 1996 with the state regulatory agencies and other interested parties.

The proponent may now proceed with the preparation of a Final Master Plan. The Final Master Plan should resolve the issues identified below and respond to the comments received. The Final Master Plan should consist of a stand-alone document that provides a definitive planning framework for the future of the BMIP. At a minimum, the proponent should circulate the Final Master Plan to those who commented on the Master Plan Update.

As future project proposals within the Seaport District are developed, I encourage them to take the same broad-based approach to community planning that the BMIP Master Plan Update reflects. I also anticipate that all such proposals will address potential conflicts, including land uses and traffic, between commercial developments and the working waterfront, in order to ensure the continued preservation of the maritime capacity of BMIP and the rest of the industrial port.

#### ZONING / MASTER CHAPTER 91 LICENSE / FUTURE MEPA REVIEW

As stated in my earlier certificate, the final step in this MEPA review process will be the submission of the Final Master Plan -- a document that is also intended to serve as the basis for an application to the Department of Environmental Protection (DEP) for a Master Chapter 91 License for the entirety of BMIP. (Depending upon the progress of the planning, the Final Master Plan may even contain a draft of DEP's license decision.) The Final Master Plan should clarify the relationship between the land use categories permissible under the proposed local zoning to those permissible under Chapter 91 regulations. The Final Master Plan should discuss any areas where local zoning and Chapter 91 regulations might allow different land uses, and should attempt to resolve any conflicts between state and local regulations. The Final Master plan should also detail how the proponent intends to use the proposed zoning changes to complement the requirements of Chapter 91 regulations with respect to prioritizing water-dependent industrial uses.

SC-1

The Master Plan Update (pp. 16-18) contains a proposed Chapter 91

review and approval process for future projects within the BMIP. Upon the completion of the Final Master Plan, I anticipate that an analogous procedure will govern the MEPA review of such projects. For example, an individual project that exceeds a MEPA review threshold might only require an informational filing, but no further MEPA review unless it also required a separate Chapter 91 license because of inconsistency with the Final Master Plan. I invite the proponent to respond to this suggestion in more detail in the Final Master Plan.

SC-2

#### TRANSITIONAL ZONE / WATERFRONT RETAIL DISTRICT

The principal issue left outstanding by the Master Plan Update centers around the proposed rezoning of a portion of the BMIP in the area of Wharf 8 from Maritime Economy Reserve to Waterfront Retail. Although there have been previous discussions that this area might be appropriate for uses that constitute a "transition" between the rest of BMIP and the more commercial portion of the Seaport District to the west, the comments on the Master Plan Update indicate that there is not yet a consensus regarding the definition of what would constitute acceptable transitional uses. In particular, the uses that the Master Plan Update would allow within the Waterfront Retail district include some that are currently barred within a Designated Port Area under the Waterways Regulations, and others (such as branch banks and post offices) that appear to be inconsistent with the notion of transitional uses. As many comments also noted, commercial development of Wharf 8 could also result in traffic impacts upon existing truck access routes (both inside and outside the park), alterations to existing drydock infrastructure facilities and implications for short-term and long-term use of those facilities, and the potential displacement of current water dependent uses. The Final Master Plan should contain an in-depth analysis of the impacts that might result from rezoning of Wharf 8, along with an analysis of alternatives and proposed mitigation measures. I urge the proponent to consult closely with state regulatory agencies and maritime and industrial interests during the continued development of this aspect of the Final Master

SC-2

Plan, in order to resolve these issues.

In addition, since the publication of the Master Plan Update, press reports indicate that the proponent intends to relocate Harborlights Pavilion, Inc. to Wharf 8. I note that this office has not yet received any formal submission regarding the Harborlights proposal, and my decision today on the Master Plan Update should in no way be read as a prejudgment of the Harborlights project. Prior to the submission of the Final Master Plan and the issuance of the Master Chapter 91 license, I anticipate that a non-water dependent use project of this scale would require notice in the Environmental Monitor and a process of public review and comment by both city and state agencies.

#### TRANSPORTATION ACCESS

Transportation access to the BMIP is a critical issue, both to ensure the economic viability of the BMIP for maritime industrial activity, and to ensure that the BMIP operates smoothly as part of a larger transportation system in the Seaport District. However, because of the ways in which transportation access to the BMIP is intertwined with the ongoing development of the rest of the Seaport District, the Master Plan has never been intended to contain a detailed "stand-alone" transportation analysis. The Final Master Plan should describe internal circulation patterns and parking facilities within the BMIP. It should also describe access routes to and from the BMIP for truck, auto, and rail, and the operational constraints governing those access routes.

SC-4

Moreover, I understand that the City, in coordination with Massport, has undertaken a broad transportation study for the entire Seaport District, updating the analysis provided in the Central Artery/Tunnel (CA/T) Project's "Green Book." The Final Master Plan should report on the status of this study, and confirm whether its trip generation and LOS predictions for the BMIP are consistent with those contained in the Green Book. The Final Master Plan should also respond to the comment letter from the Department of Environmental Protection Division of Air

SC-5

Quality (DAQ), to confirm that the air quality impacts of the Final Master Plan are consistent with the analysis previously conducted in connection with the CA/T Project.

ADDITIONAL ISSUES

The Final Master Plan should discuss stormwater management (at both existing and proposed developments) at the BMIP, and should discuss the consistency of the stormwater management system with the Department of Environmental Protection guidelines. The Final Master plan should also contain a description of the water supply and sewer infrastructure at the BMIP, and respond to the comments of the Boston Water and Sewer Commission. In addition, the Final Master Plan should respond to comments regarding waste recycling programs at the BMIP, and address opportunities for expansion and increased coordination of existing programs.

SC-6

SC-7

SC-8

The Master Plan Update has generated a number of detailed and thoughtful comments. The Final Master plan should respond to all substantive comments received. I recommend that the proponent adopt the same format used in the response to comments found in the Master Plan Update. The Final Master Plan should also contain draft Section 61 findings.

11/16/98  
DATE

Trudy Cox  
Trudy Cox

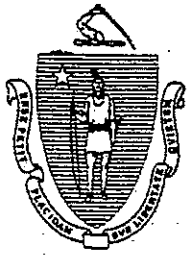
Comments received :

- ✓ 10/9/98 Harpoon Brewery
- ✓ 10/9/98 Department of Environmental Protection DAQ (Boston)
- ✓ 10/15/98 Boston Environment Department
- ✓ 10/23/98 Boston Design Center
- ✓ 10/27/98 Boston Water and Sewer Commission
- ✓ 10/27/98 Boston Water and Sewer Commission
- ✓ 10/27/98 Commercial Lobster Co., Inc.
- ✓ 10/27/98 DLJ Harbor (Boston) Corporation
- ✓ 10/28/98 Peabody & Lane Corporation



- ✓10/30/98    Senator Stephen Lynch
- ✓11/3/98    The Boston Shipping Association, Inc.
- ✓11/5/98    Jimmy's Harborside Restaurant
- ✓11/5/98    MacDonald & Associates
- ✓11/5/98    Kenneth A. Sinkiewicz
- ✓11/6/98    Massachusetts Bay Lines, Inc.
- ✓11/6/98    Greater Boston Convention & Visitors Bureau
- 11/6/98    Beth Wynne
- ✓11/9/98    The Boston Harbor Association
- ✓11/9/98    The Seaport Alliance for a Neighborhood Design
- ✓11/9/98    Coastal Zone Management
- ✓11/9/98    Massachusetts Port Authority
- ✓11/13/98    Jay Cashman Inc.

TC/ASP/asp



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*Executive Office of Environmental Affairs*

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MARGO PAUL CELLUCCI  
GOVERNOR

JANE SWIFT  
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January 15, 1999

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Harborlights Pavilion  
PROJECT MUNICIPALITY : Boston  
PROJECT WATERSHED : Boston Harbor  
EOEA NUMBER : 11816  
PROJECT PROPONENT : Harborlights Pavilion  
DATE NOTICED IN MONITOR : December 9, 1998

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 C.M.R. 11.00), I hereby determine that this project does not require the preparation of an Environmental Impact Report.

For the past five summers, the Harborlights Pavilion has enlivened the South Boston waterfront. Each season, over 100,000 concert goers have listened to music in a setting that highlights Boston Harbor, and its potential for public access and enjoyment. It is in the interest of the long-term revitalization of Boston's waterfront that Harborlights find a permanent home. But until that home has been identified, Harborlights needs an interim site. I acknowledge that a short-term relocation of Harborlights to Wharf 8 in the Boston Marine Industrial Park (BMIP) poses a range of impacts upon neighboring maritime industrial uses that argue against this as a permanent location. Nevertheless, for the reasons stated in this Certificate, I am confident that the

short-term impacts from operation at Wharf 8 can be successfully mitigated during the DEP review process. In addition, I am also requiring in this Certificate that the Boston Redevelopment Authority (BRA) address the long-term use of Wharf 8, and that it identify a permanent home for Harborlights, both as part of the BMIP Master Plan that is already undergoing MEPA review. For these reasons, I am not requiring further MEPA review of the Harborlights project at this time.

According to the Environmental Notification Form (ENF), the project involves the relocation of an existing 5,000 seat outdoor music facility and supporting amenities to Wharf 8 in the Boston Marine Industrial Park for a period of up to five years, pending identification and development of a permanent location. The proponent has initiated MEPA review of the project because it involves the non-water dependent use of tidelands. DEP has confirmed that the site and proposed project are subject to the state Waterways Regulations. To determine the precise commitments required to allow short-term use, DEP has invited the proponent and other parties to participate in an intensive consultation process. I am confident that this review can be concluded in a timely manner that will not interfere with the scheduling of the 1999 concert season.

#### SHORT TERM IMPACTS AND MITIGATION

As noted in the comment letters, the short-term use of the site raises different issues from those posed by the long-term use. Currently, a portion of the site is used by water-dependent users: A.C. Cruise Lines, and two lobster boats. The project will not displace these users. The BRA has committed to finding an alternate location within the BMIP for the other current user, the Commercial Lobster Company. In the long term the site might provide lay-down space for the adjacent Dry Dock No. 4. However, some of the potential lay-down space is leased to the Central Artery/Tunnel Project through the year 2002, and thus will not be available for water-dependent use until the CA/T lease expires, after which date the area will be fully available for maritime

industrial use.

The ENF and the comment letters have particularly focused on the need to mitigate transportation impacts on industrial tenants at the BMIP, who rely upon 24-hour truck access to their businesses. The project is projected to add over 1,000 vehicle trips daily during the two-hour period (5:30 to 7:30 PM) before each concert. Concert-goers will park at the BMIP garage and walk to the site, crossing truck routes and access driveways. In the ENF, the proponent has committed to a traffic management and mitigation plan. Commenters have suggested further mitigation measures, which will be addressed in the DEP review. Upon the conclusion of DEP review and at least two months before the start of the concert season, I am requiring the proponent to submit a detailed Transportation Access Plan (TAP) to the MEPA Office. A notice of availability of the TAP will be published in the Environmental Monitor, and copies will be distributed to all commenters.

The proponent has made a number of other mitigation commitments in the ENF. The Harborwalk will be extended around the entire perimeter of the site, ranging in width from twenty to twenty-five feet. This will provide improved public access to this section of the waterfront, and it will benefit A.C. Cruise Lines, one of the current users. Proposed capital investments and site improvements include the installation of utilities (water, sewer, and electrical), new electrical service to Dry Dock No. 4, and improvements to the existing bulkhead. Also, the BRA has committed to reinvesting rental incomes from the lease of the property into upgrades of the port infrastructure.

In addition, commenters have suggested the need for additional mitigation measures, including provisions for navigational safety, the dedication of project revenues to improvements at Dry Dock No. 4, and the need for annual updates that monitor impacts and the effectiveness of mitigation measures. I anticipate that DEP, at the conclusion of its pending review, will incorporate the ENF commitments and impose additional enforceable conditions to address the issues discussed above.

## LONG TERM PLANNING REQUIREMENTS

The review of this project has also raised important and unresolved harbor planning issues. The principal reason that I am not requiring further MEPA review of the Harborlights project at this time is because the appropriate forum in which to address these issues is the ongoing MEPA review of the BMIP Master Plan. In effect, I am treating the ENF for this project as a Notice of Project Change to the BMIP Master Plan, for which the Boston Redevelopment Authority (BRA) is currently preparing a Final Master Plan document. The BMIP master planning effort offers a public process analogous to a municipal harbor plan, through which the City defines appropriate standards and restrictions, based upon local conditions and needs and consistent with state environmental policy goals. As noted in the November 1998 Certificate on the Draft BMIP Master Plan, the BRA has done an excellent job to date of planning for the future of the BMIP: in fact, the only significant issue left outstanding was the future use of Wharf 8. I pledge EOEAs continued cooperation and support to the City, so that we can jointly bring to fruition the necessary planning for this area and for all of Boston Harbor.

Given the concerns raised by the Harborlights proposal, the future of Wharf 8 needs to be resolved sooner rather than later. The BMIP Final Master Plan should thoroughly address the long-term future of Wharf 8/ Dry Dock No. 4, and include the city's plans for encouraging maritime industrial use of this area, as described in the BRA's letter to DEP dated December 30, 1998. I anticipate that the permanent zoning for this area, and the terms of the Master Chapter 91 License for BMIP that will result from the Master Plan, will exclude permanent major commercial, retail, and entertainment uses, such as Harborlights. In addition, the Final Master Plan should include additional analysis of the short term impacts of the Harborlights relocation to Wharf 8 on traffic in the BMIP, and discuss the effectiveness of the mitigation program. If the BRA has not filed the BMIP Final Master Plan, including the analysis of the Harborlights project, by December

January 15, 1999

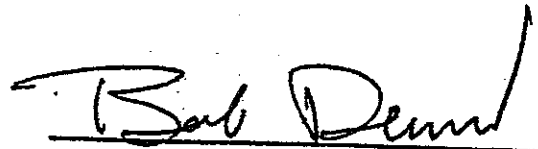
31, 1999, I will treat the absence of such a document as a Notice of Project Change for both BMIP and this project.

The relocation of Harborlights to Wharf 8 offers only a temporary solution. The proponent and the BRA should therefore begin immediately to search for a permanent location for the Harborlights Pavilion outside of any Designated Port Areas. I am hereby modifying the scope for the BMIP Final Master Plan to include a requirement for an alternatives analysis for a alternate permanent location for the Harborlights Pavilion. The analysis should include the Yard's End site within the Charlestown Navy Yard that was identified in the ENF, and any other feasible sites on the Boston waterfront or harbor islands. However, approval of the Final BMIP Master Plan could occur, subject to the foregoing, prior to the completion of environmental review for an alternative site. HL-2

The Final BMIP Master Plan should include copies of all comment letters on this project and a response to comments, and copies of the Final Master Plan should be distributed to all commenters on this project. The Draft Section 61 Findings should incorporate all mitigation commitments for the Harborlights project. HL-3

1/15/99

DATE



Robert Durand

Comments received :

12/16/98 Boston Harbor Cruises  
 12/17/98 Legal Sea Foods, Inc.  
 12/22/98 The Seaport Alliance for a Neighborhood Design  
 12/23/98 Boston Redevelopment Authority  
 12/29/98 Massachusetts Turnpike Authority  
 12/29/98 Senator Stephen Lynch  
 12/29/98 The Boston Shipping Association, Inc.

12/29/98 Save the Harbor/Save the Bay (to DEP)  
12/30/98 Conservation Law Foundation  
12/30/98 Coastal Zone Management Office  
12/30/98 The Boston Harbor Association  
12/30/98 Councilor James Kelly  
12/30/98 Boston Environment Department  
12/30/98 Department of Environmental Protection Boston  
12/30/98 A.C. Cruise Line  
12/30/98 Harpoon Brewery  
12/30/98 Boston Redevelopment Authority (to DEP)  
12/31/98 Massachusetts Port Authority  
12/31/98 Jay Cashman Inc.  
12/31/98 Boston Water and Sewer Commission  
1/4/99 Boston Transportation Department  
1/4/99 Greater Boston Convention & Visitors Bureau  
1/4/99 John Nagle Co.  
1/4/99 Boston Pilots  
1/6/99 Massachusetts Historical Commission

TC/ASP/asp

**APPENDIX B**

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**DISTRIBUTION LIST**



**Distribution List:**

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Jane Mead, MCZM  
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Greg Carrafiello, Program Chief, DEP, Waterways Regulation Program  
Christine Kirby, DEP (Air Quality)  
Michael A. Leone, Port Director, Massachusetts Port Authority  
Lowell Richards, Chief Development Officer, Massachusetts Port Authority  
William Flynn, Deputy Project Director, Massachusetts Highway Department  
Gary Hammer, Director of Architectural Review, Massachusetts Historical Commission  
EOCD State Clearinghouse  
Antonia Pollak, Director, Boston Environment Department  
Andrea d'Amato, Chief of Environmental Services, City of Boston  
Lt. Eric Hahn, Harbormaster, City of Boston  
John Sullivan, Chief Engineer, Boston Water and Sewer Commission  
Patrick Moynihan, Project Director, CA/T Project  
Metropolitan Area Planning Council  
Boston Transportation Department  
George Armstrong, Executive Director, Thompson Island Outward Bound Education Center  
Vivien Li, Executive Director, The Boston Harbor Association  
Gillian Grossman, Save the Harbor, Save the Bay  
Stephanie Pollack/Bennet Heart, Conservation Law Foundation  
Steve Hollinger, Seaport Alliance for Neighborhood Design  
Ken Sinkiewicz, South Boston Waterfront Committee  
Alfred E. Frizelle, Boston Shipping Association  
Capt. Alan D. Circeo, A. C. Cruise Line  
Arthur Whittemore, President, Boston Pilots  
Neil Fitzpatrick, President, Boston Freight Terminals  
Steve DiLeo, President, Boston Ship Repair, Inc  
William J. Spence, President, Massachusetts Bay Lines  
Frederick Nolan III, Managing Partner, Boston Harbor Cruises  
Joseph M. Koch, III, President, Coastal Cement Corp.  
John Winston, President, DLJ Harbor Corporation  
Louis I. Kane, Co-Chairman, Au Bon Pain Co. Inc.  
Rick Hornick, Hornick/Rivlin Studio Inc.  
Laura Crosby, Vice President, Boston Design Center  
Craig Kutner/Kyle Reath, Design Communication, LTD.  
Arthur Frank, President, Artco Offset, Inc.

Matt J. McDonald III, President, Matt J. McDonald Co., Inc.  
Alan D. Perrault, Vice President, Jay Cashman, Inc.  
Russell J. Nagle, President, John Nagle Co.  
Fred Stavis, Stavis Seafoods, Inc.  
Joseph Zanti, President, Commercial Lobster Co.  
Roger Berkowitz, President and CEO, Legal Seafoods  
Richard A. Doyle/Daniel C. Kenary, Mass. Bay Brewing Company, Inc.  
Charles Doulos, Jimmy's Harborside Restaurant  
Beth Wynne, Manager, Scola's Restaurant & Pub  
Jim Jensen, General Manager, BankBoston Pavilion  
Patrick Moscaritolo, President and CEO, Greater Boston Convention & Visitors Bureau  
Arthur Lane, Peabody and Lane Corp.  
Bruce & Estelle MacDonald, MacDonald & Associates  
Mary Ann Hutchinson, Law Offices of Gerard Doherty  
Audrey McAuley  
Mary Marshall  
Raffaella Contartese Hanley  
Mary Cooney  
Mary Lema  
Scott Wilson/ Celeste Wilson  
Harold Crowell  
Louise Baxter  
Keith K. Davison

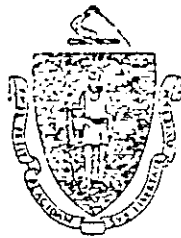
**APPENDIX C**

---

**CHAPTER 91 LICENSES**

The Commonwealth of Massachusetts

No. 669.



Whereas, the Economic Development Industrial Corporation and the Massachusetts Port Authority -----

of Boston -----, in the County of Suffolk----- and Commonwealth aforesaid, have applied to the Department of Environmental Quality Engineering for license to construct and maintain an earth dike, a rock dike, fill and drainage, in Boston Harbor, in the City of Boston, ----- and have submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Mayor and to the City Council --- of the City ----- of Boston -----;

And said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said Economic Development Industrial Corporation and the Massachusetts Port Authority -----, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to construct and maintain an earth dike, rock dike, filling and drainage in Boston Harbor, at EDIC's property, in the City of Boston, in conformance with the accompanying plans (five sheets) no. 669.

An earth dike having a length of approximately 1,576 feet with a top elevation 16.0 feet above the mean low water datum, sloped 2 feet horizontal to 1 foot vertical on both slopes may be constructed and maintained adjacent to the United States Pier and Bulkhead Line in Boston Harbor. Said dike may then turn through a curve having a length of 78.54 feet and continue a distance of approximately 830 feet in a southwesterly direction where it would join an existing bulkhead at "C" Street. Said 830 foot length may be constructed from rock material and be sloped 1.5 feet horizontal to 1 foot vertical on both sides with a top elevation 16.0 feet above the mean low water datum. Said dike may have a top width of 30 feet, for its entire length.

Riprap slope protection may be placed and maintained on the seaward side of the dike along the earthen section.

Existing piers numbered 1, 2, 3 and 4 and piles may be removed to mean low water.

An area of approximately 36.16 acres bounded by the "C" Street bulkhead to the South, said dike to the North and West, and the "West Jetty" to the east may be filled to a top elevation 16.0 feet above the mean low water datum.

Temporary containment berms, having french drains as indicated on the License Plan, may be constructed within the confines of the rock dike, earthen dike, West Jetty and the "C" Street bulkhead.

Please see page 3.

Duplicate of said plan, numbered --- 669 ---- is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized has been ascertained by said Department, and compensation therefor has been made by the said~~

An "L" shaped area at the intersection of North and West Jetties, as well as the West Jetty, may be removed.

An existing pump house and silo, adjacent to the West Jetty, may be removed.

During the construction of the tidal embankment, all significant shoaling within Boston Harbor, beyond the area which lies between the project site and the main ship channel shall be the responsibility of the Massachusetts Port Authority. The standard for shoaling shall be the United States Army, Corps of Engineers, 1979-80 soundings. This stipulation is a condition of acceptance of this license.

The Final Order of Conditions issued by the Commissioner of the Department of Environmental Quality Engineering, shall be strictly adhered to including all measures to limit turbidity.

Pursuant to Section 24 of the Regulations for the Administration of Waterways Licenses, this License is granted for a maritime-dependent use as defined in Section 4 of those Regulations.

All work authorized hereby shall be in the location shown and in accordance with the details given on License Plan no. 669.

Please see page 4 for additional conditions to this license.

Nothing in this license shall be construed as authorizing encroachment on or over property not owned or controlled by the licensee, except with the consent of the owner or owners thereof.

Acceptance of this license shall constitute an agreement by the licensee, to conform to all terms and conditions herein stated.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations.

This license is granted upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters, except in strict conformity with the requirements of the local and State health departments and the Division of Water Pollution Control.

This license is granted upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

This license is granted upon the further express condition that the authorization contained herein may be modified or may be revoked in whole or in part in the event of the licensee, its successors and assigns, failing to comply with said authorization or any provisions of the license or failing to maintain all authorized structures and installations in good condition, to the satisfaction of the Department of Environmental Quality Engineering or its successors. This condition permitting modification or revocation of the license shall also apply in the event of the failure of the licensee, its successors and assigns, to secure approval under all other applicable laws, ordinances or regulations or failure to adhere to the conditions of such approvals upon receipt of such failure provided by an agency having jurisdiction. Revocation or modification of this license as provided herein shall be without liability to the Commonwealth or claim for compensation by the licensee, its successors and assigns.

~~This license is granted upon the further express condition that the licensee, its successors and assigns, shall upon request in writing by the Department of Environmental Quality Engineering or its successors, change the location of said structure, lower it to such depth, or raise it to such height, as said Department may prescribe or remove it entirely from said waters, and said licensee, by accepting this license shall be deemed to consent and agree to the condition herein set forth, and in case of any refusal or neglect on the part of the licensee, its successors and assigns, to comply with this condition, then this license shall be wholly void and the Commonwealth, by its proper officers, may proceed to remove or to cause the removal of said structure at the expense of said licensee, its successors and assigns, as an unauthorized and unlawful structure in said waters.~~

~~to be paid into the treasury of the Commonwealth~~  
for each cubic yard so displaced, being the amount hereby assessed by  
said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plans are recorded within  
one year from the date hereof, in the Registry of Deeds for the -----  
State of the County of Suffolk.

In ~~Witness Whereof~~, said Department of Environmental Quality Engineering have hereunto  
set their hands this 18th ----- day of July ----- in the year  
nineteen hundred and eighty.

Commissioner

Chief Engineer

*[Handwritten signature]*

Department of  
Environmental Quality  
Engineering

THE COMMONWEALTH OF MASSACHUSETTS

~~This license is approved in consideration of the payment into the treasury of the Commonwealth  
by the said  
of the further sum of  
the amount determined by the Governor as a just and equitable charge for rights and privileges  
hereby granted in hand of the Commonwealth.~~

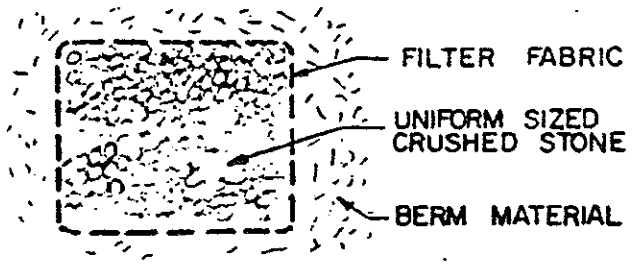
Approved by the Governor.

BOSTON, *8/8/80*

*Edward J. King*  
Governor

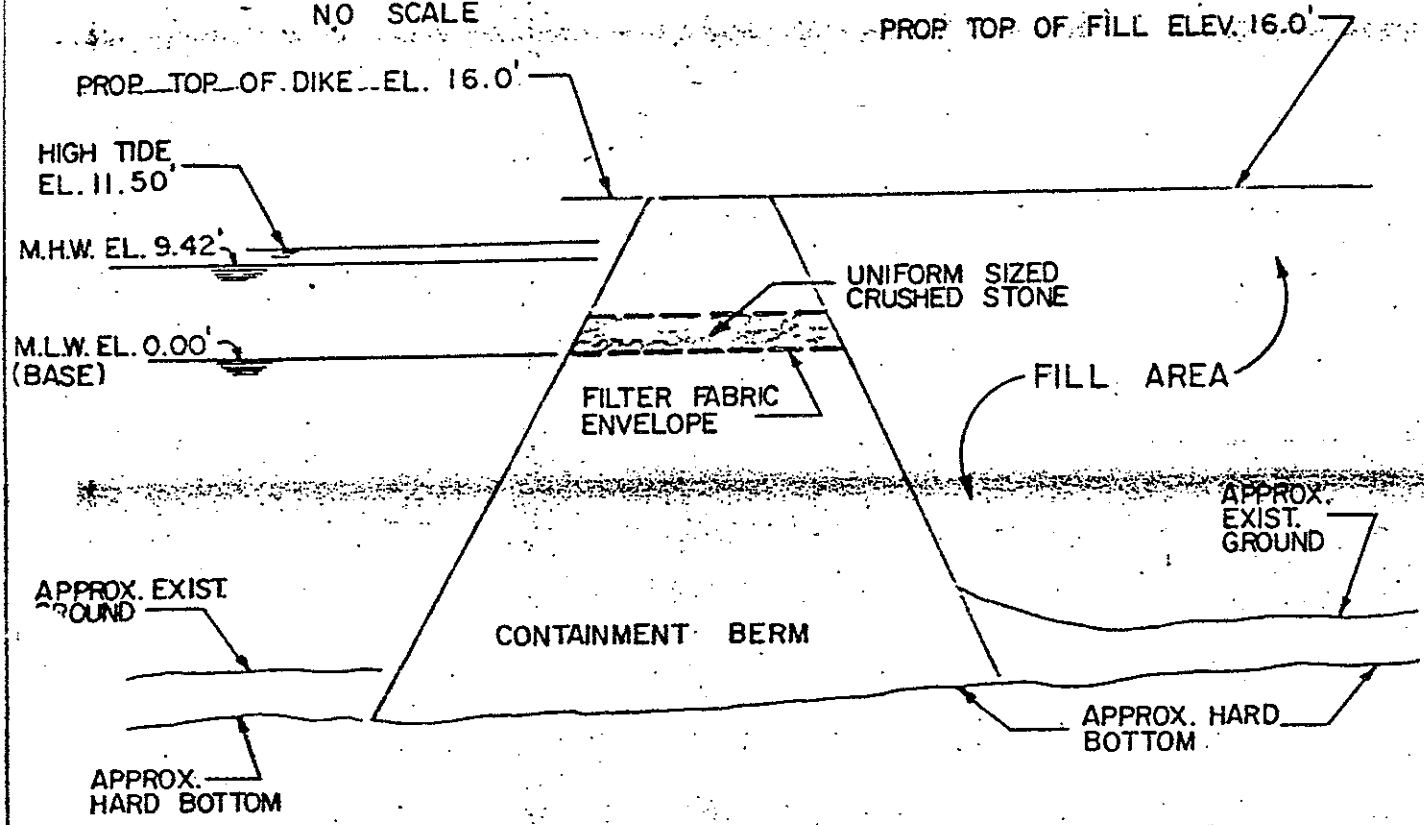
A TRUE COPY — ATTEST  
*[Handwritten signature]*  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY ENGINEERING  
Commonwealth of Massachusetts





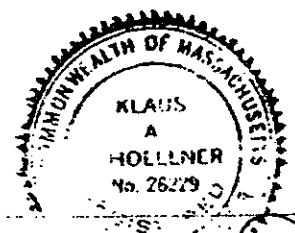
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NO SCALE



**CROSS SECTION OF BERM W/FRENCH DRAIN**

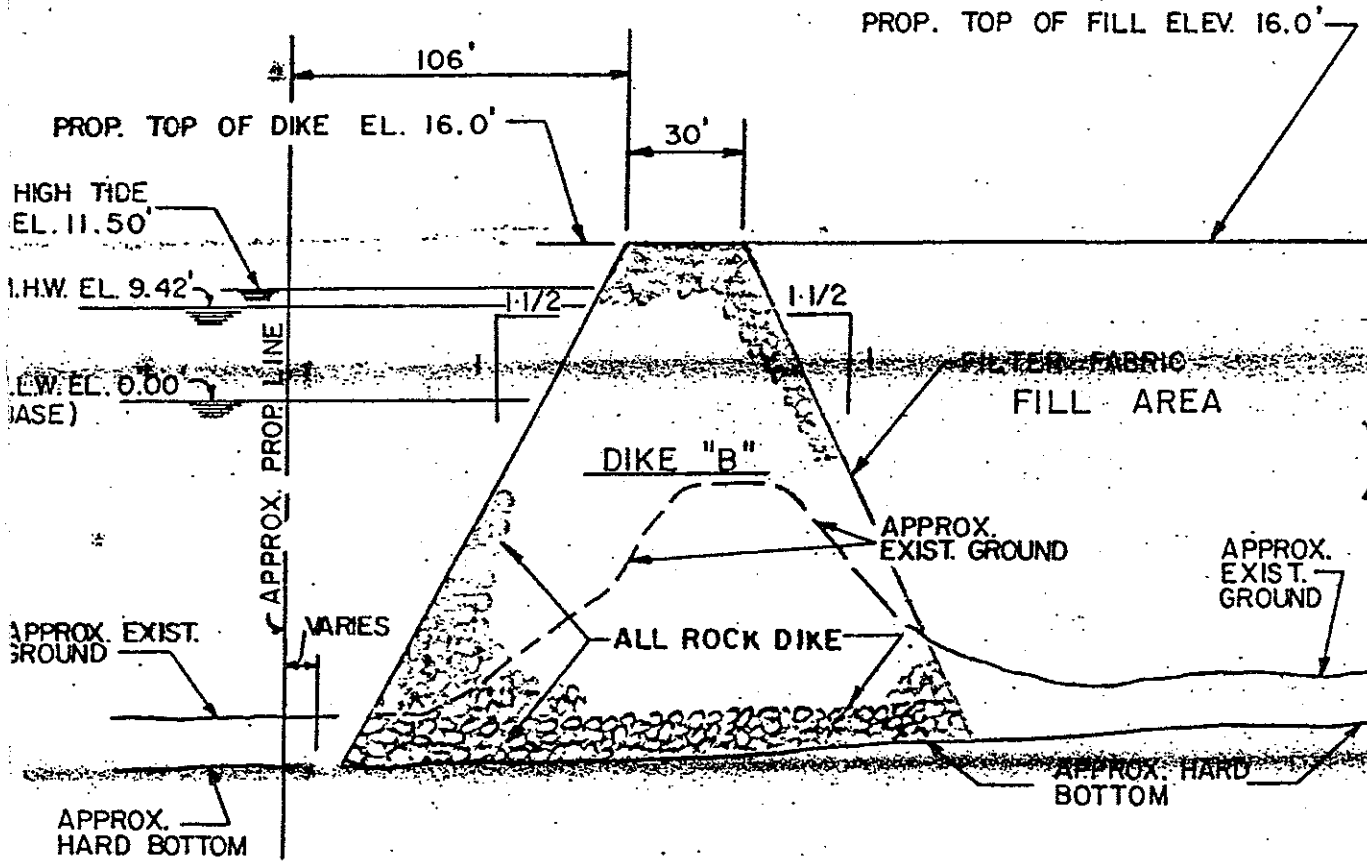
NOT TO SCALE



*William A. [Signature]*

PLAN ACCOMPANYING PETITION OF THE  
ECONOMIC DEVELOPMENT & INDUSTRIAL CORP.  
AND THE  
MASSACHUSETTS PORT AUTHORITY  
TO CONSTRUCT AND MAINTAIN AN EARTH DIKE, A ROCK  
DIKE AND FILLING; IN THE BOSTON HARBOR  
CITY OF  
BOSTON, COUNTY OF SUFFOLK, MASS.  
MARCH-1980

**LICENSE PLAN NO. 669**  
Approved by Department of Environmental Health  
July 18, 1980  
SHEET 5 OF 5

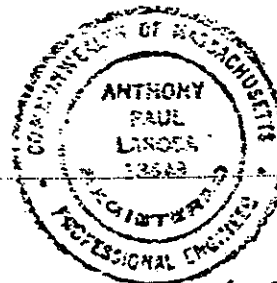


### SECTION B-B

HOR. SCALE IN FEET  
0 10 50



VERT. SCALE IN FEET  
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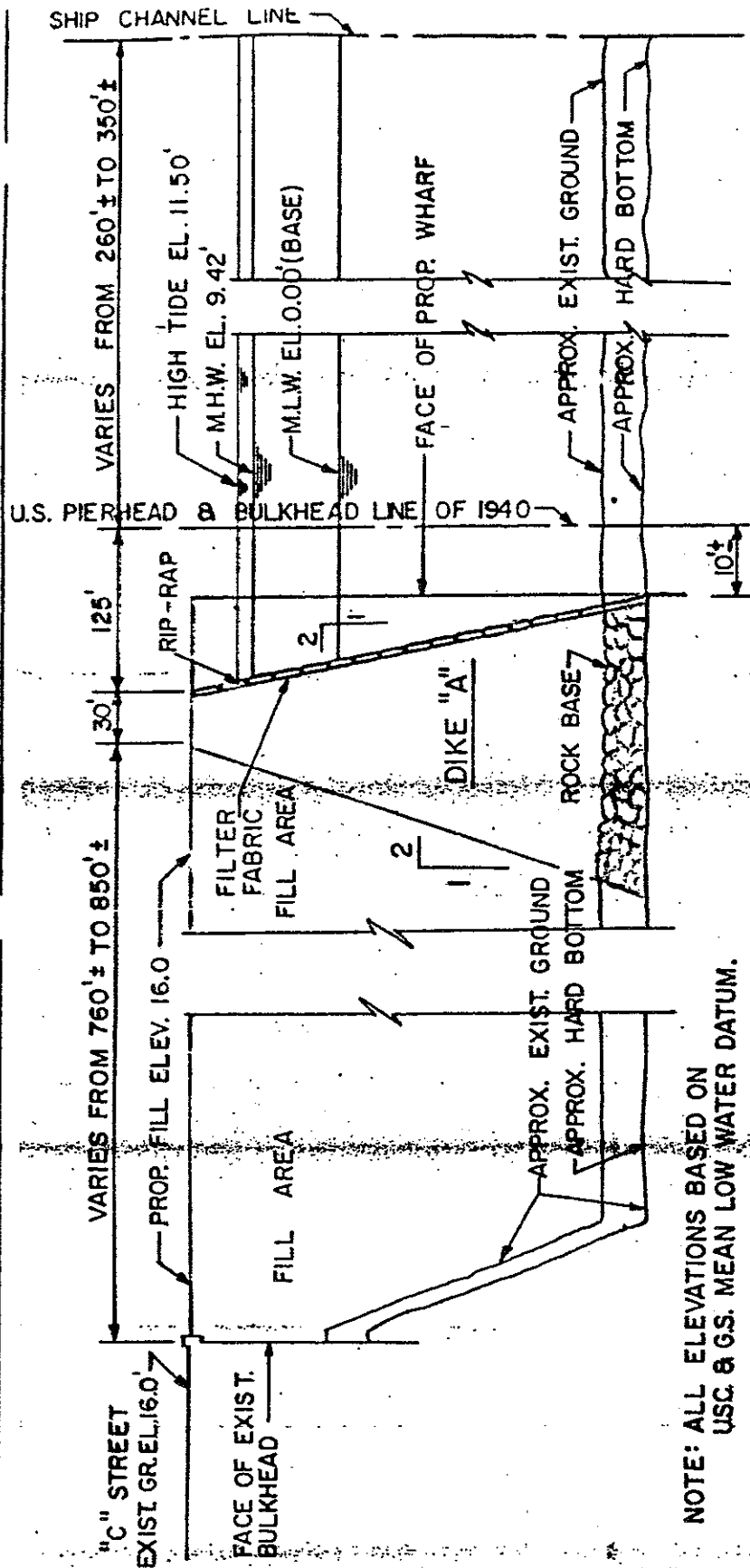


*80W-013 Anthony Paul Lindes*

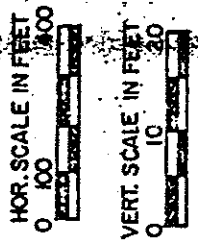
PLAN ACCOMPANYING PETITION OF THE  
**ECONOMIC DEVELOPMENT & INDUSTRIAL CORP.**  
 AND THE  
**MASSACHUSETTS PORT AUTHORITY**  
 CONSTRUCT AND MAINTAIN AN EARTH DIKE, A ROCK  
 DIKE AND FILLING; IN THE BOSTON HARBOR  
 CITY OF  
 BOSTON, COUNTY OF SUFFOLK, MASS.

## LICENSE PLAN NO. 669

Approved by Department of Environmental Quality Engineering  
 JULY 18, 1980



SECTION A-A



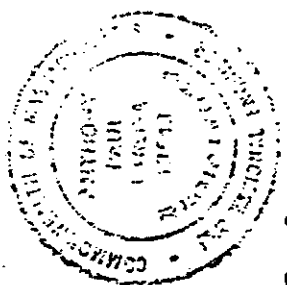
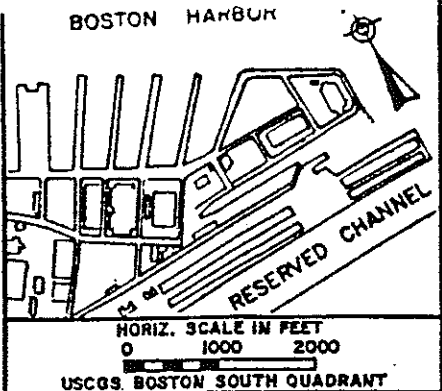
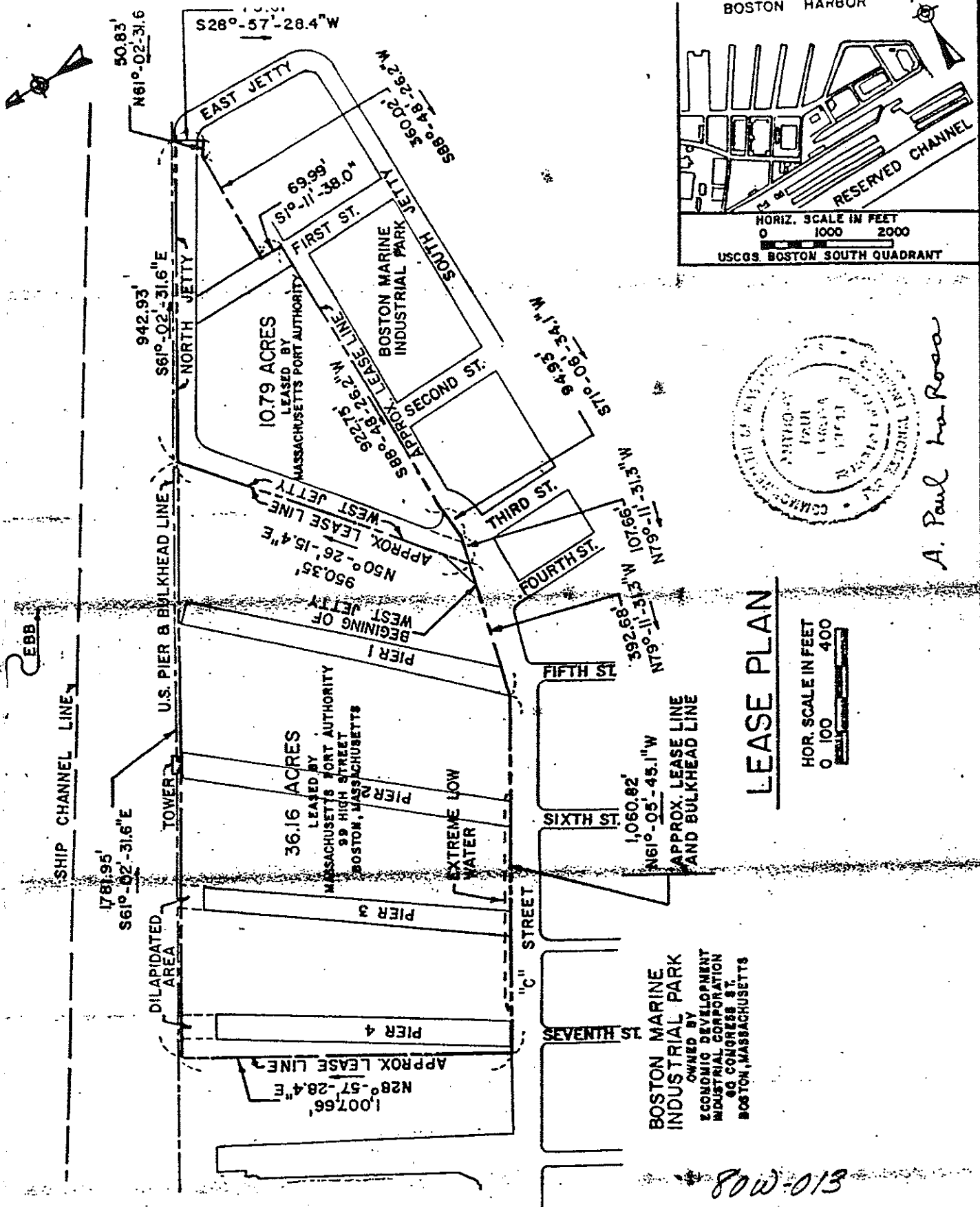
*Anthony Paul de Rosa*

NOTE: ALL ELEVATIONS BASED ON USC & GS. MEAN LOW WATER DATUM.

80W-013

PLAN ACCOMPANYING PETITION OF THE  
**ECONOMIC DEVELOPMENT & INDUSTRIAL CORP.**  
 AND THE  
**MASSACHUSETTS PORT AUTHORITY**  
 TO CONSTRUCT AND MAINTAIN AN EARTH DIKE, A ROCK  
 DIKE AND FILLING; IN THE BOSTON HARBOR  
 CITY OF  
 BOSTON, COUNTY OF SUFFOLK, MASS.

**LICENSE PLAN NO. 669**  
 Approved by Department of Environmental Quality Engineering  
 JULY 19, 1980



*A. Paul Rosa*

**LEASE PLAN**

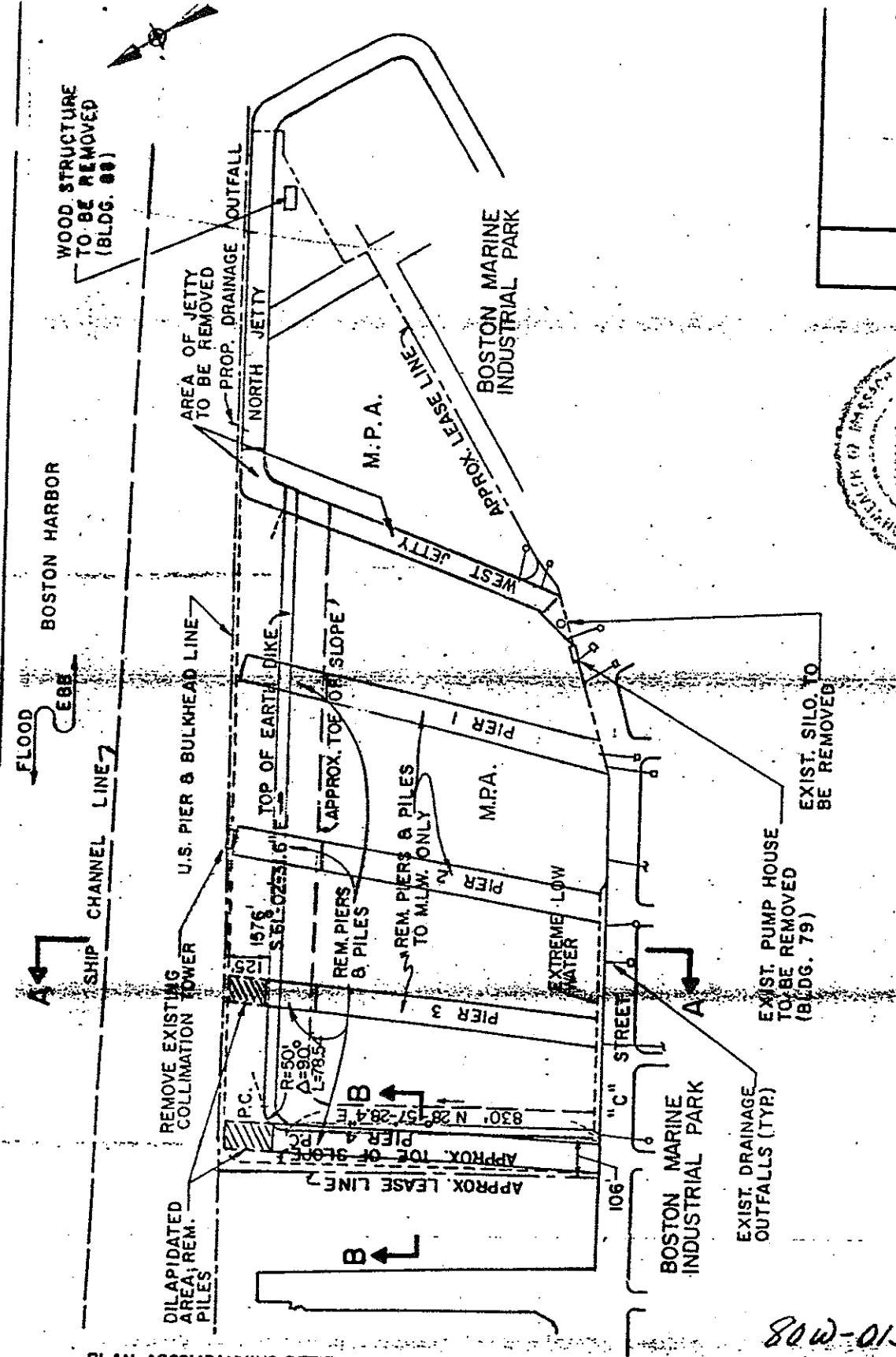


BOSTON MARINE INDUSTRIAL PARK  
 OWNED BY  
 ECONOMIC DEVELOPMENT INDUSTRIAL CORPORATION  
 80 CONGRESS ST.  
 BOSTON, MASSACHUSETTS

80W-013

PLAN ACCOMPANYING PETITION OF THE  
**ECONOMIC DEVELOPMENT & INDUSTRIAL CORP.**  
 AND THE  
**MASSACHUSETTS PORT AUTHORITY**  
 TO  
 CONSTRUCT AND MAINTAIN AN EARTH DIKE, A ROCK  
 DIKE AND FILLING; IN THE BOSTON HARBOR  
 CITY OF  
 BOSTON, COUNTY OF SUFFOLK, MASS.

**LICENSE PLAN NO. 669**  
 Approved by Department of Environmental Quality Engineering  
 of Massachusetts July 18, 1980  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
**COMMISSIONER**  
**CHIEF ENGINEER**



*Anthony Paul LaRosa*

## SITE PLAN

NOTE: ALL ELEVATIONS BASED ON U.S.C. & GS MEAN LOW WATER DATUM



80W-013

PLAN ACCOMPANYING PETITION OF THE  
**ECONOMIC DEVELOPMENT & INDUSTRIAL CORP.**  
 AND THE  
**MASSACHUSETTS PORT AUTHORITY**  
 TO CONSTRUCT AND MAINTAIN AN EARTH DIKE, A ROCK  
 DIKE AND FILLING; IN THE BOSTON HARBOR  
 CITY OF  
 BOSTON, COUNTY OF SUFFOLK, MASS.  
 MARCH / 1980

**LICENSE PLAN NO. 669**  
 Approved by Department of Environmental Quality Engineering  
 JULY 19, 1980

# The Commonwealth of Massachusetts

No. 1378



**WITTENBERG**, VII Corporation

of Boston, in the County of Suffolk and Commonwealth  
 aforesaid, has applied to the Department of Environmental Quality Engineering for license to  
 construct and maintain pile-held floating barges, marginal walkways, and finger  
 piers, a fuel barge slip, and place and maintain pile-supported platforms, gang-  
 ways, and timber mooring piles for a term of 10 years from issuance date of license;  
 and has submitted plans of the same; and whereas due notice of said application, and of the time and  
 place fixed for a hearing thereon, has been given, as required by law, to the Mayor and  
 City Council of the City of Boston:

Now said Department, having heard all parties desiring to be heard, and having fully considered  
 said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

VII Corporation, subject to the provisions of the ninety-first chapter  
 of the General Laws, and of all laws which are or may be in force applicable thereto, to construct  
 and maintain pile-held floating barges, marginal walkways, and finger piers,  
 a fuel barge slip, and place and maintain pile-supported platforms, gangways,  
 and timber mooring piles in and over the waters of Boston Harbor in the City  
 of Boston in accordance with the details indicated and locations shown on the  
 accompanying D.E.Q.E. License Plan No. 1378 (5 sheets) for a term of 10 years  
 from the date of issuance of this license pursuant to G.L. Ch.91

Pile-supported platforms and pile-held barge floats, floating walkways, finger floats, ramps and mooring piles shall be constructed and maintained in Boston Harbor at the westerly side of said licensee's shoreline as follows:

A previously unauthorized existing 12 by 40 foot gangway shall be maintained in a northerly direction from an existing sheet pile bulkhead and shall lead to an existing barge float authorized herein.

A previously unauthorized existing 366 by 37 foot pile-held steel barge float shall be maintained in a northerly direction from said steel ramp in the location shown on sheets 1 and 2 of the license plans.-

A 10 by 10 foot pile-supported steel platform shall be constructed and maintained off the westerly side of said existing pile-held barge float and shall lead to two gangways authorized herein.

Two 4 by 20 foot gangways shall be placed at the northerly and southerly sides of said steel platform and shall lead to a marginal walkway authorized herein. An 8 by 377 foot pile-held floating marginal walkway shall be placed and maintained adjacent to the westerly side of said existing barge float.

Three 8 foot wide by 97 foot long pile-held floating main walkways shall be placed and maintained extending from said marginal walkways in a westerly direction in the locations shown and dimensions indicated on sheets 2 and 3 of 5.

Six pile-held finger floats shall be placed and maintained along the sides of each aforesaid main walkways in the locations shown on sheet 2 of 5. Said finger shall have a length of 35 feet and a width of 4 to 6 feet.

Three 38 foot wide pile-held steel barge floats having various lengths shall be placed and maintained in the locations shown and dimensions indicated on Sheets 1, 2, and 3 of 5. Three 12 by 30 foot long steel ramps shall be placed and maintained between said barge floats.

Two 10 by 10 foot pile-supported steel platforms shall be constructed and maintained extending from said barge floats in a westerly direction in the locations shown and details indicated on sheet 3 and 5 of 5.

Two 4 by 20 foot gangways shall be placed and maintained extending from said steel platforms in the locations shown on Sheet 3 and 5 of 5 and shall lead to an 8 by 410 foot pile-held marginal floating walkway authorized herein.

Duplicate of said plan, numbered 1378 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said VII Corporation

An 8 by 410 foot pile-held marginal floating walkway shall be placed and maintained adjacent to the westerly side of aforesaid barge floats.

Three 8 foot wide by 104 foot long pile-held floating main walkways shall be placed and maintained extending from aforesaid marginal walkway in a westerly direction in the locations shown and dimensions indicated on sheets 2 and 3 of 5.

Six pile-held finger floats shall be placed and maintained along the sides of each aforesaid main walkway in the locations shown on sheet 2 of 5. Said finger floats shall have a length of 40 feet and a width varying from 4 to 6 feet.

A 10 by 10 foot pile-supported platform shall be constructed and maintained from the westerly side of an existing sheet pile bulkhead in the location shown on sheets 2 and 5 of 5.

A 4 by 40 foot gangway shall be placed and maintained at the southerly side of aforesaid timber platform and shall lead to a marginal walkway authorized herein.

An 8 by 282 foot pile-held marginal floating walkway shall be placed and maintained along the westerly side of an existing sheet pile bulkhead.

Three pile-held floating main walkways having various lengths and widths shall be placed and maintained extending in a westerly direction from said marginal walkway in the locations shown and dimensions indicated on sheets 2 and 3 of 5.

A total of 15 pile-held finger floats shall be placed and maintained extending from said main walkways in the locations shown on sheet 2 of 5.

A 10 by 10 foot pile-supported timber platform shall be constructed and maintained extending into Boston Harbor from the northerly side of an existing sheet pile bulkhead.

Two 4 by 40 foot gangways shall be placed and maintained at the westerly and easterly sides of said timber platform and shall lead to a main walkway authorized herein.

A 9 foot wide by 90 foot long pile-held main walkway shall be placed and maintained extending in a westerly direction from the westerly side of the said gangway.

Three 30 foot long by 3 foot wide pile-held finger floats shall be placed and maintained extending in a northerly direction from said main walkway in the locations shown on sheet 2 of 5.

A 9 foot wide, pile-held marginal walkway shall be placed and maintained alongside said bulkhead beginning at the easterly side of the easterly gangway. Said marginal walkway shall extend in an easterly direction for a distance of approximately 70 feet, thence turning in a northerly direction for a length of approximately 145 feet, thence turning in a westerly direction for a distance of approximately 100 feet in the locations shown on sheet 2 of 5.

Six 30 foot long pile-held finger floats having various widths shall be placed and maintained extending from said main walkway in the locations shown on Sheet 2 of 5.



Timber mooring piles shall be placed and maintained in the locations shown on Sheet 2 and 3 of 5.

A fuel-barge slip consisting of mooring piles and camels shall be constructed and maintained at the southerly side of the channelward barge authorized herein in the location shown on Sheets 1 and 3 of 5.

An existing steel sheet-pile bulkhead shall be maintained along the easterly shoreline of said Licensee's property in the locations and details shown on Sheet 1 of 5.

#### Special Conditions

1. All work authorized hereby shall be constructed, maintained, and operated in strict accordance with the Order of Conditions issued to said Licensee by the City of Boston Conservation Commission on June 10, 1985.
2. The structures authorized herein shall be limited to the following use; to provide berthing, fueling, freight handling, and vessel servicing and repair facilities for commercial maritime-industrial fishing, passenger, and freight-handling vessels and other related water-dependent ancillary support uses.
3. This license shall be a term license for a period of ten (10) years from the date of issuance at which time it shall expire, and all structures authorized herein shall be removed from tidelands unless said License is extended by the Department as herein after provided. The Department at its sole discretion may extend this license upon such terms and conditions as it deems appropriate upon petition of said Licensee, their successor and assign. Any such petition for license extension shall be submitted to the Department in writing at least 90 days prior to said license expiration. Said petition shall include a certification by a registered professional engineer that all structures authorized hereby are in compliance with the plans, terms, and conditions of this license.
4. Upon acceptance of this License by said Licensee, the Licensee agrees to conform with Waterways Licensing Regulations 310 CMR 9.0, Section 24 (4) and (5) regarding Designated Port Areas.
5. All work authorized hereby shall be performed in accordance with the locations shown and details indicated on accompanying D.E.Q.E. License Plan No. 1378 (5 Sheets).

## STANDARD LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee, to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any activity authorized pursuant to this License.
3. Any change in use or substantial structural alteration of any structure or fill authorized pursuant to this License shall require the issuance by the Department of a new License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized change in use or substantial structural alteration of any structure or fill authorized in this License shall render the License void. This License granted by the Department pursuant to this chapter shall be revocable for noncompliance with the terms and conditions set forth herein.
4. Nothing in this License shall be construed as authorizing encroachment in, on, or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
5. This License is granted subject to all applicable Federal, State, County, and Municipal Laws, ordinances and regulations.
6. This License is granted upon the express condition that use by boats or otherwise of the structure(s) and/or fill authorized hereby shall not involve any discharge of wastewater, sewage, petroleum products, or other polluting matter into adjacent waters, except in strict conformance with the requirements and authorizations of any applicable local and State health departments and the DEQE Division of Water Pollution Control.
- ~~7. This License is granted upon the express condition that the Licensee, its successors and assigns, shall upon request in writing by the Department, change the location of said \_\_\_\_\_ authorized herein, lower to such depth, raise it to such height, or remove it entirely from said waters, as the Department may prescribe. Said Licensee, by accepting this License, shall be deemed to consent and agree to this condition. In the case of refusal or neglect of a request by the Department on the part of the Licensee, its successors and assigns, to comply with this condition, the License shall be wholly void and the Commonwealth may proceed to remove or cause the removal of said \_\_\_\_\_ at the expense of said Licensee, its successors and assigns, as an unauthorized and unlawful structure and/or fill in said waters.~~

by paying into the treasury of the Commonwealth

Two Dollars (\$2.00) for each cubic yard so displaced, being the amount hereby assessed by said Department. (70 cubic yards)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plans are recorded within one year from the date hereof, in the Registry of Deeds for the District of the County of Suffolk

In Witness Whereof, said Department of Environmental Quality Engineering have hereunto set their hands this Twenty-third day of May in the year nineteen hundred and eighty-six.

Commissioner

Chief Engineer

Div. Director

*[Handwritten signatures: Paul J. ... Charles J. Nataly Gary R. Clayton]*

Department of Environmental Quality Engineering

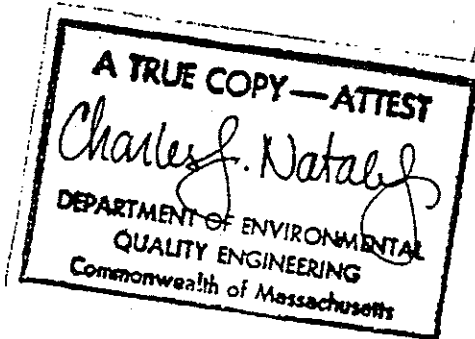
THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said of the further sum of

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in land of the Commonwealth.

Approved by the Governor.

*[Handwritten signature of Governor]*  
BOSTON, \_\_\_\_\_  
Governor



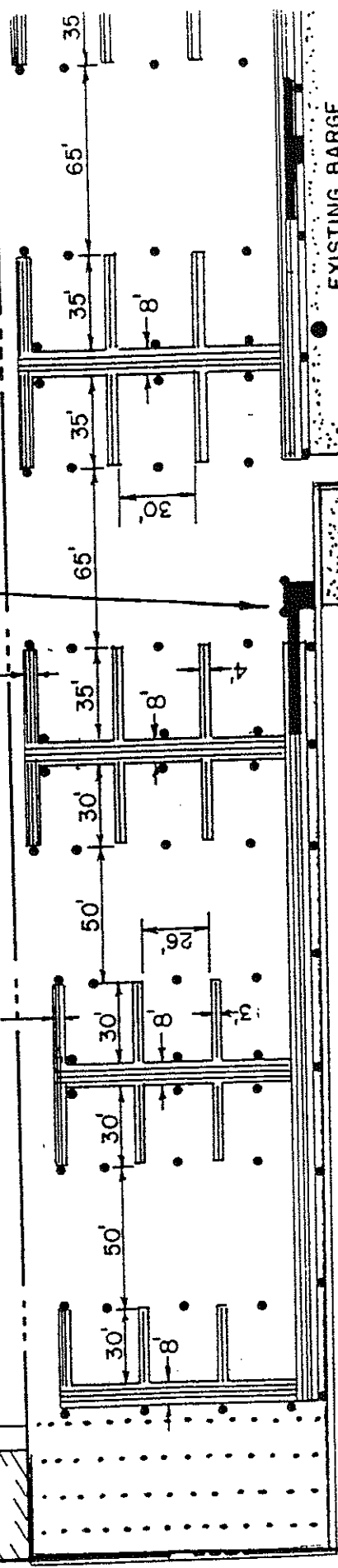
MATCHLINE SHEET 3

PROPERTY LINE

SEE DETAIL "A", SHEET 5

LICENSE PLAN NO. 1372

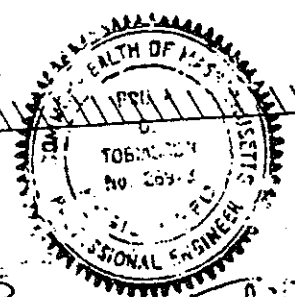
Approved by Department of Environmental Quality for Director



EXISTING BARGE  
366' x 37'

CONC. SLAB

85W-064



Bruce O. Tolsonian



GRAPHIC SCALE IN FEET

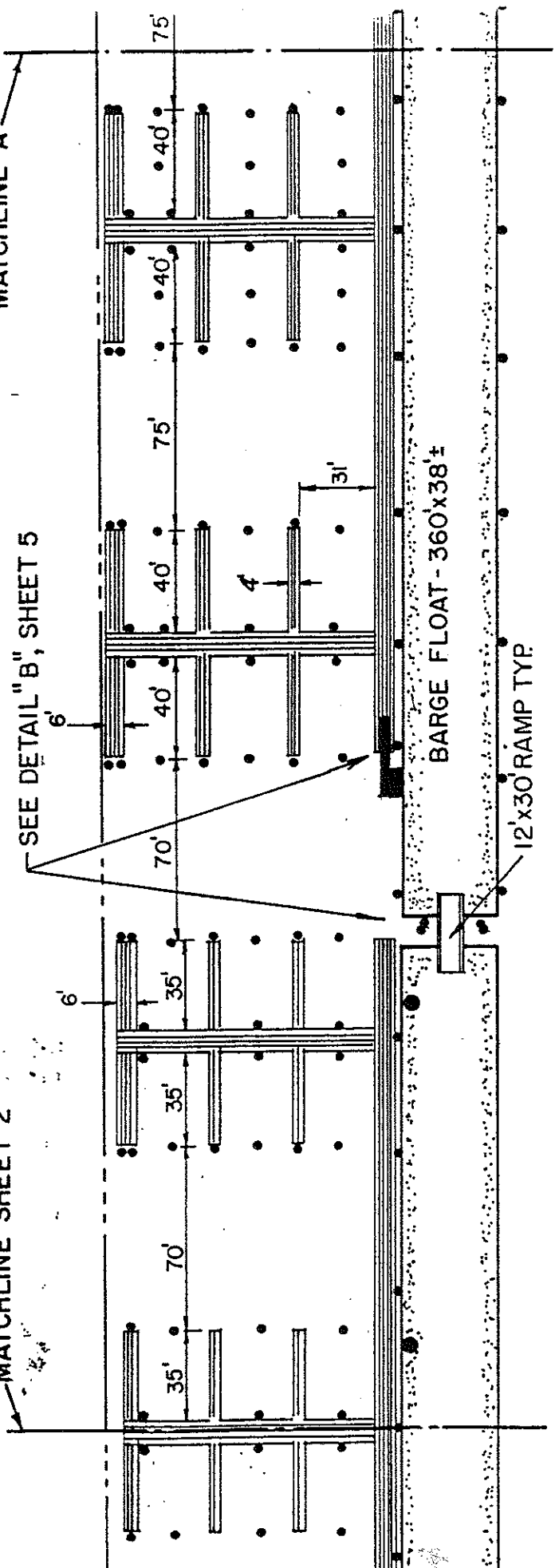
NORTHERN AVENUE

SHEET 2 OF 5

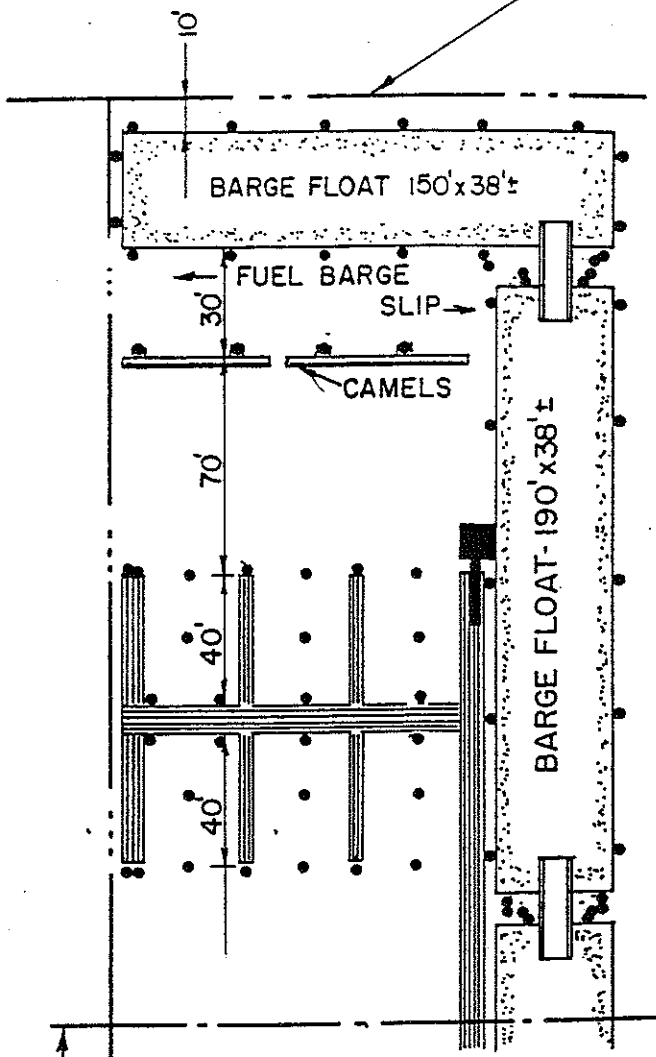
MATCHLINE SHEET 2

MATCHLINE "A"

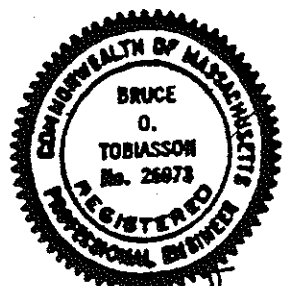
SEE DETAIL "B", SHEET 5



U.S. PIERHEAD AND BULKHEAD LINE



GRAPHIC SCALE IN FEET

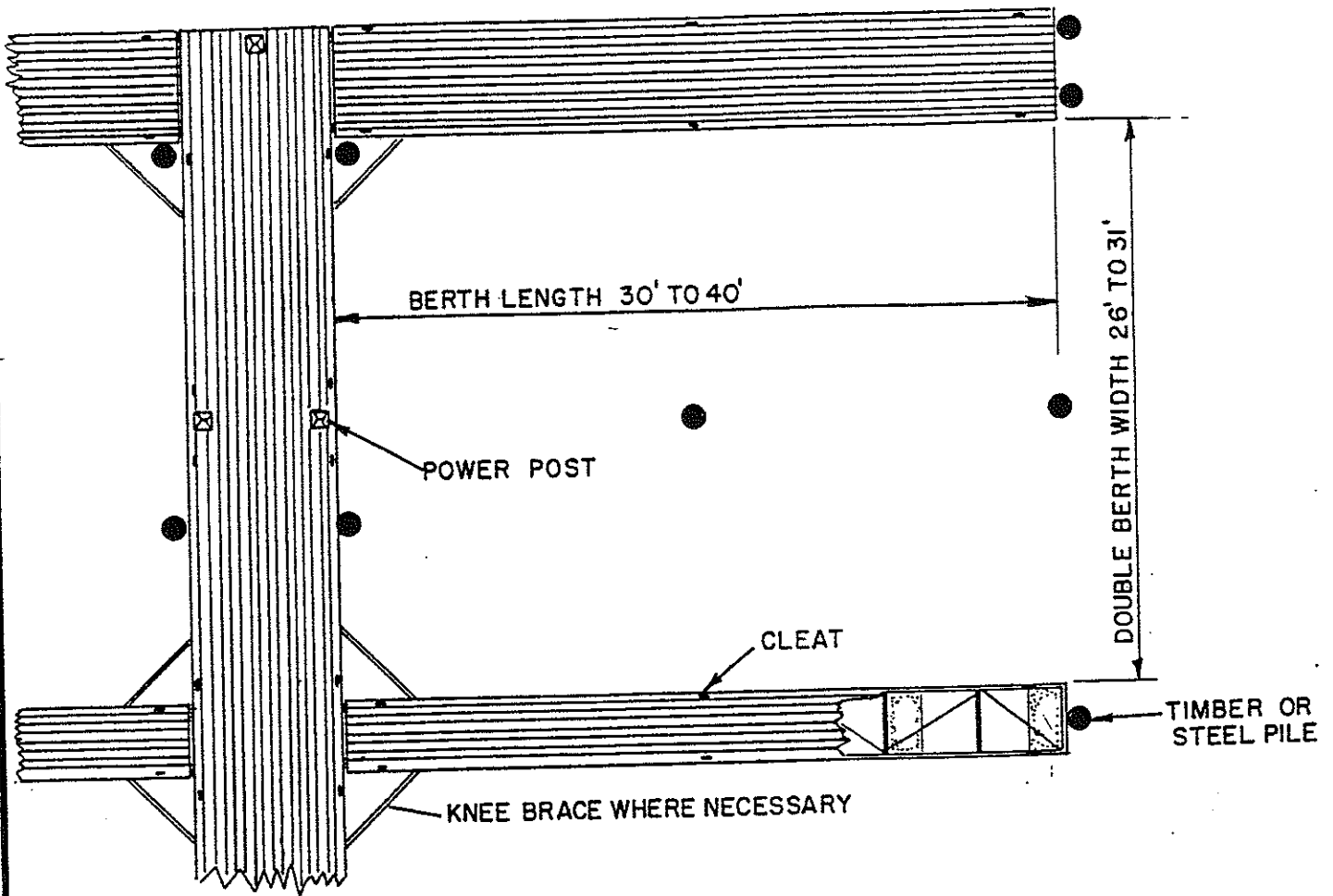


Bruce O. Tobiasson

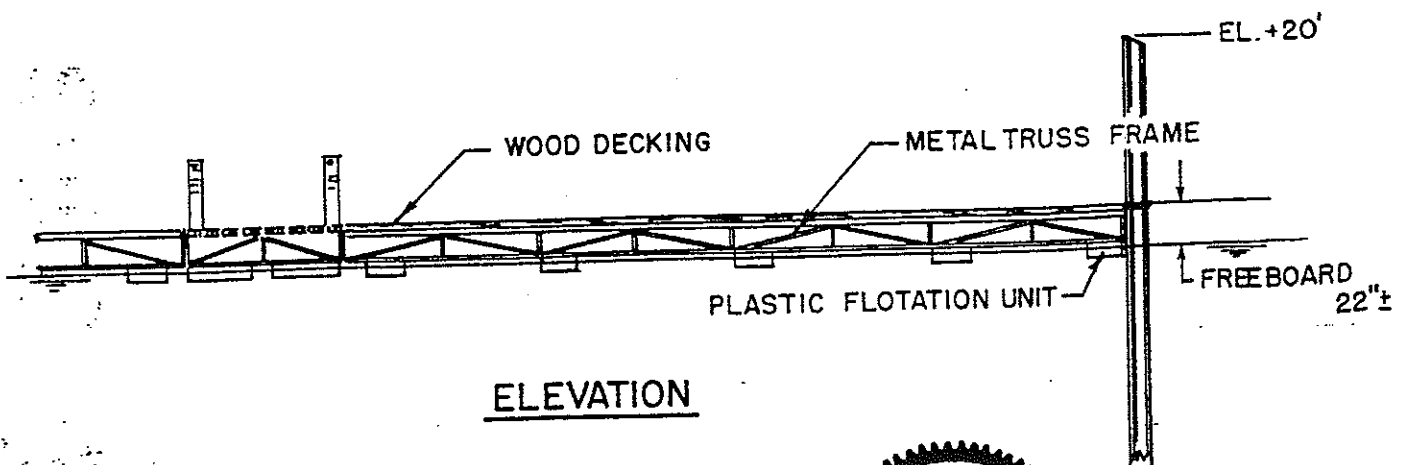
LICENSE PLAN NO. 1378

Approved by Department of Environmental Quality Engineers

85W-064



PLAN



ELEVATION

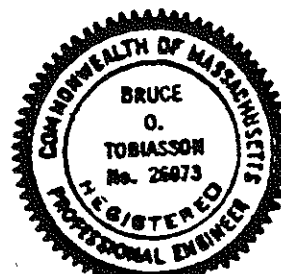
TYPICAL SLIP SET  
(SHOWN FOR 40' BERTHS)

LICENSE PLAN NO. 1378

Approved by Department of Environmental Quality Engineering

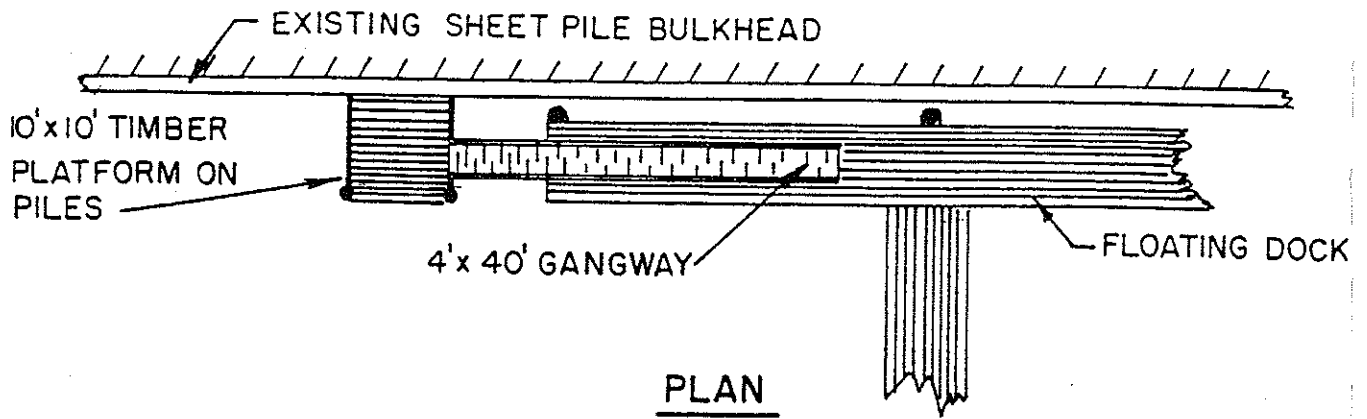


GRAPHIC SCALE IN FEET

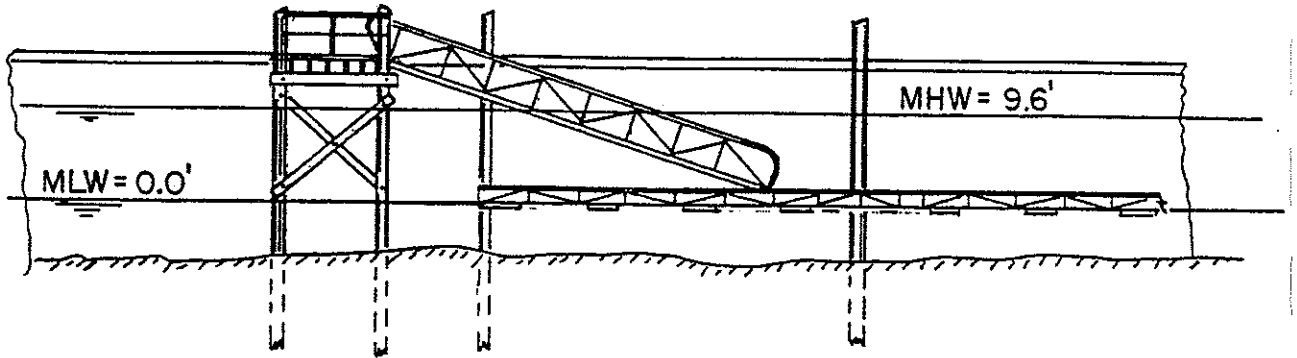


*Bruce O. Tobiasson*

85W-064

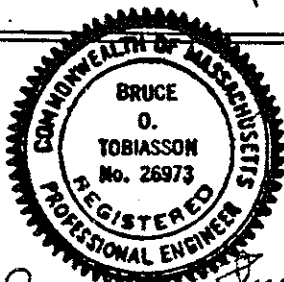


PLAN

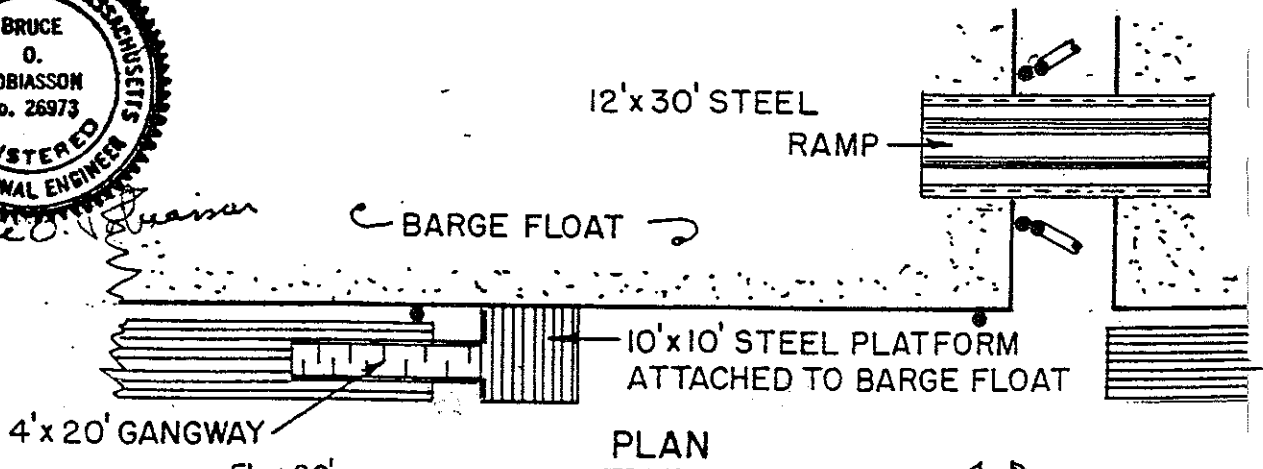


ELEVATION

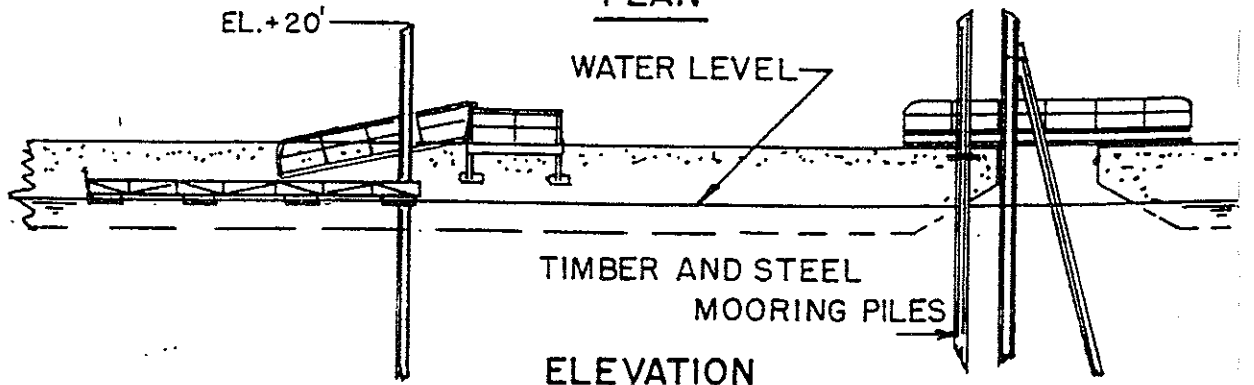
DETAIL "A"



*Bruce O. Tobiasson*  
 Approved by Department of Environmental Quality Engineering  
**LICENSE PLAN NO. 1378**



PLAN



ELEVATION

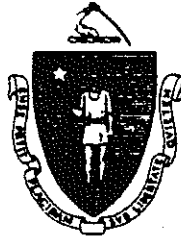
DETAIL "B"



85W-064

# The Commonwealth of Massachusetts

No. 1636



**Whereas,** Economic Development and Industrial Corporation

of Boston, in the County of Suffolk and Commonwealth aforesaid, has applied to the Department of Environmental Quality Engineering for license to

reconstruct and maintain a pier

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the mayor and City Council of the City of Boston

Now said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said Economic Development and Industrial Corporation

, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to

reconstruct and maintain a pier in and over the tidelands of Boston Harbor in the City of Boston and in accordance with the locations shown and details indicated on the accompanying DEQE License Plan No. 1636 (2 Sheets).

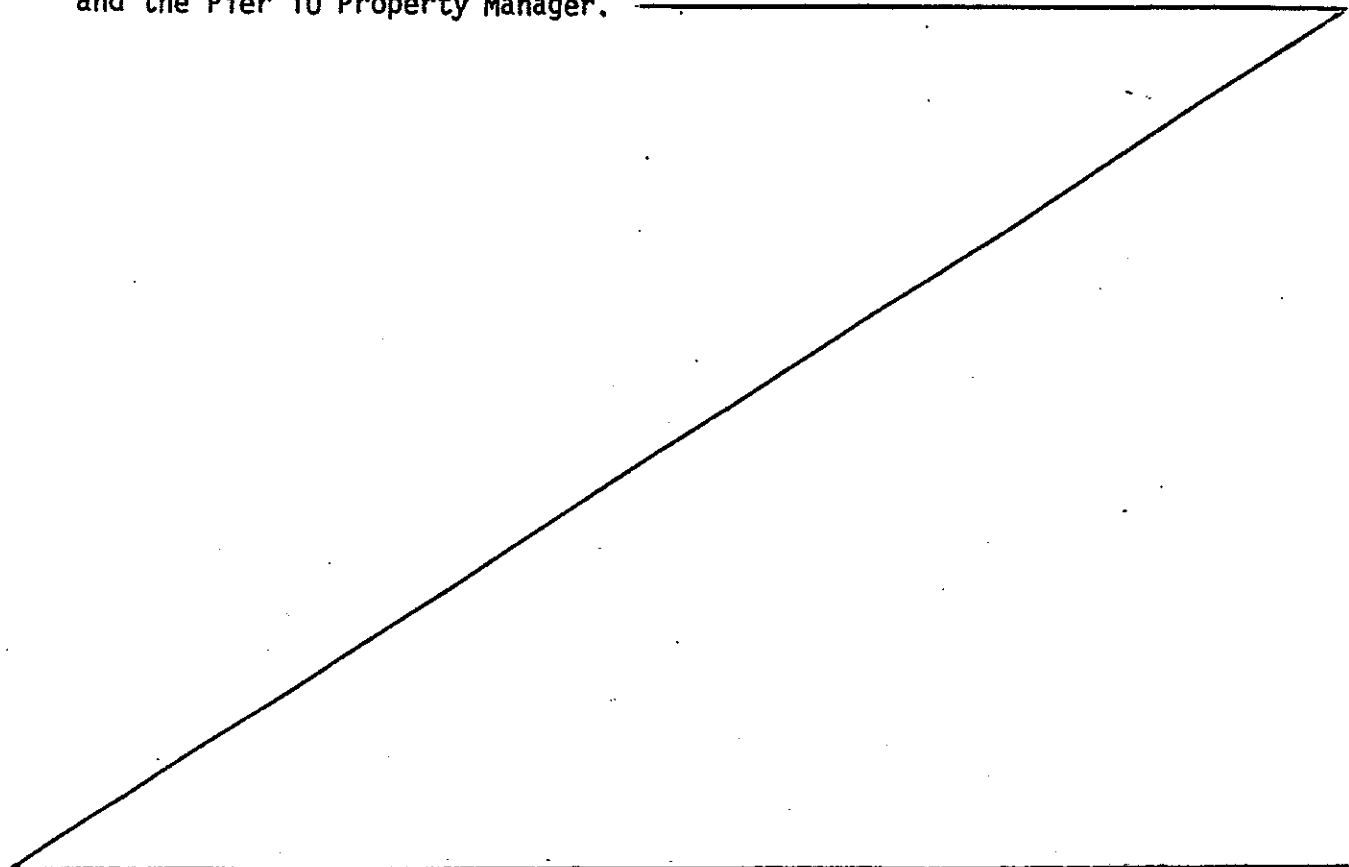


The Licensee shall reconstruct and maintain a pier in and over the tidelands of Boston Harbor and described as follows:

The seawardmost half of Pier 10, so-called, shall be removed and replaced with a pile-held float system consisting of a main walkway, measuring 8 feet in width by 150 feet in length. Four (4) finger floats measuring 4 feet in width by 30 feet in length shall be placed perpendicular to and along the northerly edge of said main walkway and a fifth finger float measuring 8 feet in width by 30 feet in length shall be placed perpendicular to the landwardmost end of said main walkway, all as depicted on the aforesaid license plans.

The remaining pile-supported pier shall be reconstructed in accordance with the dimensions depicted on the aforesaid license plans.

The structures authorized hereby shall be limited to docking and boating access to navigable waters for commercial lobstermen, harbor police, and the Pier 10 Property Manager.



Duplicate of said plan, numbered 1636 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said~~

STANDARD LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee, to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any activity authorized pursuant to this License.
3. Any change in use or substantial structural alteration of any structure or fill authorized pursuant to this License shall require the issuance by the Department of a new License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized change in use or substantial structural alteration of any structure or fill authorized in this License shall render the License void. This License granted by the Department pursuant to this chapter shall be revocable for noncompliance with the terms and conditions set forth herein.
4. Nothing in this License shall be construed as authorizing encroachment in, on, or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
5. This License is granted subject to all applicable Federal, State, County, and Municipal Laws, ordinances and regulations.
6. This License is granted upon the express condition that use by boats or otherwise of the structure(s) and/or fill authorized hereby shall not involve any discharge of wastewater, sewage, petroleum products, or other polluting matter into adjacent waters, except in strict conformance with the requirements and authorizations of any applicable local and State health departments and the DEQE Division of Water Pollution Control.
7. This License is granted upon the express condition that the Licensee, its successors and assigns, shall upon request in writing by the Department, change the location of said \_\_\_\_\_ authorized herein, lower to such depth, raise it to such height, or remove it entirely from said waters, as the Department may prescribe. Said Licensee, by accepting this License, shall be deemed to consent and agree to this condition. In the case of refusal or neglect of a request by the Department on the part of the Licensee, its successors and assigns, to comply with this condition, the License shall be wholly void and the Commonwealth may proceed to remove or cause the removal of said \_\_\_\_\_ at the expense of said Licensee, its successors and assigns, as an unauthorized and unlawful structure and/or fill in said waters.

~~by paying into the treasury of the Commonwealth~~  
for each cubic yard so displaced, being the amount hereby assessed  
said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plans are recorded <sup>60 days</sup>  
~~one year~~ from the date hereof, in the Registry of Deeds for the  
District of the County of Suffolk

In Witness Whereof, said Department of Environmental Quality Engineering have hereun  
set their hands this Twenty-second day of June  
nineteen hundred and eighty-seven in the

Commissioner  
Section Chief ~~Engineer~~  
Division Director

*Charles Natale*  
*Sam R. Dayton*

Department of  
Environmental Quality  
Engineering

THE COMMONWEALTH OF MASSACHUSETTS

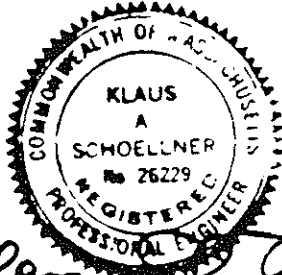
~~This license is approved in consideration of the payment into the treasury of the Commonwealth~~  
by the said  
of the further sum of  
the amount determined by the Governor as a just and equitable charge for rights and privilege  
~~hereby granted in land of the Commonwealth.~~

Approved by the Governor.

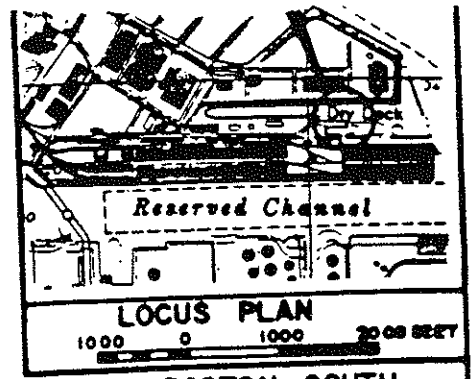
BOSTON,  
*[Signature]*  
Governor

A TRUE COPY.— ATTEST  
*Charles Natale*  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY ENGINEERING  
Commonwealth of Massachusetts

LIST OF ADJUSTERS  
 I. U.S. DEPT. OF ARMY  
 BOSTON ARMY BASE  
 SOUTH BOSTON, MA. 02127

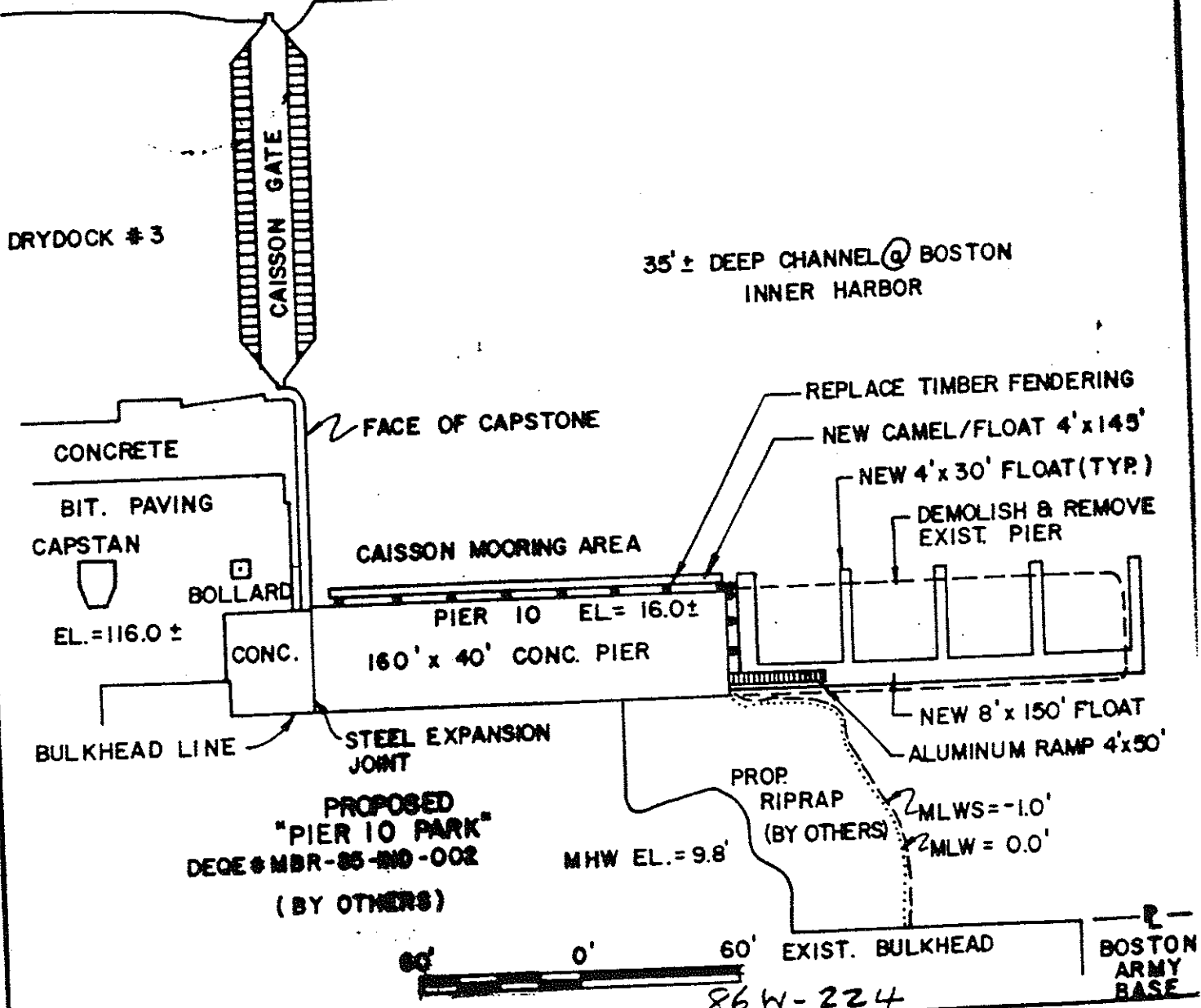


*Klaus A. Schoellner*



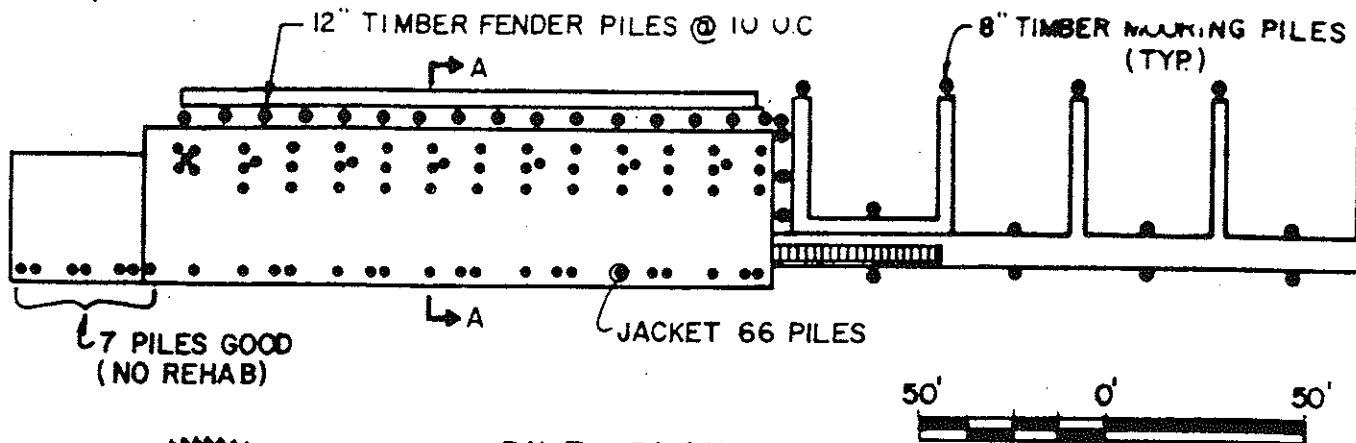
U.S.G.S. BOSTON SOUTH QUADRANGLE

SOUTH JETTY

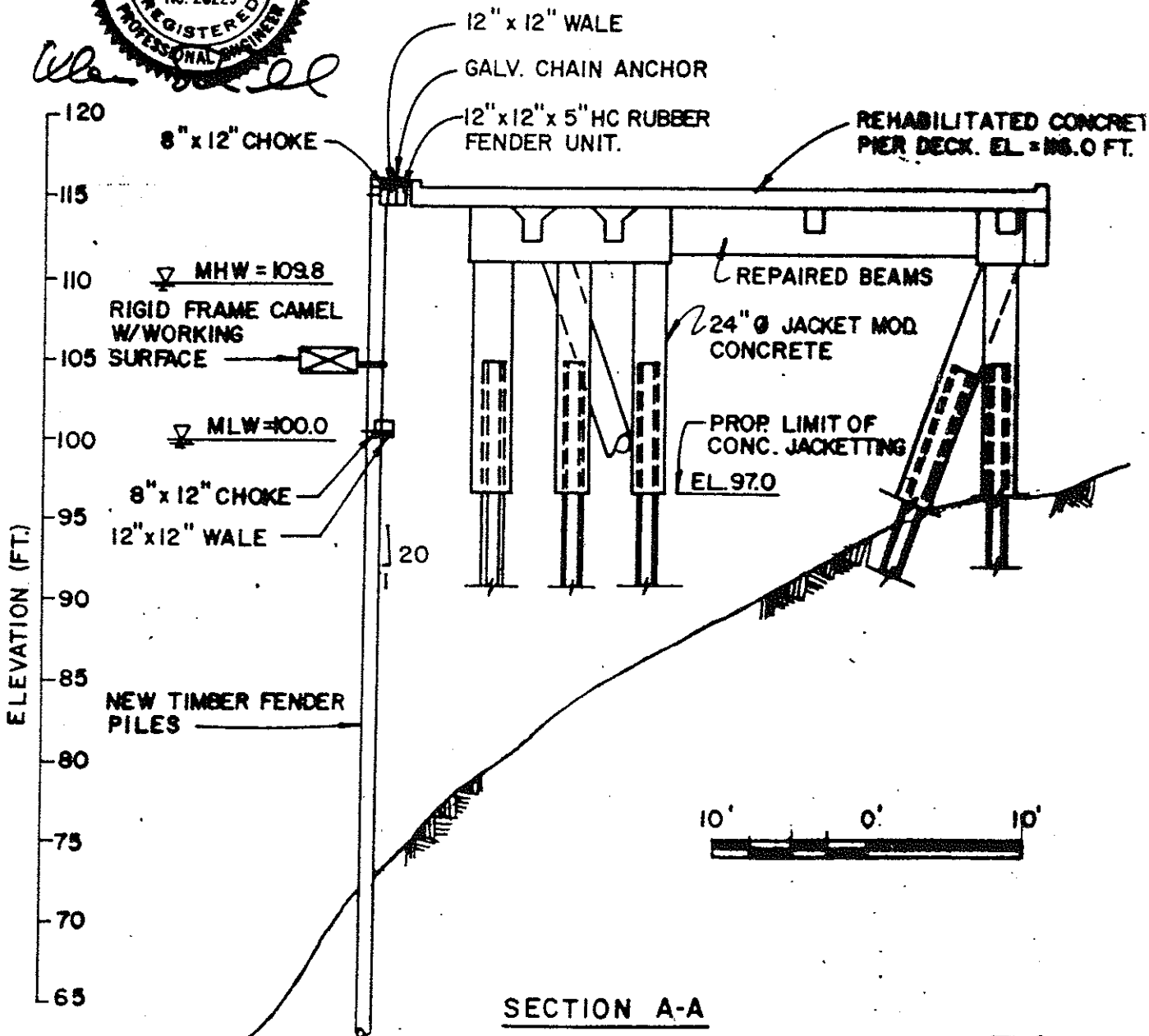


PLAN ACCOMPANYING PETITION OF:  
 EDIC/BOSTON  
 REHABILITATION OF PIER 10  
 IN THE TIDEWATERS OF BOSTON HARBOR  
 CITY OF BOSTON  
 COUNTY OF SUFFOLK  
 STATE OF MASSACHUSETTS

86 W - 224  
 LICENSE PLAN NO. 1636  
 Approved by Department of Environmental Quality Engineering  
 of Massachusetts  
*Gay R. Carter*  
*Charles D. Daley*  
 JUN 22 1987  
 COMMISSIONER  
 DIVISION DIRECTOR  
 SECTION CHIEF  
 DATE



**PILE PLAN**



**SECTION A-A**

LICENSE PLAN NO. **1636**

Approved by Department of Environmental Quality Engineering

Date: JUN 22 1987

# The Commonwealth of Massachusetts

No.

2347



Whereas,

The Economic Development and Industrial Corporation of Boston

of -- Boston -- in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection\* for license to -- construct and maintain a vehicular parking facility with associated entrance drives and landscaping

-----

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the -- Mayor and City Council -- of the City of -- Boston; -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

-- The Economic Deveopment and Industrial Corporation of Boston -  
- subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to --- construct and maintain a vehicular parking facility with associated entrance drives and landscaping

-----

in and over --- filled tidelands of --- Boston Inner Harbor --- in the City of --- Boston --- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 2347, ( 3 sheets).

\*Pursuant to Stat. 1989, c.240, s.101, "The Department of Environmental Quality Engineering shall be known as the Department of Environmental Protection," hereinafter in this document referred to as the "Department" or "DEP".

The structures authorized hereby shall be limited to the following use: --- vehicular parking available to the public.

Duplicate of said plan, number -- 2347 -- is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

This Waterways License is subject to the following **Special Conditions** in addition to the Standard Conditions stated herein:

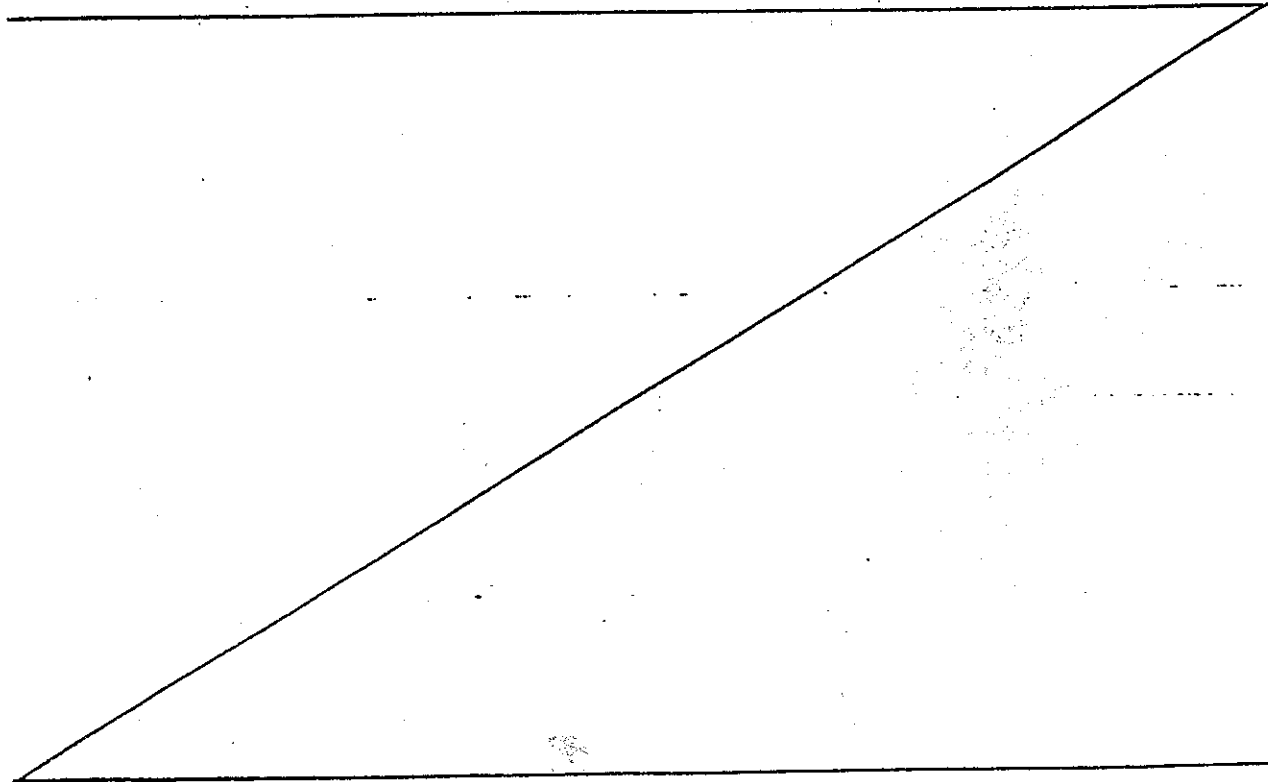
Special Condition 1: The term of this Waterways License shall be limited to 50 years. The Licensee may request a renewal for additional periods not exceeding 25 years. The Department will renew this license unless:

a) the facility is not in compliance with all the provisions of applicable Waterways Licenses; or

b) the Department determines the site is necessary for a water-dependent industrial use that cannot reasonably be located elsewhere in the South Boston Designated Port Area.

Special Condition 2: The Licensee shall actively promote the use of the garage by users of the waterfront.

Special Condition 3: The Licensee shall refrain from entering into any agreement which reserves spaces at the garage for a landbased shuttle or other service (including but not limited to a "park and fly" operation).



STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use of unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP Division of Water Pollution Control.



The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --- Economic Development and Industrial Corporation of Boston --- by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (0.0 cu. yds. = \$ 0.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the --- District of the County of Suffolk.

IN WITNESS WHEREAS; said Department of Environmental Protection have hereunto set their hands this ninth day of May in the year nineteen hundred and ninety.

Commissioner

Director

Section Chief

*[Handwritten signature: Christy Cole-Smith]*  
\_\_\_\_\_  
*[Handwritten signature: J. A. Sigan]*  
\_\_\_\_\_

Department  
of Environmental  
Protection

A TRUE COPY -- ATTEST  
*Kathleen Thelan*  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY ENGINEERING  
Commonwealth of Massachusetts

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said --- Economic Development and Industrial Corporation of Boston ----- of the further sum of ----- zero dollars and zero cents (\$0.00) -----

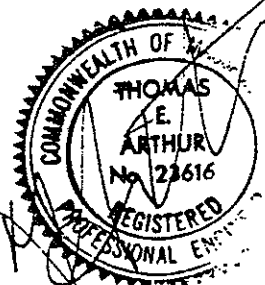
the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

BOSTON,  
*[Handwritten signature]*  
\_\_\_\_\_  
Governor

1. The parking garage site is identified as Lot E; Lot E is a portion of the legal property identified as the Marine Industrial Park (MIP).
2. Abutters to the MIP:
  - a. Massport  
10 Park Plaza  
Boston, MA. 02116
  - b. U.S. Government  
Department of the Army  
Washington, D.C.
3. The site is located on tidelands which were filled pursuant to C. 81 of the Acts of 1866.
4. Mean High Water and Low Water Distances:
  - a. Historic Mean High Water is located 2,200 feet from the boundary of Lot E as per plan entitled "Plan of Part of Boston Harbor", dated 1883.
  - b. Historic Mean Low Water is located 1,500 feet from the boundary of Lot E as per above plan.
  - c. Existing Mean High Water is 520 feet from the boundary of Lot E to the Reserve Channel pier line.
  - d. Existing Mean Low Water is 520 feet from the boundary of Lot E to the Reserve Channel pier line.
5. Project site, Lot E, is not located in a flood zone according to FEMA Flood Insurance Rate Map Panel 250286/0011C dated 1982.

WATERWAYS FILE #89W-0295N  
February 21, 1990



LICENSE PLAN NO. 2347

Approved by Department of Environmental Protection

Date: MAY 09 1990

# The Commonwealth of Massachusetts

No. 2688



Whereas, Massachusetts Department of Public Works

of -- Boston --, in the County of -- Suffolk -- and Commonwealth  
aforesaid, has applied to the Department of Environmental Protection\* for  
license to -- construct and maintain a vehicular tunnel with associated  
structures -----

and has submitted plans of the same; and whereas due notice of said  
application, ~~and of the time and place fixed for a hearing thereon,~~ has  
been given, as required by law, to the -- Mayor and City Council -- of  
the -- City -- of -- Boston; -----

NOW, said Department, having heard all parties desiring to be heard, and  
having fully considered said application, hereby, subject to the approval  
of the Governor, authorizes and licenses the said -----

-- Massachusetts Department of Public Works --, subject to the provisions  
of the ninety-first chapter of the General Laws, and of all laws which  
are or may be in force applicable thereto, to -- construct and maintain a  
vehicular tunnel with associated structures -----

in and over the waters of -- Boston Harbor -- in the -- City -- of --  
Boston -- and in accordance with the locations shown and details  
indicated on the accompanying DEP License Plan No. 2688, (19 sheets).

\*Pursuant to Stat. 1989, c.240, s.101, "The Department of Environmental  
Quality Engineering shall be known as the Department of Environmental  
Protection," hereinafter in this document referred to as the "Department"  
or "DEP".

by authorized shall be limited to the following uses:  
operation of the Harbor Tunnel, associated structures  
ilities; shoreline stabilization; public and private  
on of structures and facilities constructed as  
acts to water-dependent users during the construction  
bor Tunnel and its associated structures and ancillary  
public access to waterfront open space for passive  
uses.

res previously authorized by the following licenses: DPW-  
DPW-5443, and DEQE-669 shall be maintained in accordance  
conditions of said authorizations.

License is made subject to the following special

Section 1: Disposal of excavated construction and dredged  
as follows: 90,000 cubic yards of contaminated upper  
Boston Harbor are proposed to be disposed of on the  
portion of Logan Airport (landward of the historic shore  
of Ch. 91 program), as shown on plans entitled "Central  
Tunnel, Governor's Island Fill Area, Temporary Dredge  
Area D007A, on file with DEP Waterways, 745,000 cubic  
sediments and rock, below the surface, shall be removed  
the Massachusetts Bay Disposal Site in accordance with  
the U.S. Army Corps of Engineers. Approximately 860,000  
excavate from Boston Marine Industrial Park and Bird  
shall be processed and reused as cover material at landfills  
fill backfill within the project Right-of-Way, or otherwise  
outside tidelands jurisdiction in accordance with DEP  
Changes to the volumes and locations must receive prior  
DEP, Division of Wetlands & Waterways.

Section 2: The Licensee shall restore any seawalls removed or  
Boston Marine Industrial Park and Bird Island Flats to  
licensed configuration. Said restoration shall conform to  
and 9, 11, and 15 of the license plans.

Section 3: The Licensee, shall coordinate all dredging and  
activities through the United States Coast Guard Marine Safety  
construction to ensure public safety and to minimize  
maritime commerce, commuter boats, and recreational vessel  
order to further minimize disruption to navigation, the  
comply with the "Boston Harbor Navigational Maintenance  
Pierced Tube Tunnel Construction", dated October 1990, as  
July 14, 1991 and with any subsequent amendments approved by  
10.

Special Condition 4: This License is granted upon the express condition that the work authorized herein shall not have an adverse effect upon anadromous fisheries by impeding or obstructing the migration of the fish, as determined by the Division of Marine Fisheries, unless the Division of Marine Fisheries has determined that such impeding or obstructing is acceptable pursuant to its authority under M.G.L. Chapter 130, section 19.

Special Condition 5: No underwater blasting shall occur during the two migratory periods for anadromous fish; April 1 through June 15 and September 15 through October 15.

Special Condition 6: The Licensee shall establish and coordinate an advisory committee with representatives from DEP, Division of Wetlands & Waterways, the business community, and members of the general public concerned with harbor operations. The committee's function shall be to advise DEP and DPW of user conflicts and impacts to commercial shipping interests, the recreational boating community and other interested parties during tunnel construction. Said committee shall be kept advised of any problems and their resolution.

Special Condition 7: The Licensee shall construct a new steam plant, for General Ship Corporation as stated in the letter from Peter Zuk, Project Director to Christy Foote-Smith, dated June 21, 1991. The new steam plant shall be constructed prior to the demolition and removal of the existing facility as shown on sheet 1 of the license plans and drawings CO4A2-A-576 and -578. Use and operation of the steam plant is authorized throughout the period of construction of the Harbor Tunnel and its associated structures and ancillary facilities, but the long term authorization shall terminate earlier if a separate license authorizing such operation and maintenance is issued prior to the end of the construction period. If a license to maintain said plant beyond the completion and construction of the tunnel is not obtained, the Licensee shall reconstruct the steam plant in the previous location.

Special Condition 8: The Licensee shall compensate General Ship Corporation for the temporary loss of a portion of its parking area and land as stated in the letter from Peter Zuk, Project Director to Christy Foote-Smith, dated June 21, 1991.

Special Condition 9: The Licensee shall construct, landscape, and maintain in good repair a public walkway and passive recreational area as located and described in plans entitled "Vent Building #6, Planting Plan, CO4A2-L-702," dated May 31, 1991. Said walkway and passive recreational area shall include appropriate landscaping, lighting, benches, and trash receptacles. Said walkway and passive recreational area shall be completed no later than the date on which the Harbor Tunnel becomes operational.

Special Condition 10: The walkway and passive recreational area specified in Special Condition 9 shall be adequately lit by the Licensee from dusk to dawn to provide for public safety.

Special Condition 11: Upon completion of the walkway and passive recreational area specified in Special Condition 9, the Licensee shall place and maintain in good repair appropriate signage, consistent in design with the guidelines of the Boston Harborpark, and visible from F.I.D. Kennedy Avenue. Said signage shall encourage public access and use of the walkway and passive recreational area, and shall state the hours of public access as well as the reasonable rules for their-use in accordance with Special Condition 13.

Special Condition 12: The walkway and passive recreational area specified in Special Condition 9 shall be accessible to the public 24 hours a day, free of charge.

Special Condition 13: The Licensee shall adopt rules governing the use of the walkway and passive recreation area specified in Special Condition 9, subject to the review and approval by the Department, as are necessary for the protection of public health and safety, and to ensure public use and enjoyment by minimizing conflicts between user groups. No amendment to such rules shall be made without written approval of the Department.

Special Condition 14: The Licensee shall provide Boston Port Services, Incorporated safe and secure parking areas as mitigation for the 10.6 acre lot which will be utilized for construction and staging areas during tunnel construction. Mitigation for auto relocation shall be in accordance with the plan entitled "Subaru Relocation Site Plan" dated May 11, 1990 as well as supplemental plans entitled "Subaru Relocation Plan Sheet 1-Subaru Area, Sheet 2-Lot F, Sheet 3-Commercial Union and Parking Relocation Plan Noymer Site," as said plans maybe amended with written approval of DEP. Mitigation shall commence with the start of construction, allow for the continued operation of Boston Port Services, Incorporated and shall be provided for a period of time estimated to be September 1991 to December 1992".

Special Condition 15: The Licensee shall provide Subaru Distributors Corporation, as per agreement between the Licensee and Subaru Distributors Corporation and as stated in the letter from Peter Zuk, Project Director to Christy Foote-Smith, dated June 21, 1991, monetary compensation for replacement storage of displaced automobiles.

Special Condition 16: The Licensee shall provide and maintain navigation aids to assist mariners in avoiding work areas as required by the United States Coast Guard.

Special Condition 17: The Licensee shall provide the John Nagle Co. with replacement parking, storage area, construction of new replacement loading docks, truck circulation and parking area, temporary outside storage areas, new salt water well, construction of interior improvements and final post-construction restoration of the west side loading docks, parking and storage areas as stated in the letter from Peter Zuk, Project

Director to Christy Foote-Smith, dated June 21, 1991, as concurred with by John Nagle Company by letter dated June 26, 1991. Mitigation for John Nagle Co. shall be in accordance with the plans entitled "John Nagle Co.: Outline Scope of Work For 3HT Mitigation", Scope of the Work Parts I and II- Revised June 20, 1991; "Site Plan, Mitigation to Impacts of 3rd Harbor Tunnel, Sheet SK2", dated June 20, 1991; "Building Plan 1st Floor, Mitigation to Impacts of 3rd Harbor Tunnel Sheet A1", dated June 20, 1991 and "Site Plan, Tunnel Completion", dated June 20, 1991. Use and operation of the proposed mitigation structures is authorized throughout the period of construction of the Harbor Tunnel and its associated structures and ancillary facilities, but the long term authorization shall terminate earlier if a separate license authorizing such operation and maintenance is issued prior to the end of the construction period.

Please see pages 6, 7, and 8 for additional conditions to this License.

Duplicate of said plan, number 2688 is on file in the office of said Department, and original of said plan accompanies this License, is to be referred to as part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use of unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP Division of Water Pollution Control.



DREDGING CONDITIONS

1. All work authorized herein shall be performed in strict accordance with the final Superseding Order of Conditions issued by the Metropolitan Boston/Northeast Regional Office of the Department of Environmental Protection and the Water Quality Certification issued by the Department of Environmental Protection, Division of Water Pollution Control.
2. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, bylaws, and regulations including but not limited to a valid final order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s. 40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive, of Chapter 91 of the General Laws, which provide, in part, that the transportation and dumping of the dredged material shall be done under the supervision of the Department, and that the Licensee shall be liable to pay the cost of said supervision whenever the owner of the dredge or excavating machine fails to pay for the same within ten (10) days after notification in writing from the Treasurer of the Commonwealth that the same is due.
3. This Waterways License is issued upon the express condition that the dredging and transport and disposal of dredged material shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
4. All subsequent maintenance dredging and transport and disposal of this dredged material during the term of this License shall conform to all standards and conditions applied to the original dredging operation performed under this License.
5. After completion of the work hereby authorized, the Licensee shall furnish, to the Department, a suitable plan showing the depths at mean low water over the area dredged. The dredging under this License shall be so conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his expense, remove the shoal areas. The Licensee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Licensee shall pay all costs associated with such work. Nothing in this License shall be so construed as to impair the legal rights of any person, or authorize dredging on land not owned by the Licensee without consent of the owner(s) of such property.
6. The Licensee shall include in any contract with any person or other legal entity to perform dredging services, a provision requiring said person or legal entity to assume and pay all claims and demands arising in any manner from the work authorized herein, and to save harmless and indemnify the Commonwealth of Massachusetts, its officers employees and agents from all claims, suits, damages, cost and expenses incurred by reason thereof.
7. The Licensee shall, at least three days before commencing any piece of dredging in the tide water, give written notice to the Department of the location and amount of the proposed work, and the time at which it is expected work will begin.
8. Whosoever violates any provision of this License shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Massachusetts Department of Public Works --by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Suffolk -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this thirtieth day of September in the year nineteen hundred and ninety-one.

Commissioner

Director

Section Chief

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department of  
Environmental  
Protection

THE COMMONWEALTH OF MASSACHUSETTS

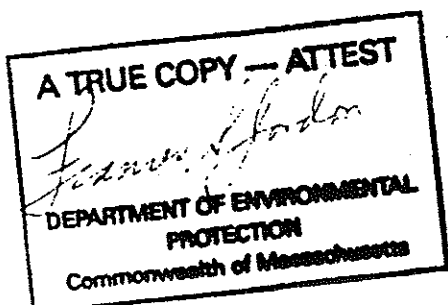
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Massachusetts Department of Public Works -- of the further sum of -- zero dollars and zero cents (\$0.00) -----

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

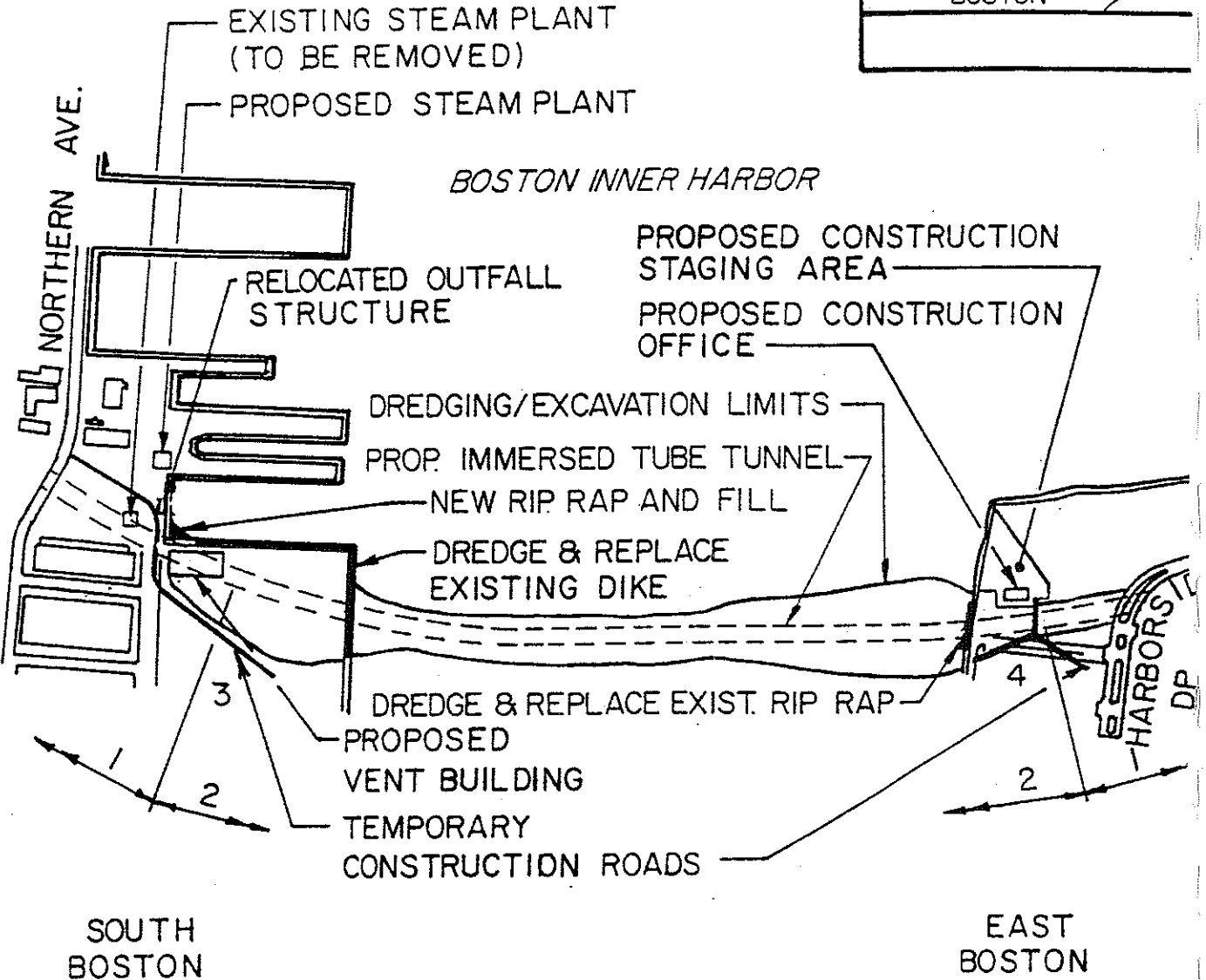
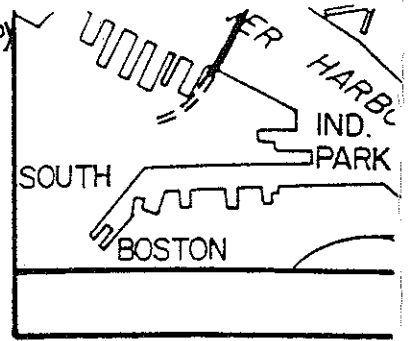
Approved by the Governor.

*William F. Weld*  
\_\_\_\_\_  
Governor





- 3. BOSTON MARINE INDUSTRIAL PARK (BMIP)
- 4. BIRD ISLAND FLATS (B.I.F.)



0 400 800 1200  
 SCALE IN FEET

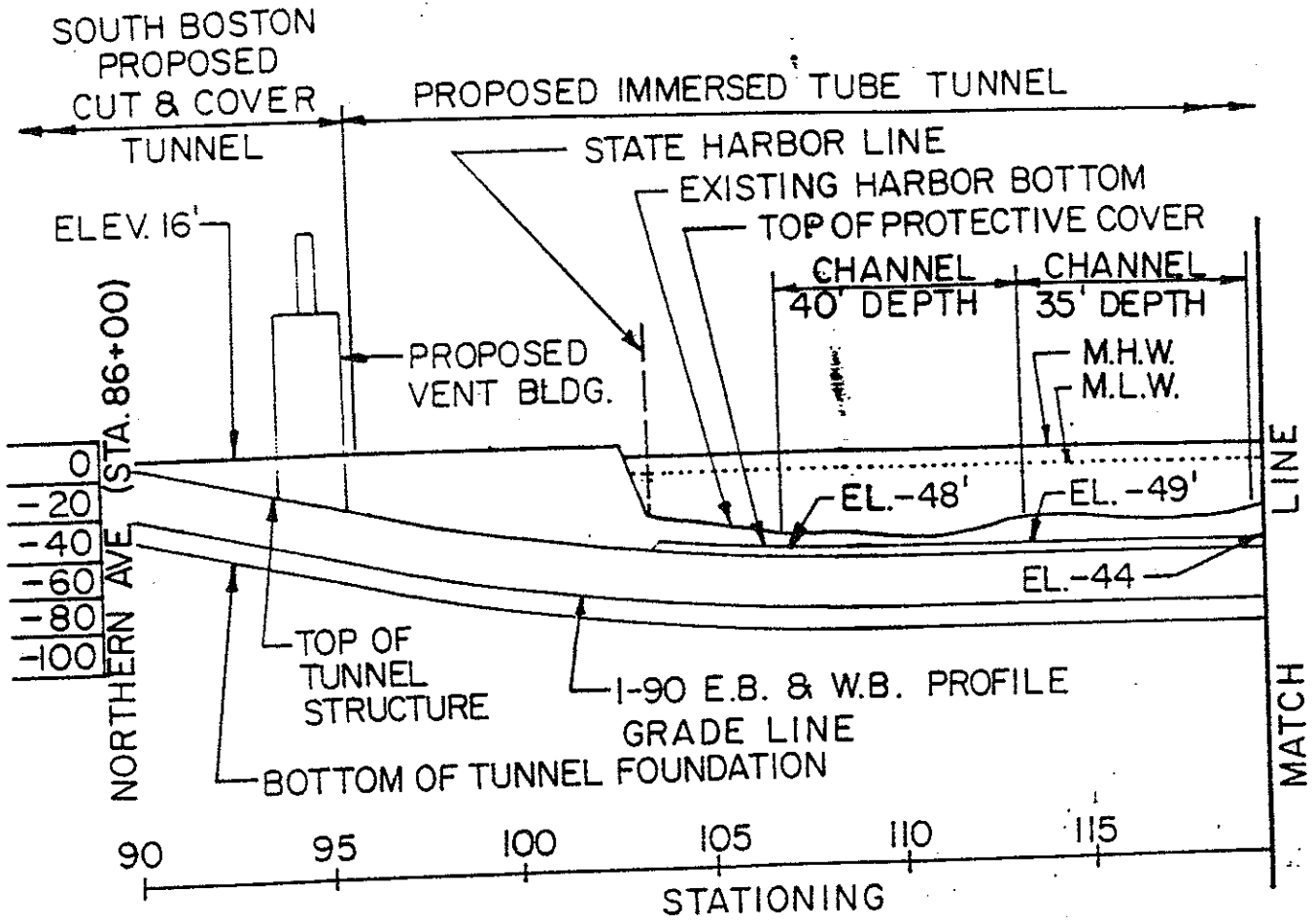
NOTE: FOR UTILITY RELOCATION  
 SEE SHEETS 18 & 19

*Thomas J. Regan, Jr.*  
 COMMONWEALTH OF MASS.  
 THOMAS J. REGAN, JR.  
 No. 22004  
 REGISTERED PROFESSIONAL ENGR.

PROJECT PLAN

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS

DICENSE PLAN NO. 2688  
 Approved by Department of Environmental Protection  
 of Massachusetts  
*Christy McNeil* COMMISSIONER  
*W. H. S. [Signature]* DIVISION DIRECTOR  
 SECTION CHIEF

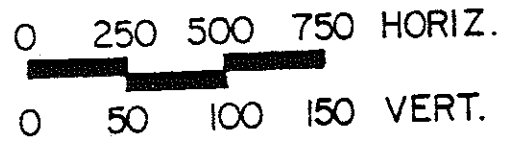


**LICENSE PLAN NO. 2688**

Approved by Department of Environmental Protection

Date: SEP 30 1991

MHW ELEV. = 9.3'  
 MLW ELEV. = 0.0'  
 ELW ELEV. = -1.0'

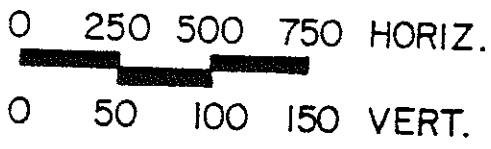
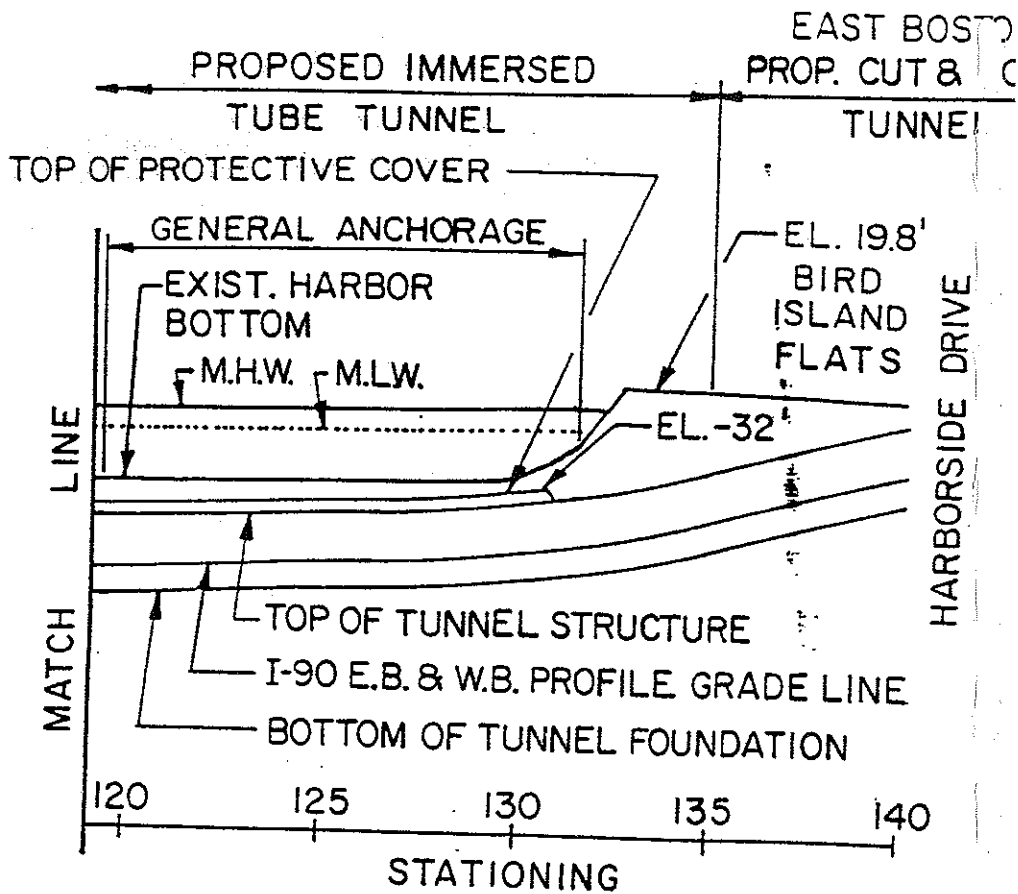


**PROFILE**

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS



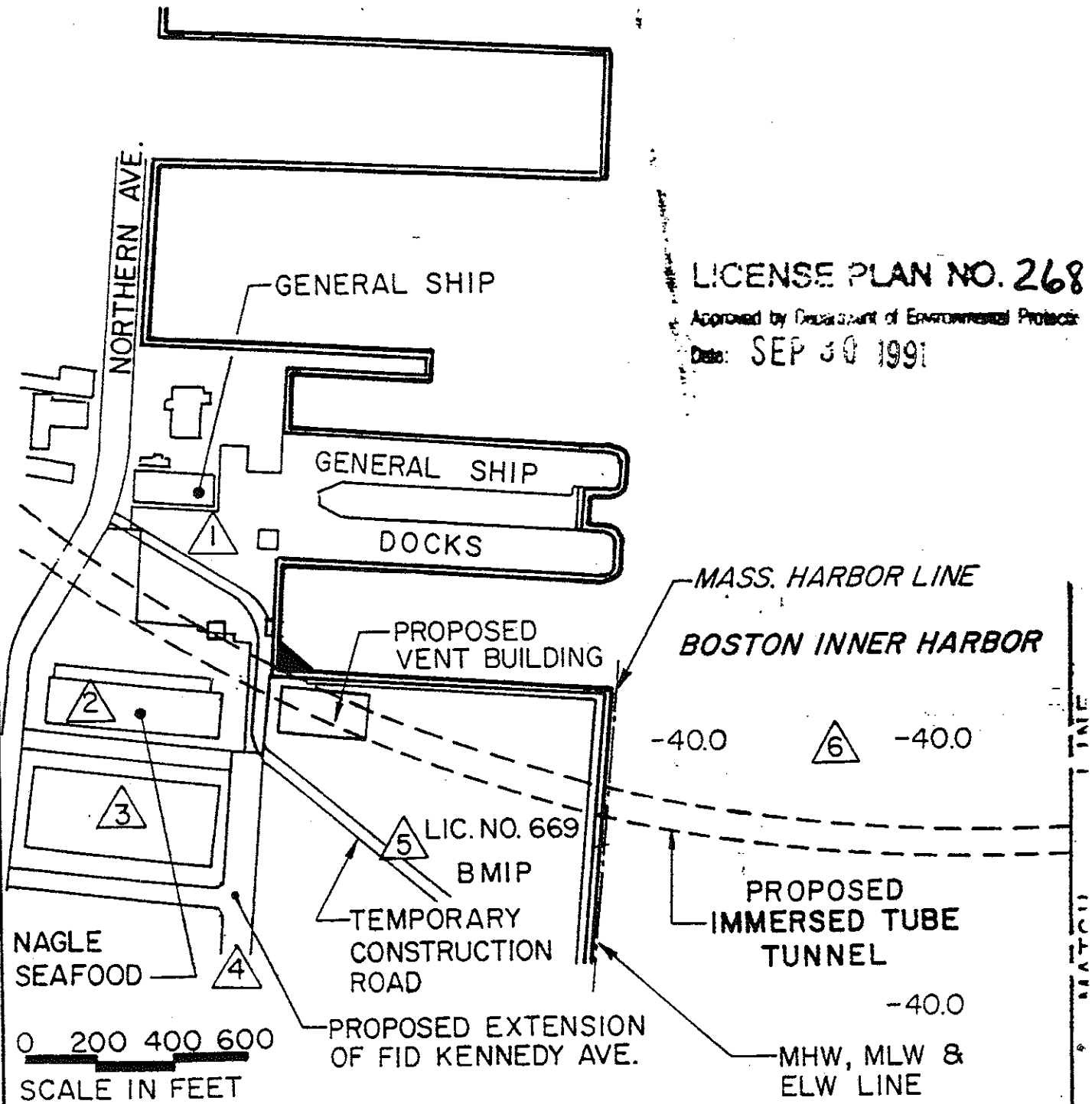
*Thomas J. Moran, Jr.*



M.H.W.  
M.L.W.  
E.L.W.

LICENSE P.  
Approved by Department  
Date: SEP 30

**PROFILE**  
 PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS



LICENSE PLAN NO. 268

Approved by Department of Environmental Protection

Date: SEP 30 1991

0 200 400 600  
SCALE IN FEET

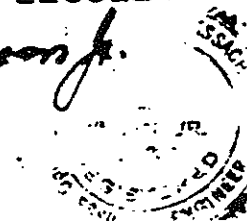
**ABUTTERS' LOCATION PLAN**

PLANS ACCOMPANYING THE PETITION OF:  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT &  
MAINTAIN A HARBOR  
TUNNEL BETWEEN BMIP (SOUTH  
BOSTON) & BIRD ISLAND FLATS  
(EAST BOSTON) IN BOSTON HARBOR  
BOSTON, MASSACHUSETTS

**LEGEND**

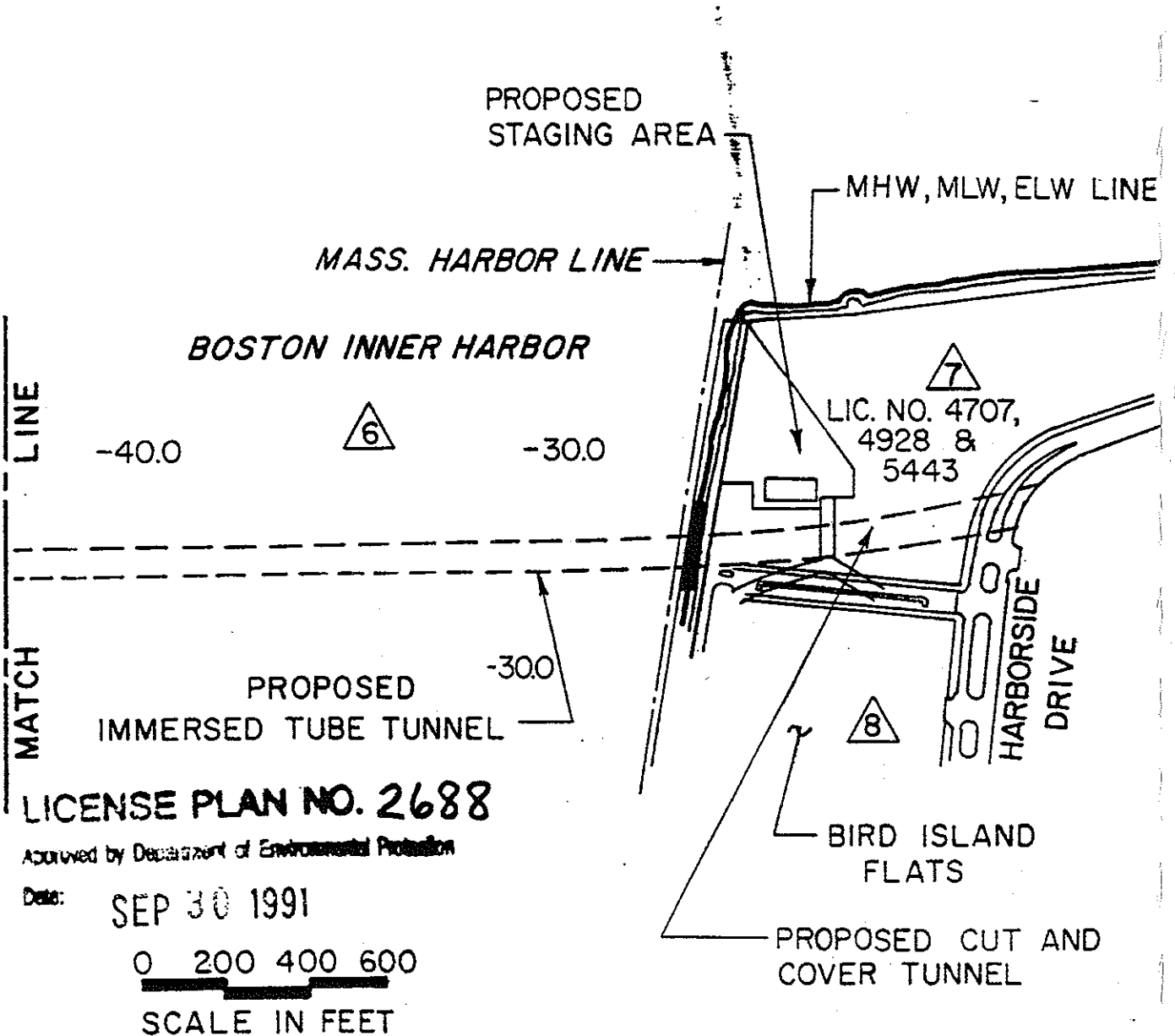
△ SEE SHT. 6 FOR  
LIST OF PROPERTY  
OWNERS/LESSEES

*Thomas J. Ryan Jr.*





OF BIRD ISLAND FLATS AUTHORIZED BY LICENSE NO.S 4707, 4928 AND 5443.



**LICENSE PLAN NO. 2688**

Approved by Department of Environmental Protection

Date: **SEP 30 1991**

0 200 400 600  
**SCALE IN FEET**

**LEGEND**

△ SEE SHT. 6 FOR LIST OF PROPERTY OWNERS/LESSEES

**ABUTTERS LOCATION PLAN**  
PLANS ACCOMPANYING THE PETITION OF:  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT &  
MAINTAIN A HARBOR  
TUNNEL BETWEEN BMIP (SOUTH  
BOSTON) & BIRD ISLAND FLATS  
(EAST BOSTON) IN BOSTON HARBOR  
BOSTON, MASSACHUSETTS

*Thomas J. Ryan, Jr.*  
Seal of the Massachusetts Department of Environmental Protection, dated SEP 30 1991.

- ① ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.  
(GENERAL SHIP CORP. - LESSEE)
- ② ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.  
(JOHN D. NAGLE COMPANY - LESSEE)
- ③ ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.
- ④ ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.
- ⑤ ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.  
(MASSACHUSETTS PORT AUTHORITY - LESSEE)
- ⑥ COMMONWEALTH OF MASSACHUSETTS (BOSTON INNER HARBOR)
- ⑦ MASSACHUSETTS PORT AUTHORITY  
10 PARK PLAZA BOSTON, MA.  
(MASSACHUSETTS TECHNOLOGY CENTER - LESSEE)
- ⑧ MASSACHUSETTS PORT AUTHORITY  
10 PARK PLAZA BOSTON, MA.

LICENSE PLAN NO. 268

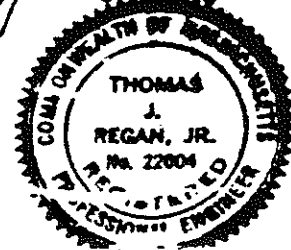
Approved by Department of Environmental Protection

Date: SEP 30 1991

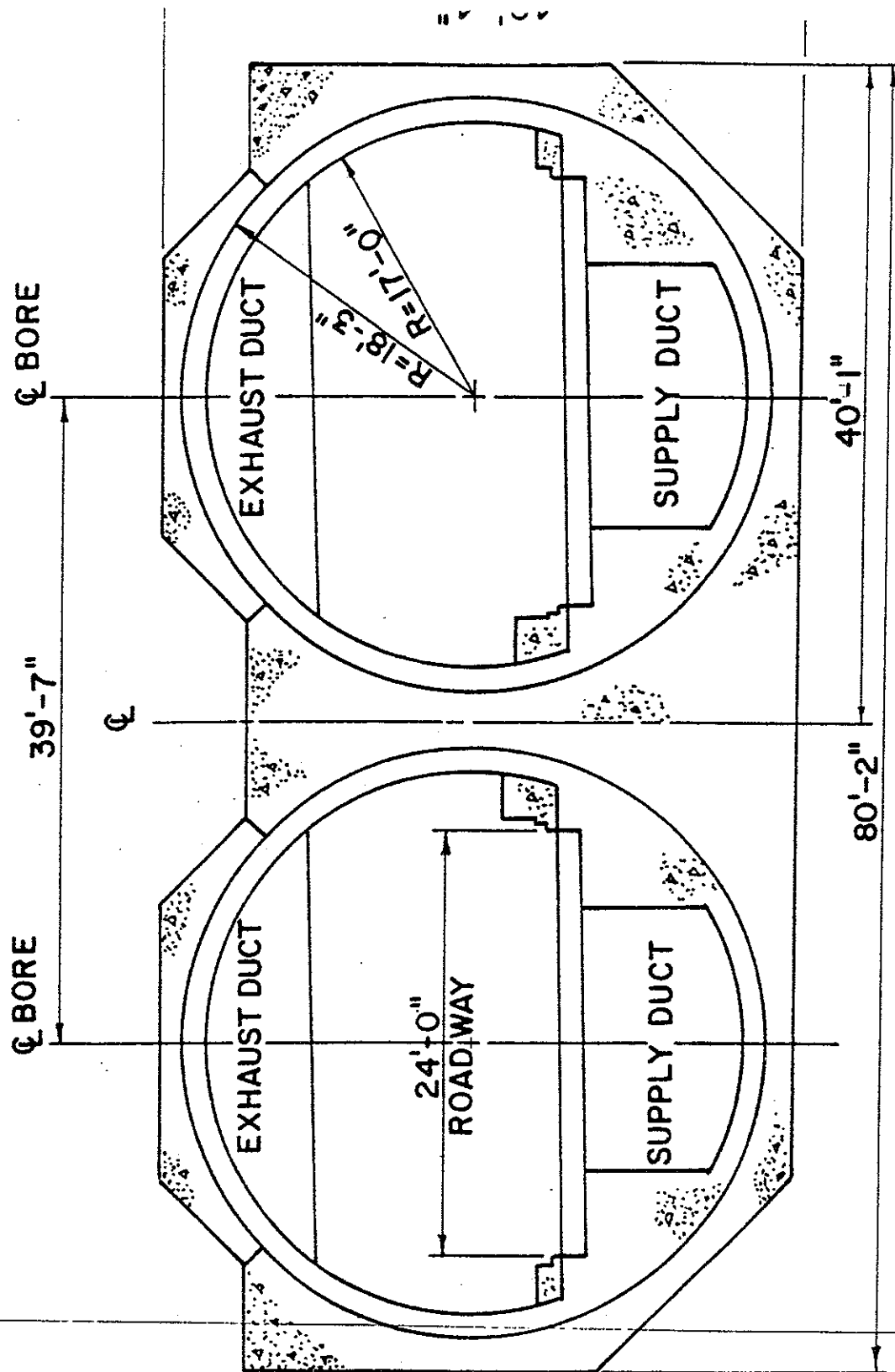
LIST OF ABUTTERS

PLANS ACCOMPANYING THE PETITION OF:  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT &  
MAINTAIN A HARBOR  
TUNNEL BETWEEN BMIP (SOUTH  
BOSTON) & BIRD ISLAND FLATS  
(EAST BOSTON) IN BOSTON HARBOR  
BOSTON, MASSACHUSETTS

*Thomas J. Regan, Jr.*







I-90 EB

I-90 WB

TYPICAL SECTION  
IMMERSED TUBE TUNNEL

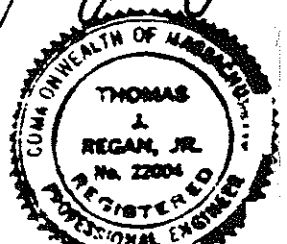
LICENSE PLAN NO. 2688

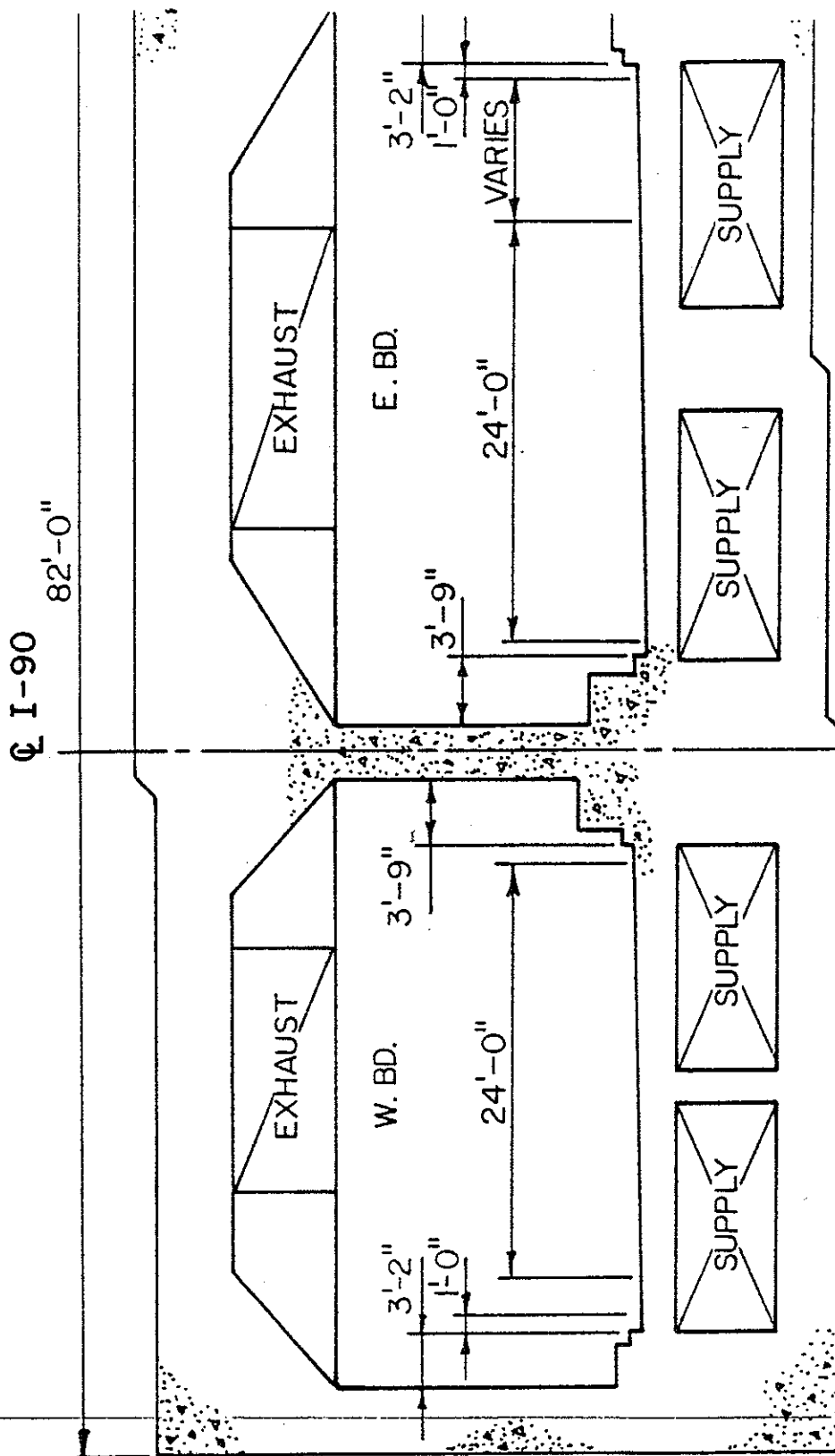
Approved by Department of Environmental Protection

Date: SEP 23 1967

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS

*Thomas J. Regan, Jr.*





TYPICAL SECTION  
CUT & COVER TUNNEL

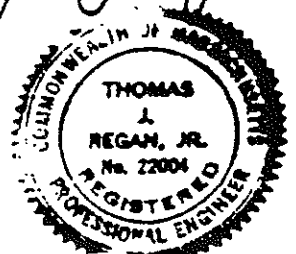
LICENSE PLAN NO. 2688

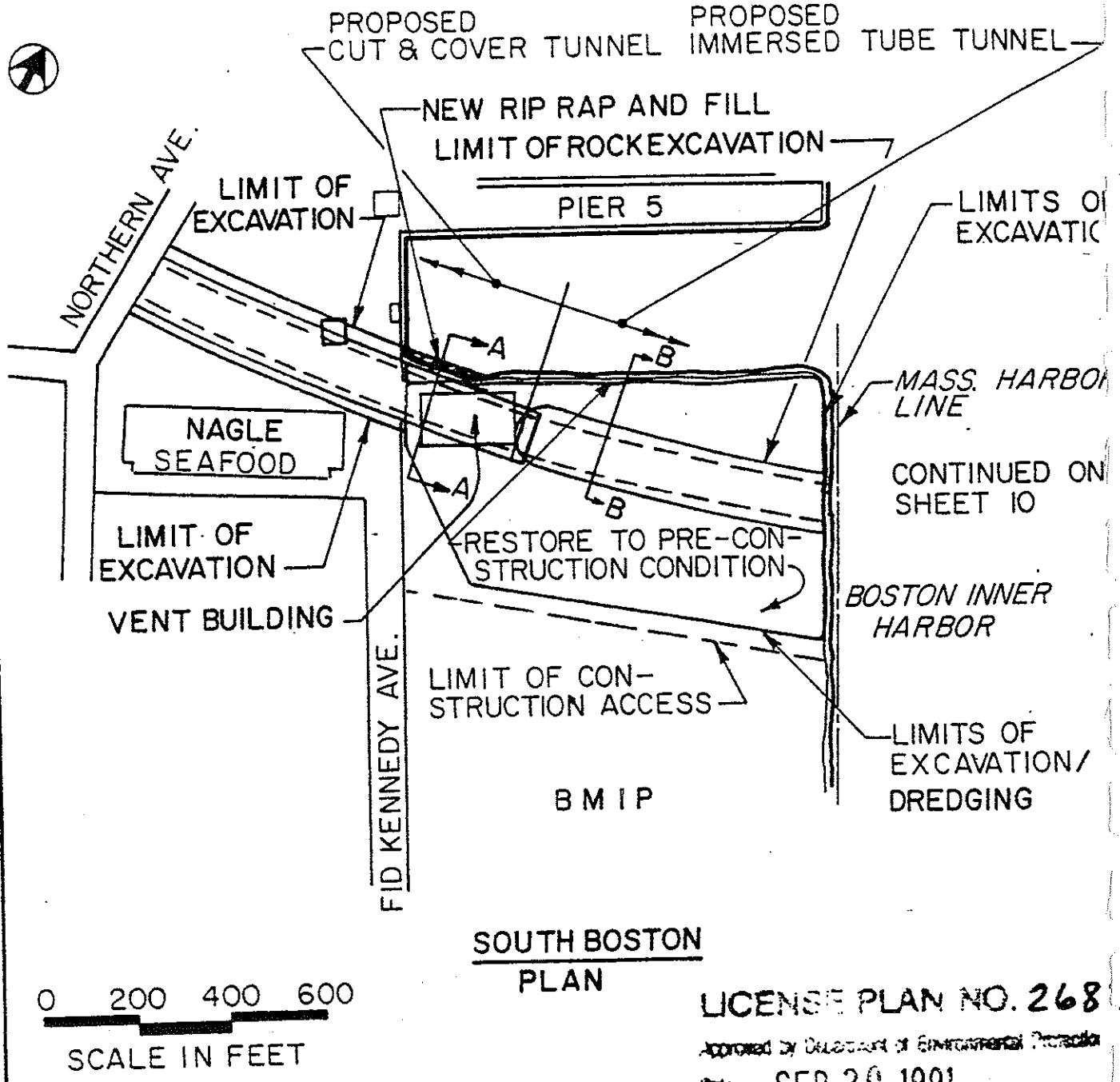
Approved by Department of Environmental Protection

Date: SEP 30 1991

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS

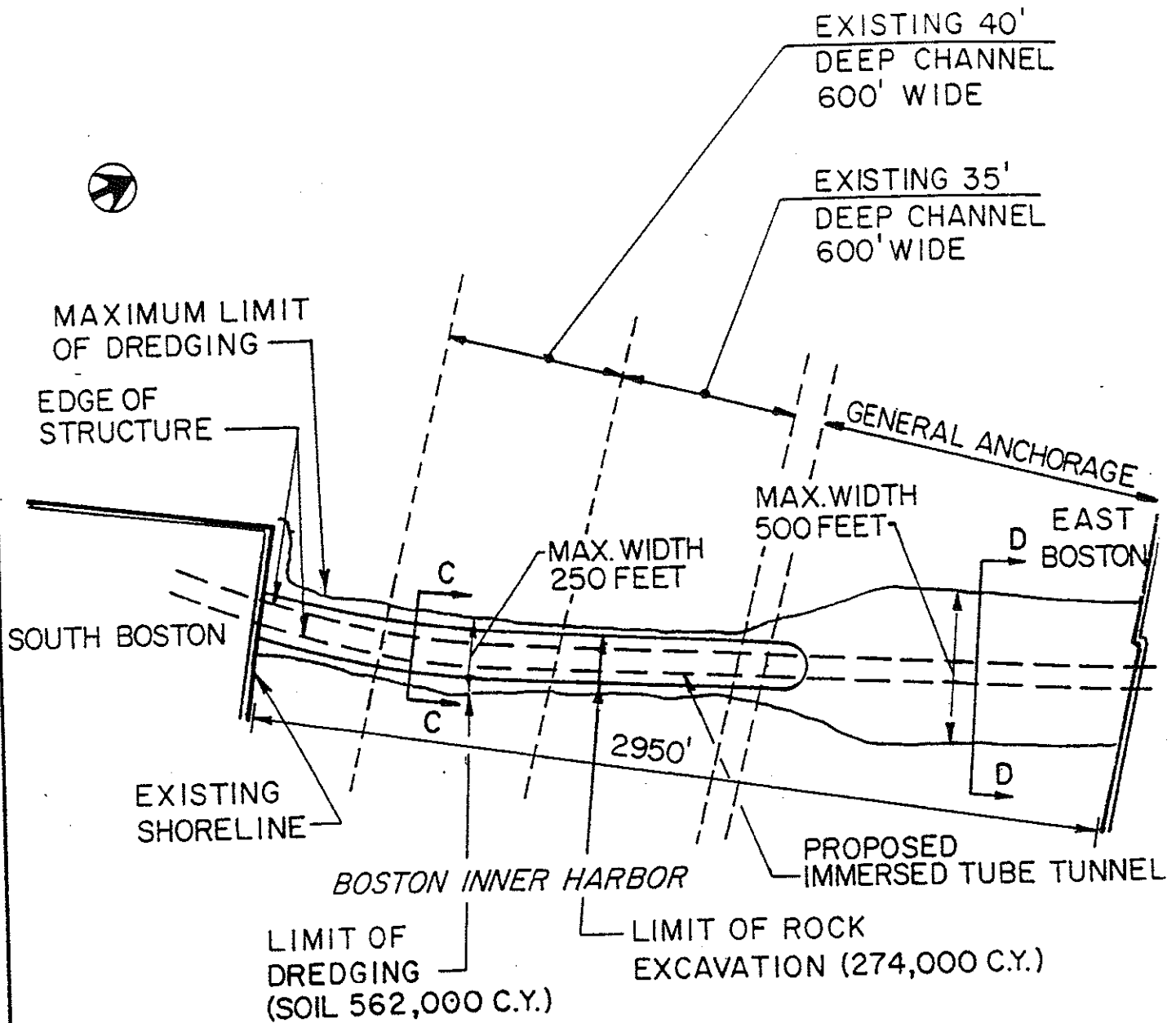
*Thomas J. Regan, Jr.*





**EXCAVATION/DREDGING-SOUTH BOSTON**  
**PLANS ACCOMPANYING THE PETITION OF:**  
**MASSACHUSETTS DEPARTMENT OF**  
**PUBLIC WORKS TO CONSTRUCT &**  
**MAINTAIN A HARBOR**  
**TUNNEL BETWEEN BMIP (SOUTH**  
**BOSTON) & BIRD ISLAND FLATS**  
**(EAST BOSTON) IN BOSTON HARBOR**  
**BOSTON, MASSACHUSETTS**

*Thomas J. Regan, Jr.*  
 THOMAS  
 J.  
 REGAN, JR.  
 No. 22604  
 COMMONWEALTH OF MASSACHUSETTS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION



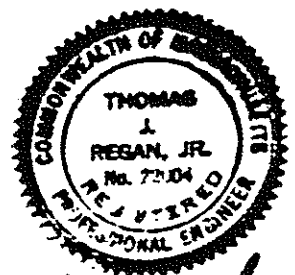
**HARBOR AREA  
PLAN**

**LICENSE PLAN NO. 268**  
 Approved by Dept. of Environmental Protection  
 Date: **SEP 30 1991**

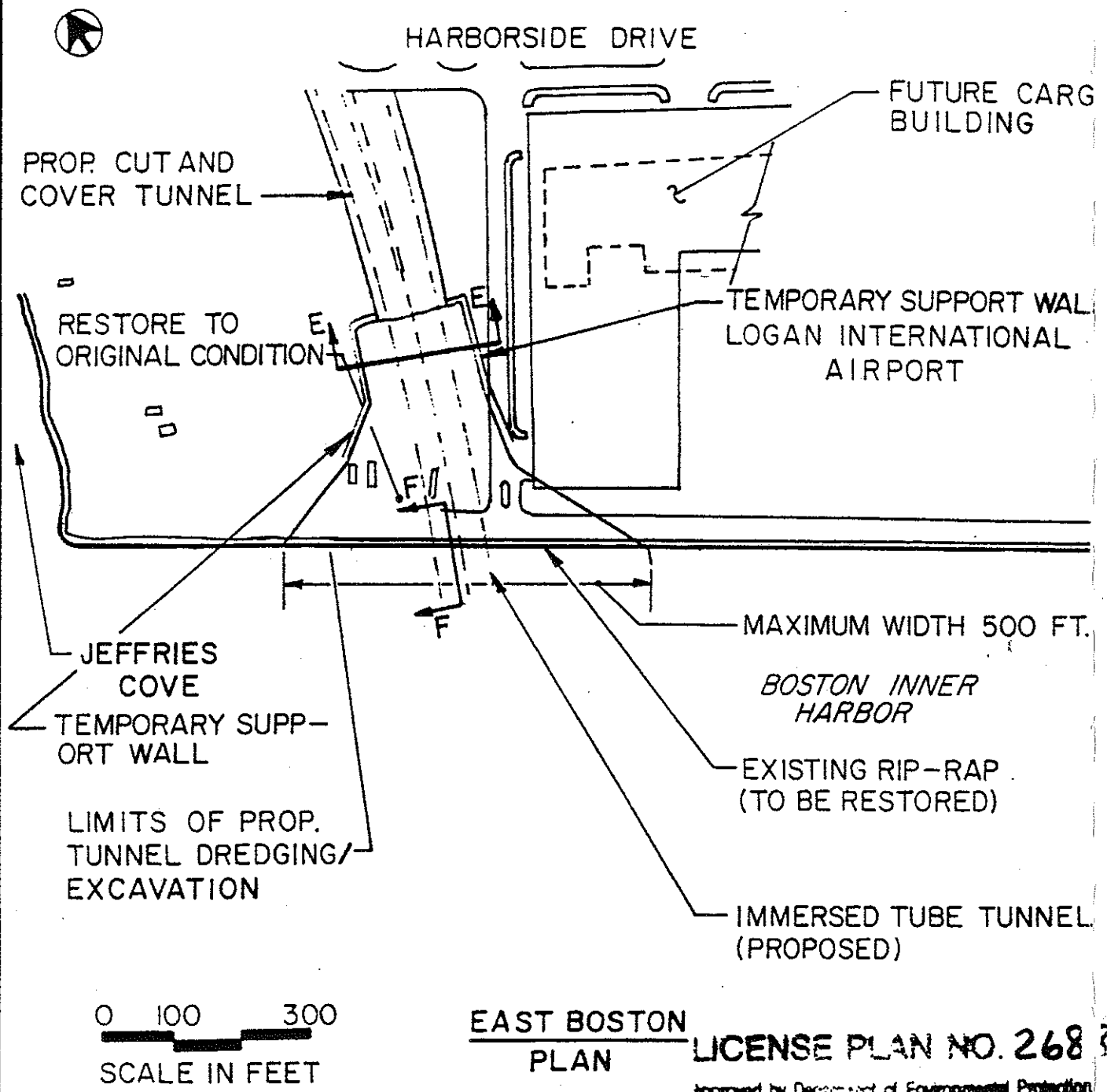
**DREDGING - HARBOR AREA**

**PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS**

REV. NOV , 1990  
 SHEET 10 OF 19 DATE: JULY , 1990



*Thomas J. Resan, Jr.*



**EAST BOSTON  
PLAN**

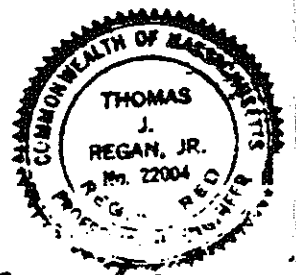
**LICENSE PLAN NO. 2683**

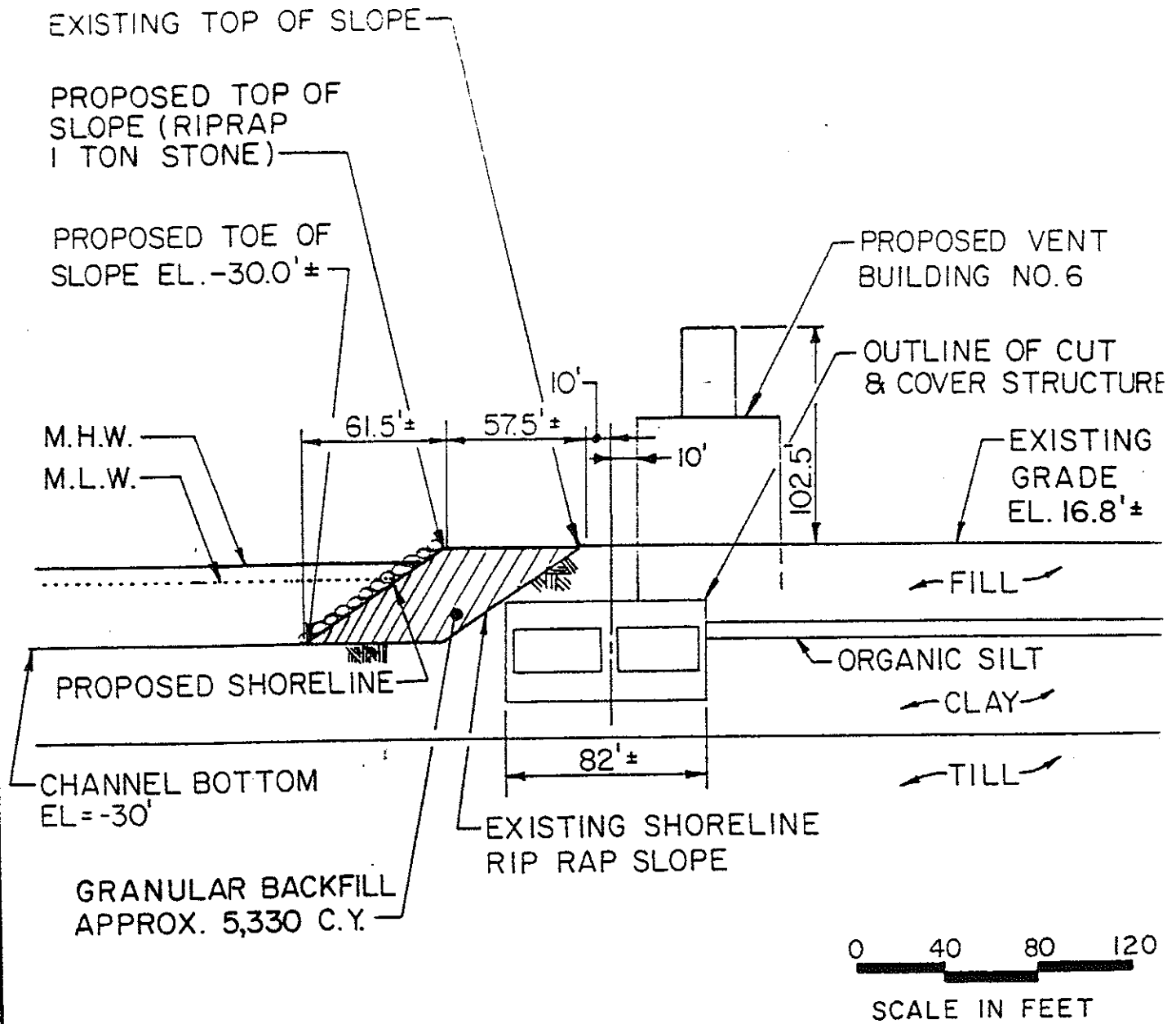
Approved by Department of Environmental Protection

Date: **SEP 30 1991**

**DREDGING/EXCAVATION - EAST BOSTON**  
**PLANS ACCOMPANYING THE PETITION OF:**  
**MASSACHUSETTS DEPARTMENT OF**  
**PUBLIC WORKS TO CONSTRUCT &**  
**MAINTAIN A HARBOR**  
**TUNNEL BETWEEN BMIP (SOUTH**  
**BOSTON) & BIRD ISLAND FLATS**  
**(EAST BOSTON) IN BOSTON HARBOR**  
**BOSTON, MASSACHUSETTS**

REV. NOV. 1990





**SECTION A-A**

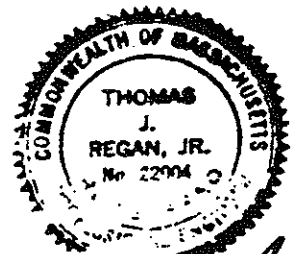
MHW ELEV. = 9.3  
 MLW ELEV. = 0.0  
 ELW ELEV. = -1.0

**SECTION - SOUTH BOSTON**

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS

**LICENSE PLAN NO. 2688**

Approved by Department of Environmental Protection  
 SEP 30 1991



*Thomas J. Regan, Jr.*

EXIST. GRADE/PAVING - TO BE RESTORED EL. 16.8'±

APPROX. LIMIT OF TEMP. EASEMENT

APPROX. LINE OF PERMANENT HWY. EASEMENT

GENERAL SHIP SLIP  
BMIP PARKING FACILITY

310'±

290'±

60'±

60'±

240'±

M.H.W.  
M.L.W.

DIKE



EXIST. ROCK DIKE TO BE RESTORED

BEDROCK

LICENSE PLAN NO. 26

Approved by Department of Environmental Protection

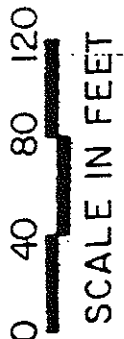
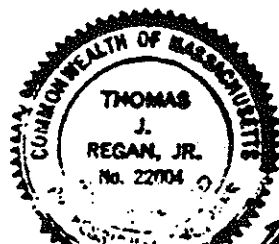
SEP 30 1991

SECTION B-B

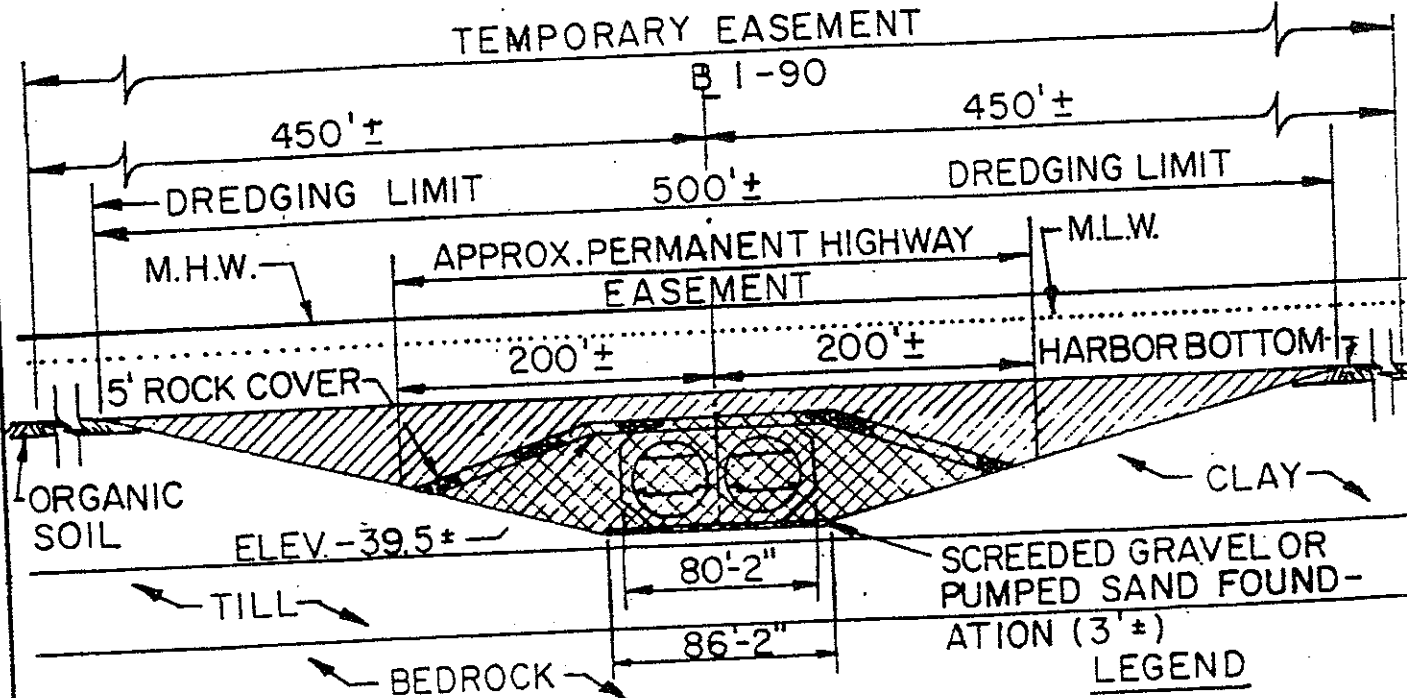
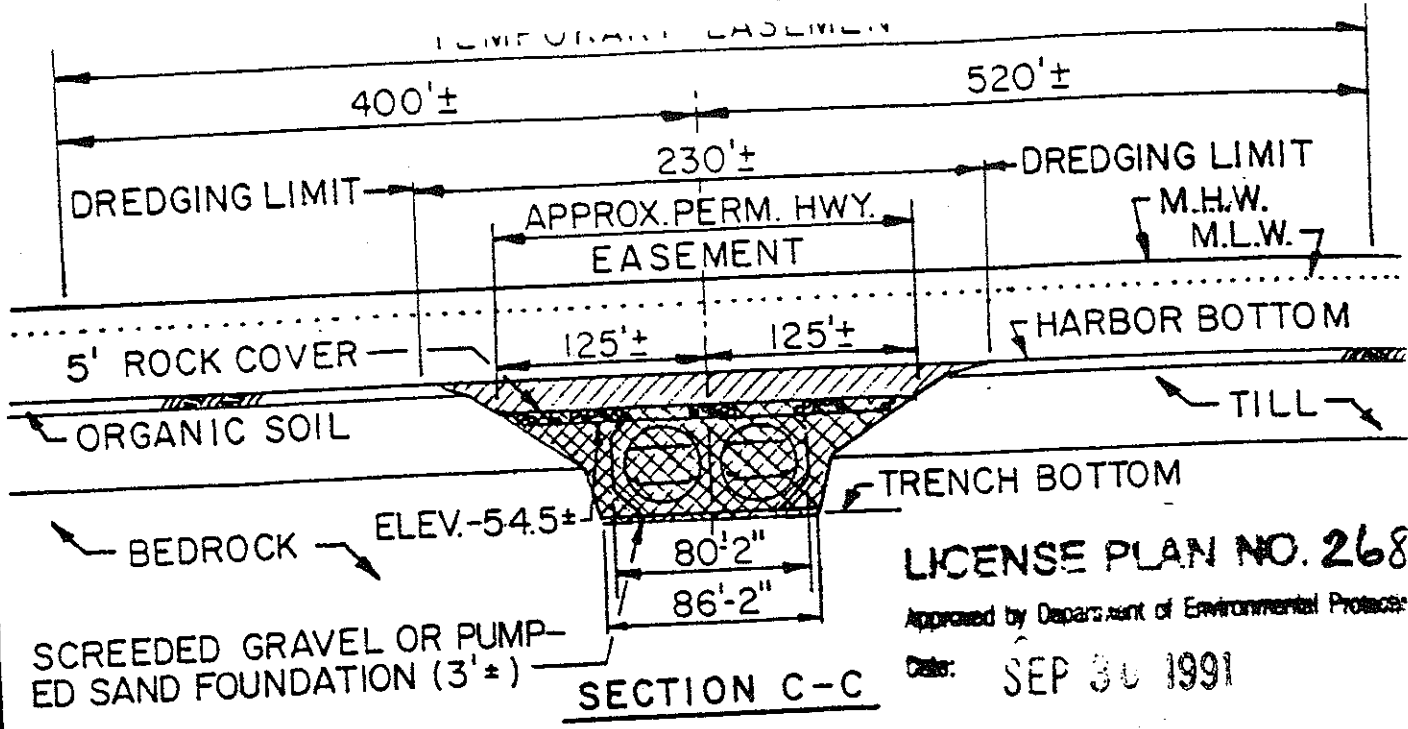
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MLW ELEV. = 0.0  
ELW ELEV. = -1.0

SECTION - SOUTH BOSTON

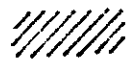
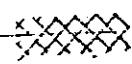
PLANS ACCOMPANYING THE PETITION OF:  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT &  
MAINTAIN A HARBOR  
TUNNEL BETWEEN BMIP (SOUTH  
BOSTON) & BIRD ISLAND FLATS  
(EAST BOSTON) IN BOSTON HARBOR  
BOSTON, MASSACHUSETTS



SCALE IN FEET



0 40 80 120  
SCALE IN FEET

-  DREDGING
-  DREDGING & BACKFILL

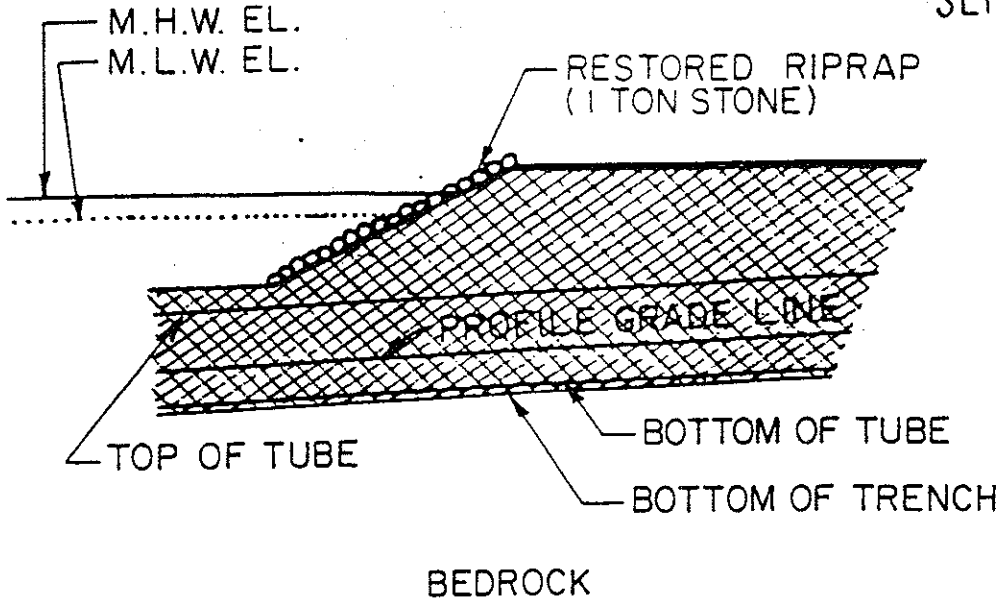
**SECTIONS - HARBOR AREA**  
 PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS  
 REV. NOV., 1990  
 DATE: JULY, 1990

MHW ELEV. = 9.3  
 MLW ELEV. = 0.0  
 ELW ELEV. = -1.0

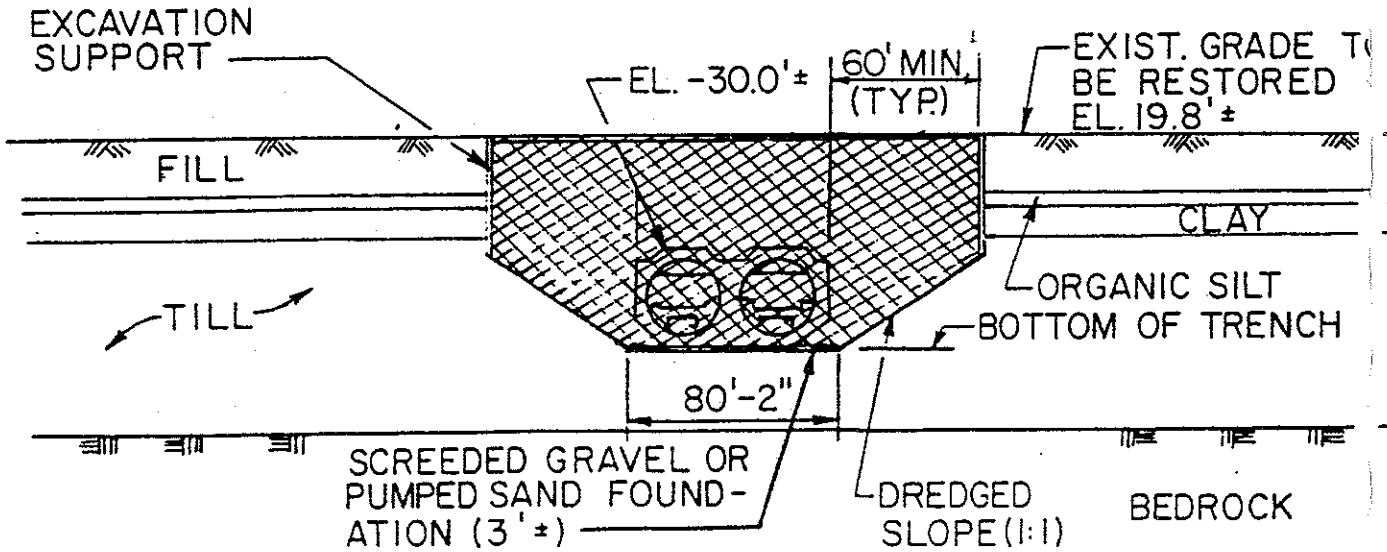


*Thomas J. Ryan*





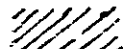

SECTION F-F



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SCALE IN FEET

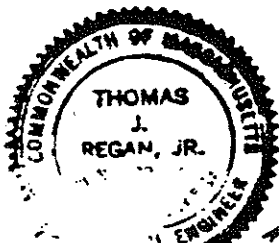
SECTION E-E

LEGEND

-  DREDGING
-  DREDGING & BACKFILL

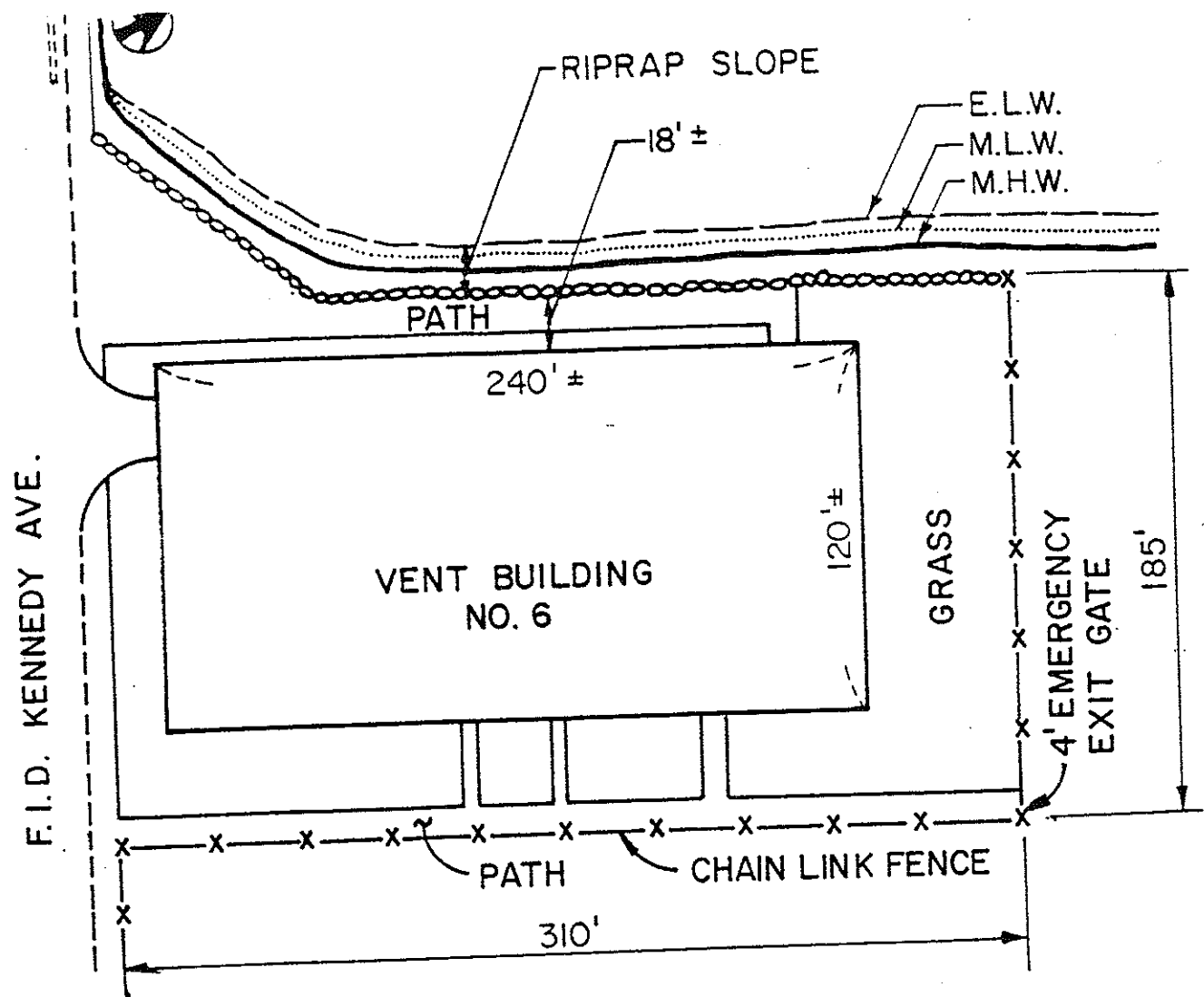
SECTIONS - EAST BOSTON

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS

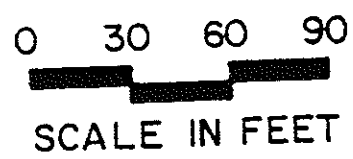


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*Handwritten signature*



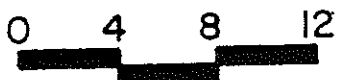
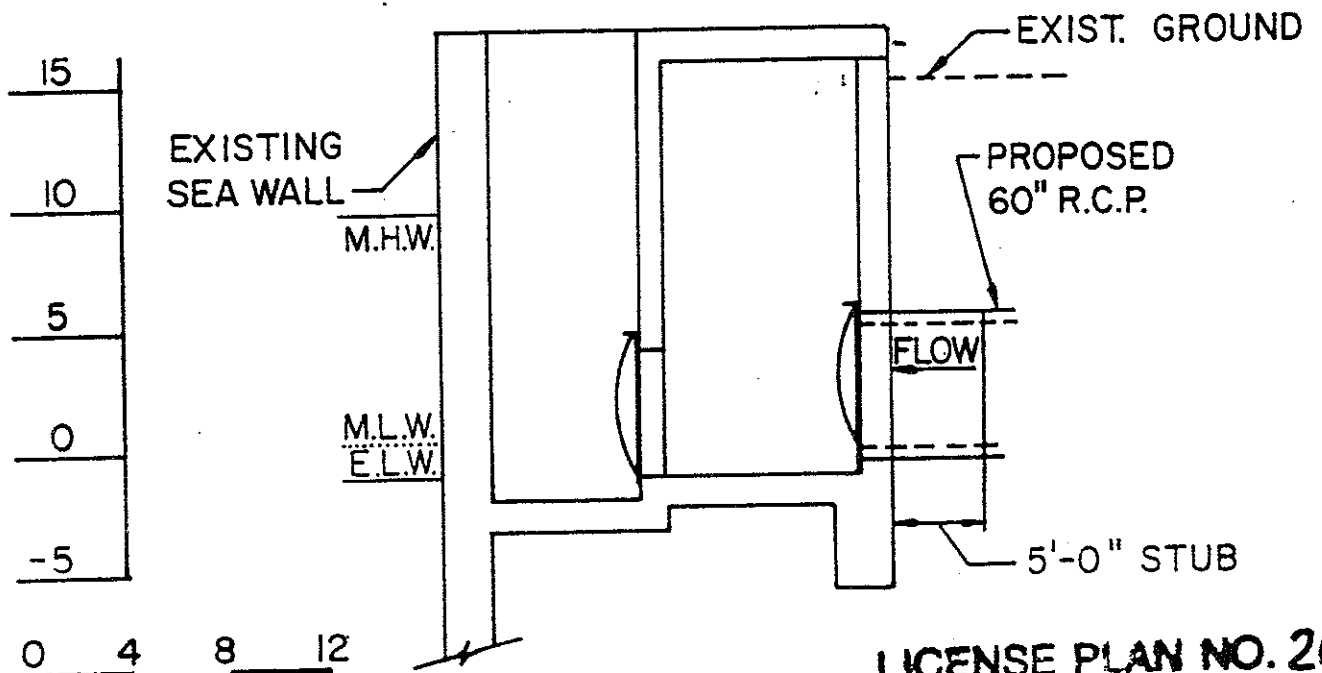
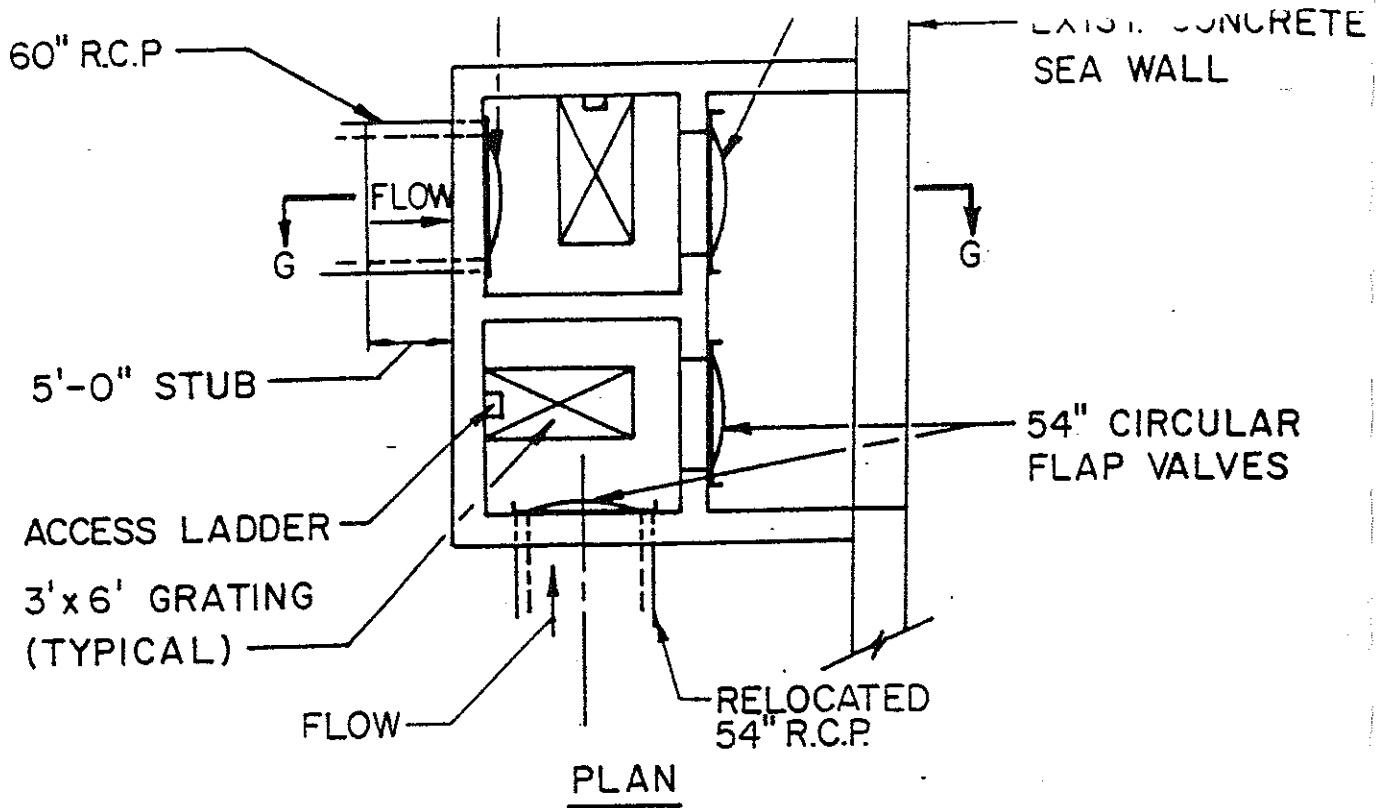
**LICENSE PLAN NO. 2688**  
 Approved by Department of Environmental Protection  
 Date: SEP 30 1991



PROPOSED VENT BUILDING NO. 6  
 PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR



*Thomas J. Regan, Jr.*



SCALE IN FEET

SECTION G-G

**LICENSE PLAN NO. 269**

Approved by Department of Environmental Protection

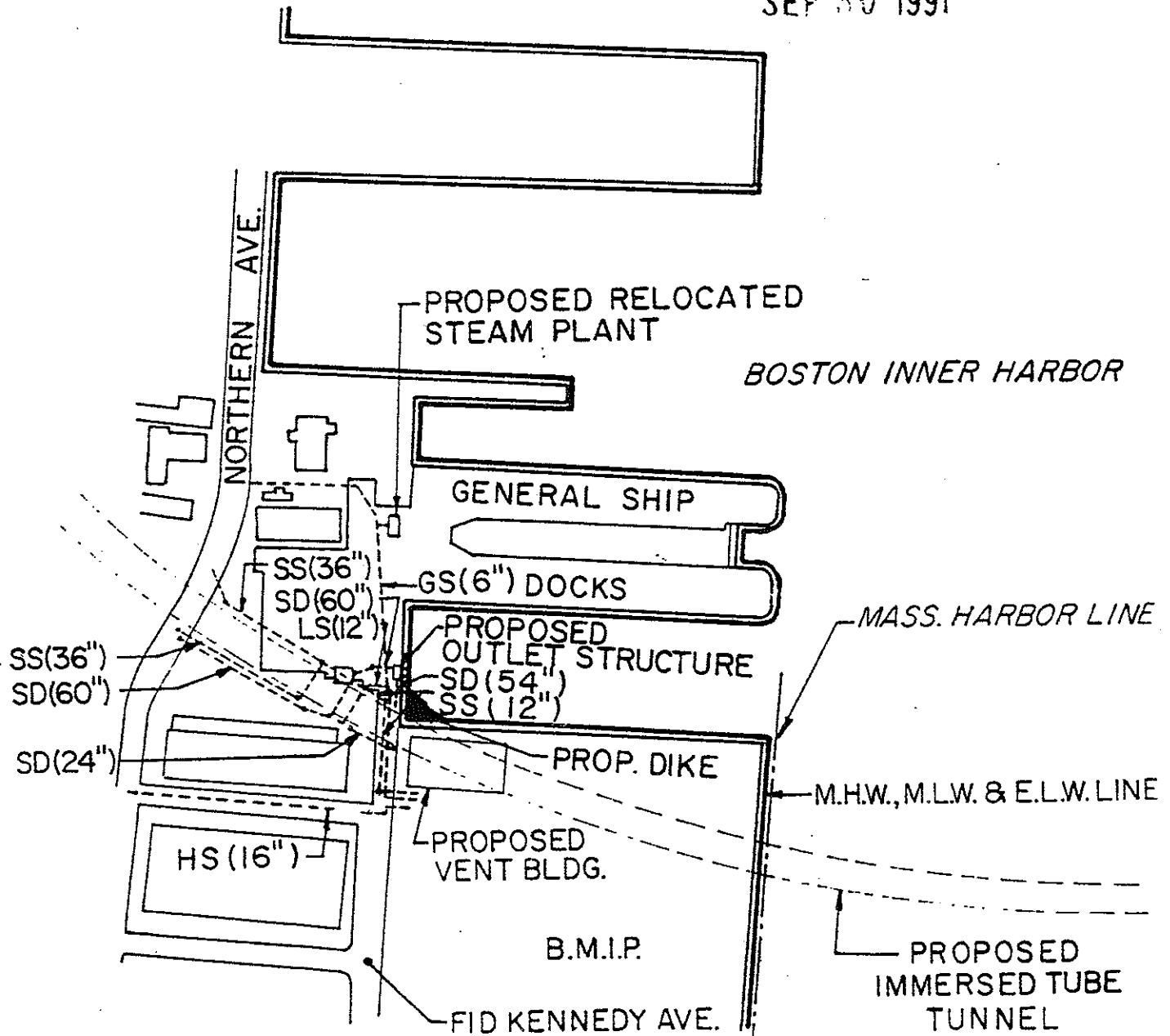
Date: SEP 30 1991

PROPOSED OUTFALL STRUCTURE  
 PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR





Date: SEP 30 1991



0 200 400 600  
SCALE IN FEET

LEGEND

- HS - HIGH SERVICE WATER
- LS - LOW SERVICE WATER
- SS - SANITARY SEWER
- SD - STORM DRAIN
- GS - GAS

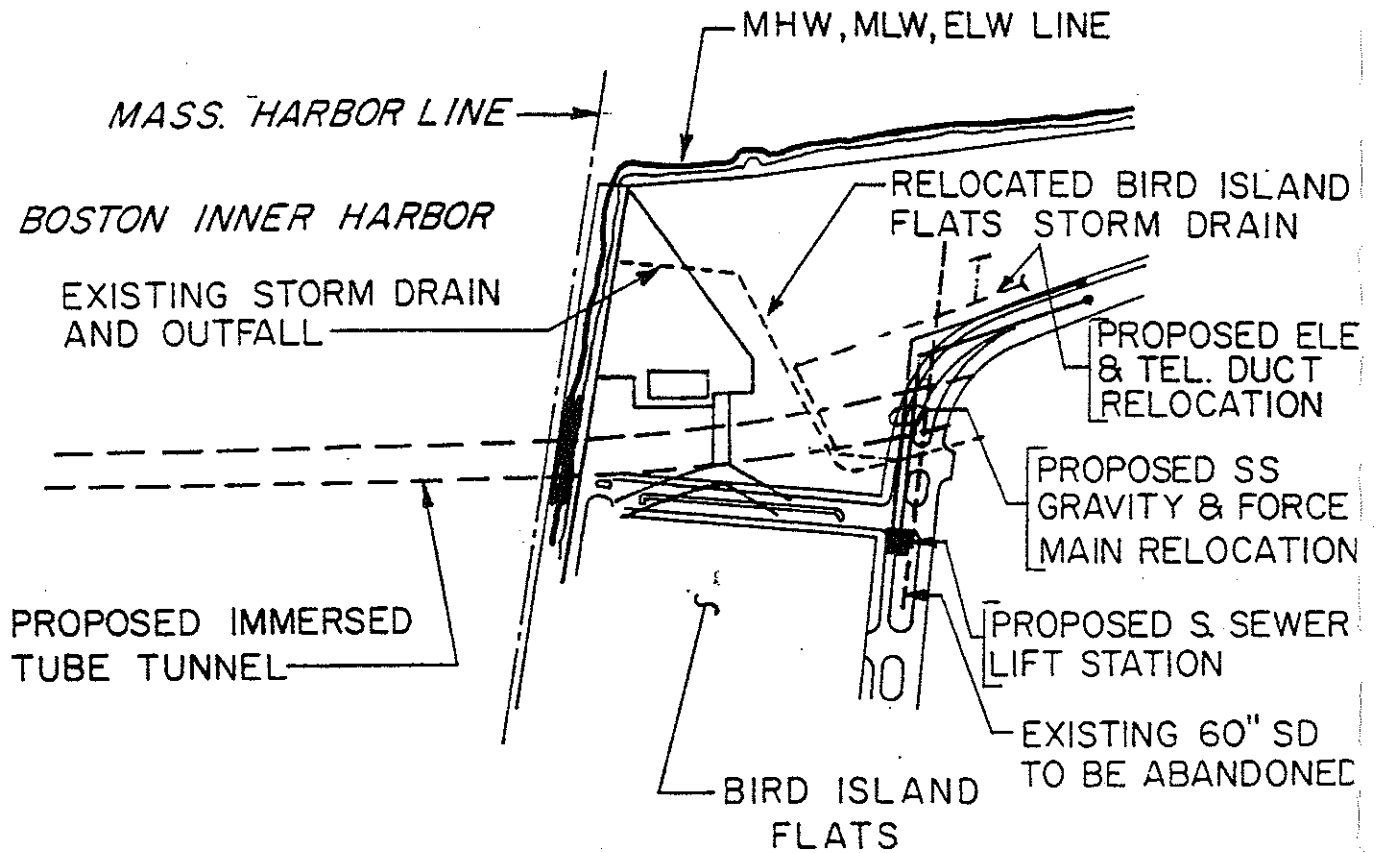
SOUTH BOSTON UTILITIES

PLANS ACCOMPANYING THE PETITION OF:

MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT &  
MAINTAIN A HARBOR  
TUNNEL BETWEEN BMIP (SOUTH  
BOSTON) & BIRD ISLAND FLATS  
(EAST BOSTON) IN BOSTON HARBOR  
BOSTON, MASSACHUSETTS

*Thomas J. Ryan Jr.*





LICENSE PLAN NO. 2688

Approved by Department of Environmental Protection

Date: SEP 30 1991

0 200 400 600  
 SCALE IN FEET

EAST BOSTON UTILITIES

PLANS ACCOMPANYING THE PETITION OF:  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT &  
 MAINTAIN A HARBOR  
 TUNNEL BETWEEN BMIP (SOUTH  
 BOSTON) & BIRD ISLAND FLATS  
 (EAST BOSTON) IN BOSTON HARBOR  
 BOSTON, MASSACHUSETTS

*Thomas J. Regan*



# The Commonwealth of Massachusetts

No.

2920



Whereas,

Massachusetts Department of Public Works

of -- Boston --, in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- construct and maintain a temporary circular coffer dam with associated temporary fill -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Mayor and City Council -- of the -- City -- of -- Boston; -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

-- Massachusetts Department of Public Works --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain a temporary circular coffer dam with associated temporary fill -----

in and over filled and flowed tidelands of -- Boston Harbor -- in the -- City -- of -- Boston -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 2920, ( 2 sheets).

The structures hereby authorized shall be limited to the following uses: to provide for the operation of a vehicular tunnel, associated structures, ancillary facilities and shoreline stabilization.

Fill and structures previously authorized by the following licenses: DEQE License No. 669 and DEP License No. 2688 shall remain in effect in accordance with the terms and conditions of said authorization.

### Special Conditions

1. The license for the coffer dam is for a term of three (3) years or upon completion of Vent Building #6, after which time the temporary fill shall be removed and said coffer dam shall be removed to final grade.
2. The license to be issued pursuant hereto shall expire as to all work authorized which is not completed within three (3) years of the date of issuance. However, upon written request of the Licensee, the Department may extend said License.

Please see pages 3 for additional conditions to this License.

Duplicate of said plan, number 2920 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP Division of Water Pollution Control.



The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Massachusetts Department of Public Works -- by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Suffolk -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this fourteenth day of May in the year nineteen hundred and ninety-two

Commissioner

Director

Section Chief

*[Handwritten signatures]*  
\_\_\_\_\_  
*Christy Todd Smith*  
\_\_\_\_\_  
*John A. Lipan*  
\_\_\_\_\_

Department of  
Environmental  
Protection

THE COMMONWEALTH OF MASSACHUSETTS

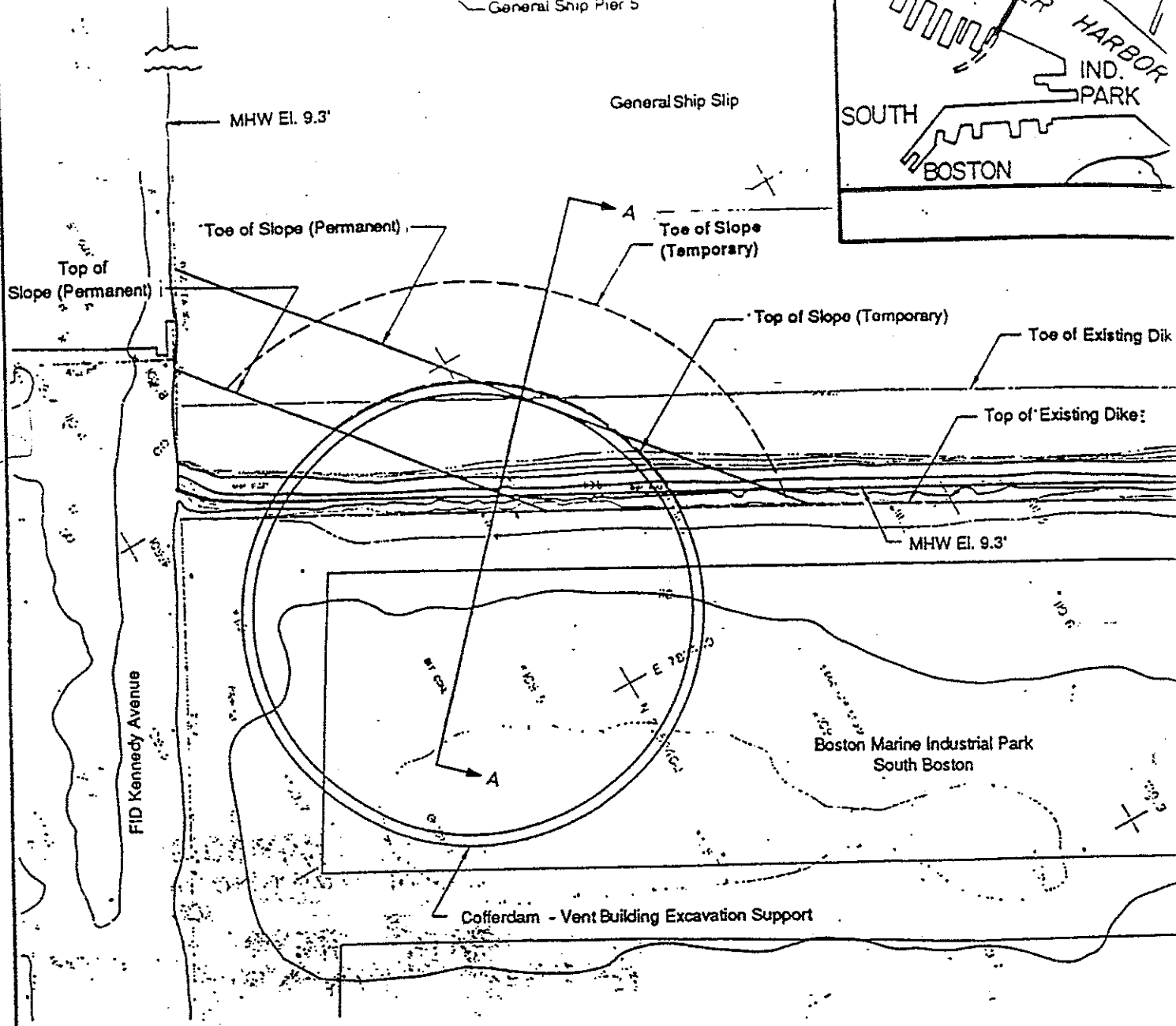
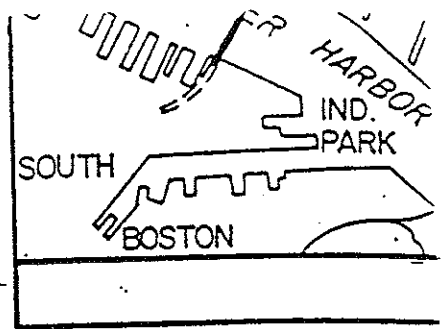
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Massachusetts Department of Public Works -- of the further sum of -- zero dollars and zero cents (\$0.00) -- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.

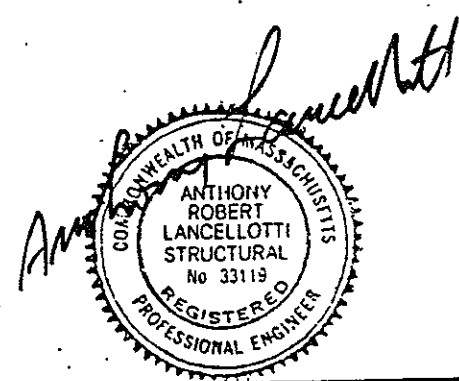
*William F. Weld*  
\_\_\_\_\_  
Governor

General Ship Pier 5

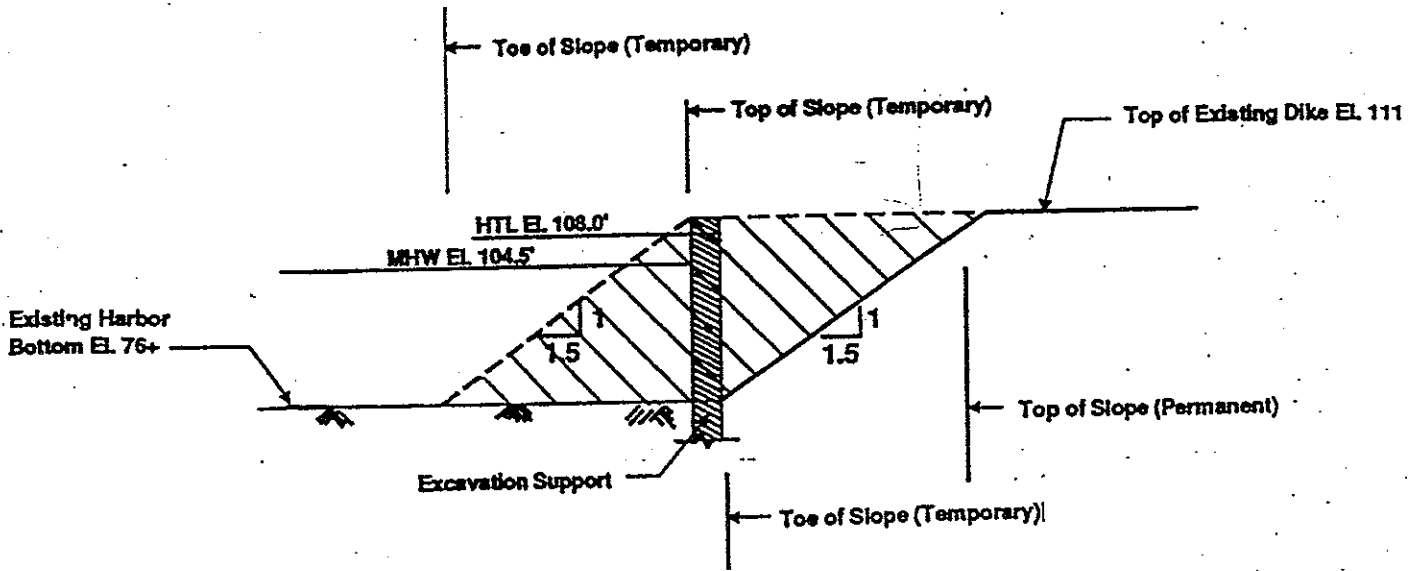


**PLAN OF PROPOSED TEMPORARY FILL FOR SLURRY WALL COFFERDAM**

**PLANS ACCOMPANYING THE PETITION OF: MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT & MAINTAIN A HARBOR TUNNEL BETWEEN BMIP (SOUTH BOSTON) & BIRD ISLAND FLATS (EAST BOSTON) IN BOSTON HARBOR BOSTON, MASSACHUSETTS**



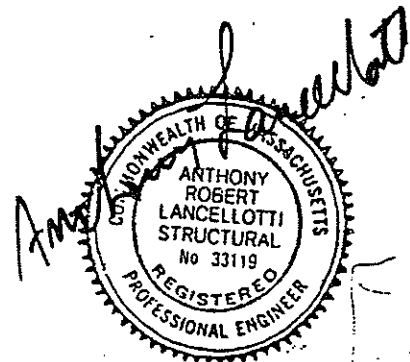
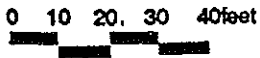
LICENSE PLAN NO. 2920  
Approved by Department of Environmental Protection  
Massachusetts  
*[Signature]* COMMISSIONER  
*[Signature]* SECTION CHIEF  
MAY 12 1999 DATE



**LICENSE PLAN NO. 2920**

Approved by Department of Environmental Protection

Date: MAY 14 1992



**SECTION OF PROPOSED TEMPORARY  
FILL FOR SLURRY WALL COFFERDAM**

**PLANS ACCOMPANYING THE PETITION OF:  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT &  
MAINTAIN A HARBOR  
TUNNEL BETWEEN BMIP (SOUTH  
BOSTON) & BIRD ISLAND FLATS  
(EAST BOSTON) IN BOSTON HARBOR  
BOSTON, MASSACHUSETTS**

# The Commonwealth of Massachusetts

No.

2907



Whereas,

Massachusetts Highway Department

of -- Boston --, in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection ("the Department") for license to -- construct and maintain a temporary barge loading facility -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~ has been given, as required by law, to the -- Mayor and City Council -- of the -- City -- of -- Boston; -----

NOW, the Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

-- Massachusetts Highway Department --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain a temporary barge loading facility -----

in and over filled and flowed tidelands of -- Boston Harbor -- in the -- City -- of -- Boston -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 2907, (3 Sheets).

The structures hereby authorized shall be limited to the following uses: to provide for docking, materials transfer, and access to navigable waters.

Fill and structures previously authorized by the following licenses: DEQE No. 669 and DEP No. 2688 shall remain in effect in accordance with the terms and conditions of said authorization.

#### Special Conditions

1. This license shall expire eight (8) years from the date of issuance. However, upon written request of the Licensee, the Department may extend said license for one or more one year periods.
2. The temporary barge loading facility shall be removed within 60 days after the completion of the final transfer of materials or before the expiration of the license, whichever occurs first.
3. The Licensee shall complete restoration to conform with DEQE License No. 669.
4. The Department may approve, on an individual basis, modifications to construction activities, temporary structures, and fill within the area delineated as "Limits of Construction" on License Plan No. 2907, Sheet 1 of 3. Such approval shall be in accordance with the following procedure:
  - a. the Licensee shall submit a written request describing the proposed activities to the Department accompanied by plans, and;
  - b. the Licensee shall concurrently provide copies of the request and plans to the Mayor and City Council of the City of Boston, the Boston Conservation Commission and the Massachusetts Coastal Zone Management Office for their review and comment. The Department will consider comments submitted within 10 days of the Department's receipt of the request.

Please see page 3 for additional conditions to this License.

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Duplicate of said plan, number 2907 is on file in the office of the Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP Division of Water Pollution Control.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Massachusetts Highway Department -- by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Suffolk -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this twenty-second day of July in the year nineteen hundred and ninety-two.

Commissioner

Director

Section Chief

*Thomas B. Powers*  
\_\_\_\_\_  
*Christy Fote-Smith*  
\_\_\_\_\_  
*J. A. Sizer*  
\_\_\_\_\_

Department of  
Environmental  
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Massachusetts Highway Department -- of the further sum of -- zero dollars and zero cents (\$0.00) -- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

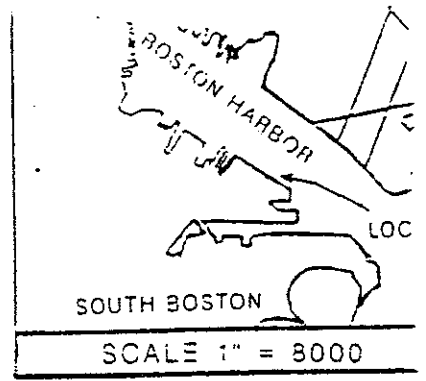
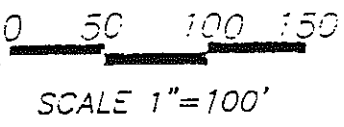
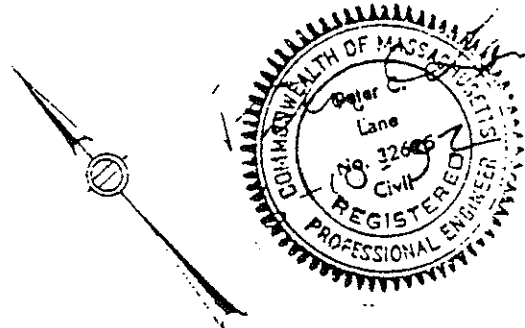
BOSTON,

Approved by the Governor.

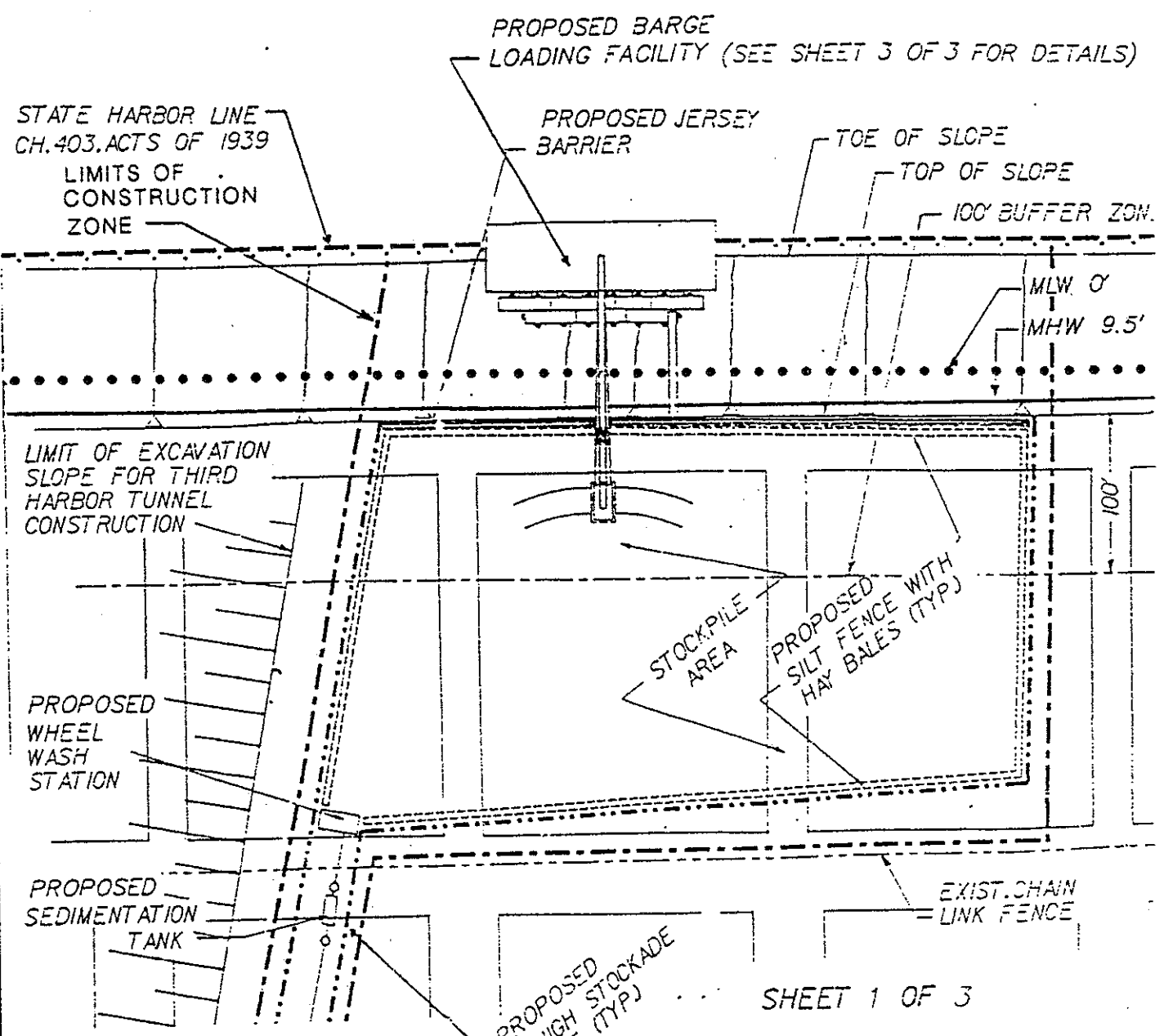
*William F. Weld*  
\_\_\_\_\_  
Governor

A TRUE COPY -- ATTEST  
*Kathleen Whelan*  
\_\_\_\_\_  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
Commonwealth of Massachusetts

LANDWARD OF THE COAST



# B O S T O N H A R B O R



SHEET 1 OF 3

PLAN ACCOMPANYING PETITION OF MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT TEMPORARY BARGE LOADING FACILITIES AT SOUTH BOSTON, BOSTON INNER HARBOR, BOSTON, MA.

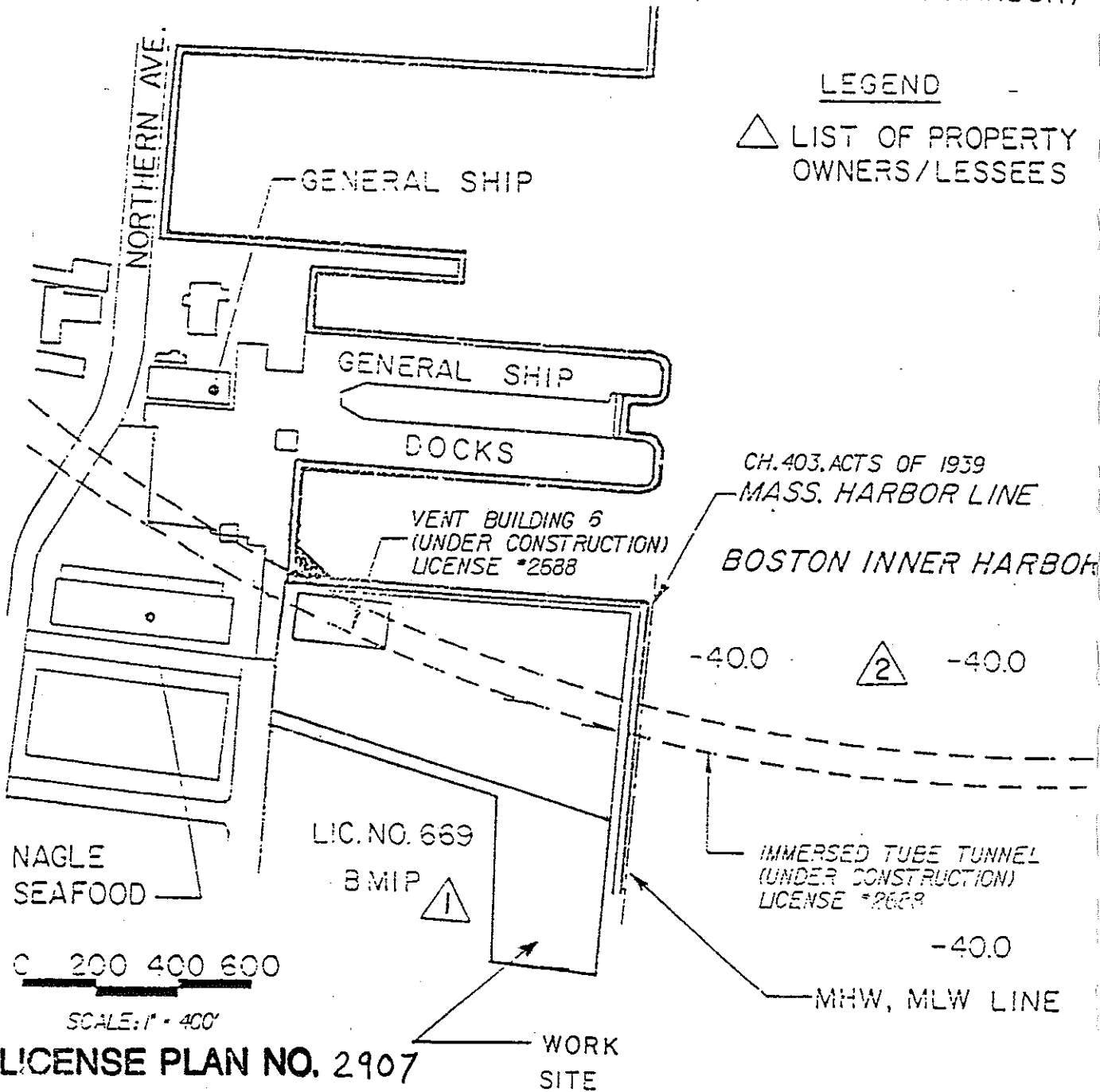
LICENSE PLAN NO. 2907  
 Approved by Department of Environmental Protection  
 of Massachusetts  
  
 COMMISSIONER  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION



CONSTRUCTION OF BARGE AND FACILITIES  
OF BMIP AUTHORIZED BY LICENSE NO. 669



- ① ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.  
(MASSACHUSETTS PORT AUTHORITY-LESSEE)
- ② COMMONWEALTH OF MASSACHUSETTS (BOSTON INNER HARBOR)



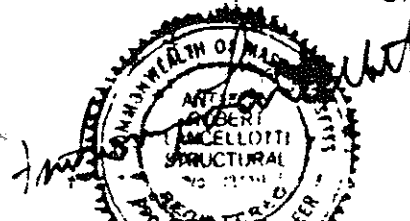
**LICENSE PLAN NO. 2907**

Approved by Department of Environmental Protection

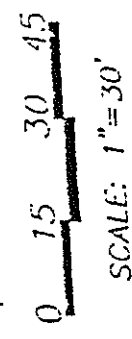
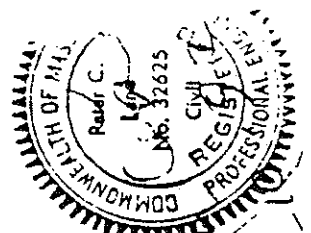
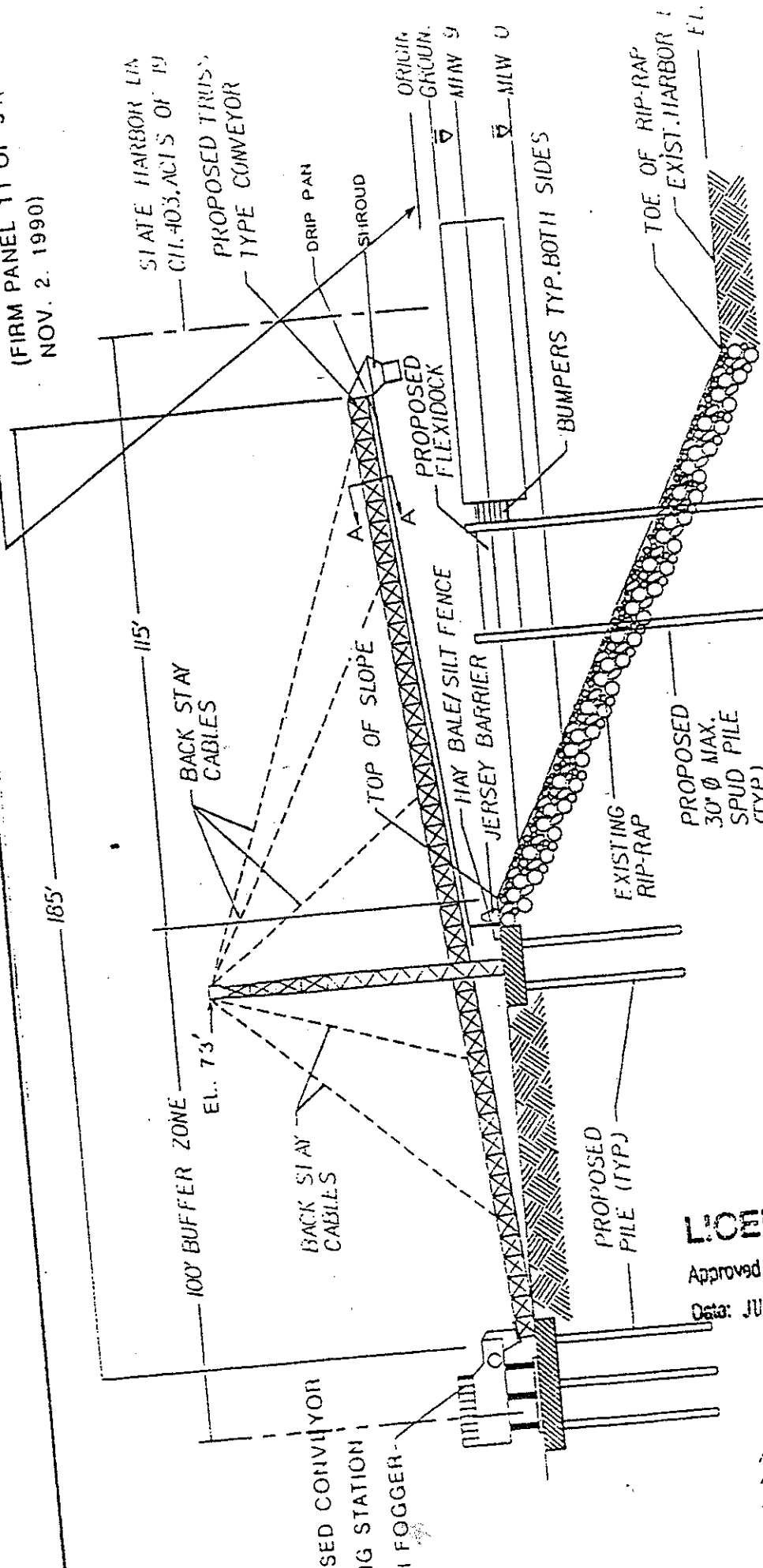
Date: JUL 22 1992

SHEET 2 OF 3

PLAN ACCOMPANYING PETITION OF  
MASSACHUSETTS DEPARTMENT OF  
PUBLIC WORKS TO CONSTRUCT  
TEMPORARY BARGE LOADING  
FACILITIES AT SOUTH BOSTON,  
BOSTON INNER HARBOR



FEMA ZONE V4, EL. 19' 1"  
 (FIRM PANEL 11 OF 31,  
 NOV. 2, 1990)



**LICENSE PLAN NO. 2907**  
 Approved by Department of Environmental Protection  
 Date: JUL 22 1992  
 SHEET 3 OF 3

PLAN ACCOMPANYING PETITION  
 MASSACHUSETTS DEPARTMENT OF  
 PUBLIC WORKS TO CONSTRUCT  
 TEMPORARY BARGE LOADING  
 FACILITIES AT SOUTH BOSTON,  
 BOSTON INNER HARBOR,  
 BOSTON, MA

# The Commonwealth of Massachusetts

No. 3235



Whereas,

E.D.I.C./Boston

of -- Boston, -- in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- reconstruct a pier and to construct and maintain buildings, ramp and float -----

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the -- Mayor & City Council -- of the -- City -- of -- Boston. -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

E.D.I.C./Boston -- subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- reconstruct a pier and to construct and maintain buildings, ramp and float -----

in and over the waters of -- Reserve Channel -- in the -- City -- of -- Boston -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 3235, (3 sheets). -----

The structures hereby authorized shall be limited to the following use:  
to provide a commercial fishing facility. -----

This license will expire seventy-five(75) years, for the buildings and  
reconstructed pier; and thirty(30) years, for the ramp and float, from  
the date of the license issuance. By written request of the licensee for  
an amendment, the Department may grant a renewal for the term of years  
not to exceed that authorized in the original license. -----

Existing structures previously authorized under DPW Licenses Nos. 1567  
and 3718 shall be maintained in accordance with the conditions of said  
licenses and plans. -----

Please see page three for additional conditions to this license. -----

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Duplicate of said plan, number 3235 is on file in the office of said  
Department, and original of said plan accompanies this License, and is to  
be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
9. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof. No restriction on the exercise of such public rights within the intertidal area shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

~~The amount of tide water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said~~

~~by paying into the treasury of the Commonwealth for each cubic yard so displaced, being the amount hereby assessed by the said Department.~~

Nothing in this License shall be construed as to impair the legal rights of any person. -----

This License shall be void unless the same and the accompanying plans are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Suffolk. -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this third day of February in the year nineteen hundred and ninety-three.

Commissioner \_\_\_\_\_  
Deputy \_\_\_\_\_  
Director \_\_\_\_\_  
Section Chief \_\_\_\_\_

Department of  
Environmental  
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This License is approved in consideration of the payment into the treasury of the Commonwealth by the said -- E.D.I.C./Boston -----

of the further sum of -- zero dollars and zero cents (\$0.00) -----

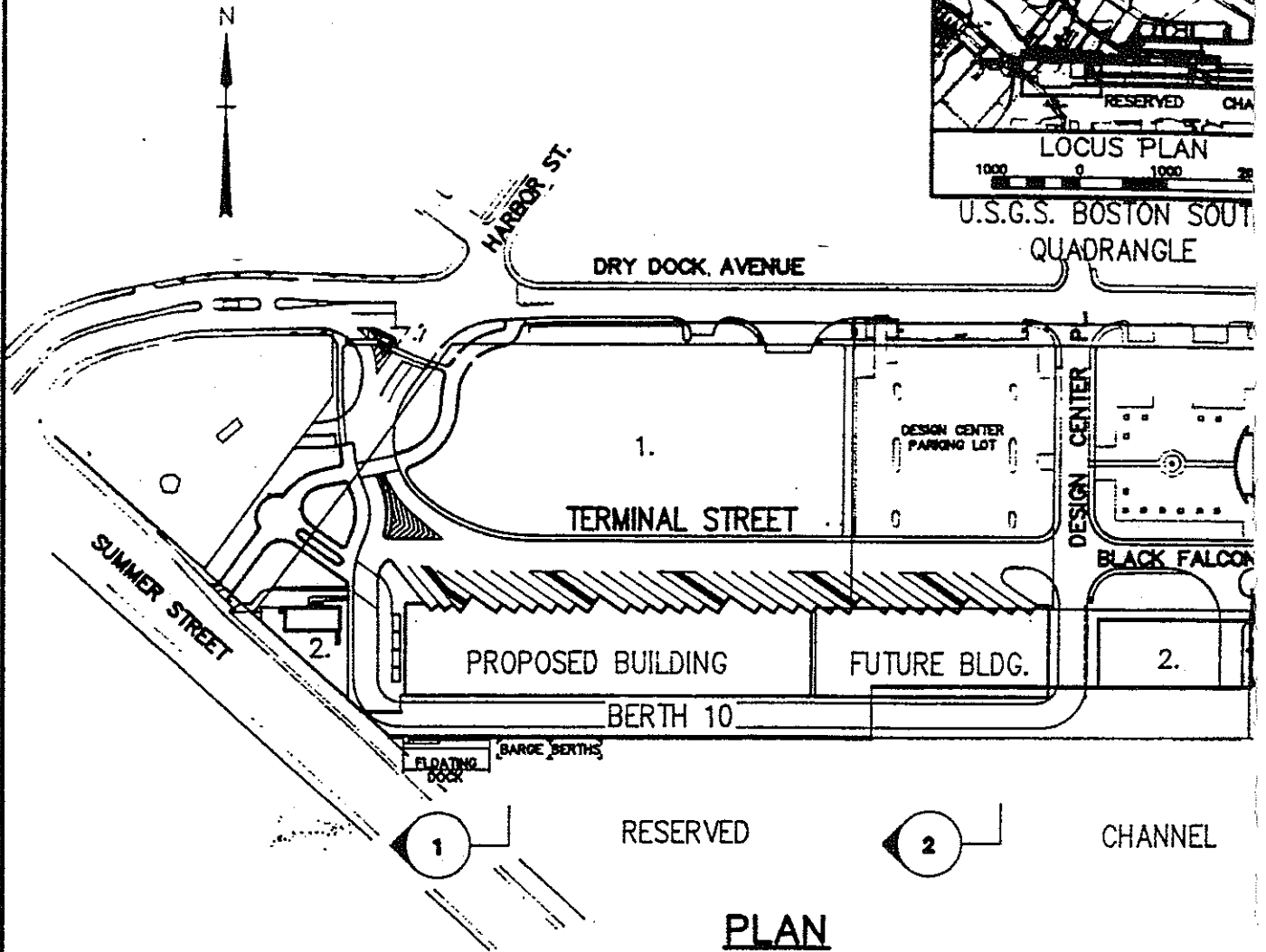
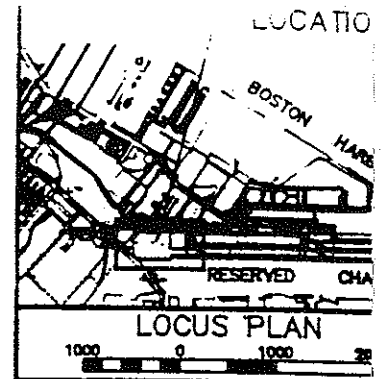
the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON

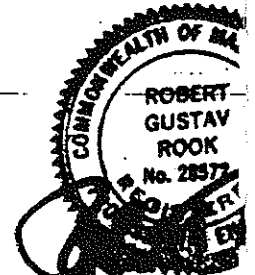
Approved by the Governor

William F. Weld  
Governor

- 1. EDIC/BOSTON
- 2. MASSPORT

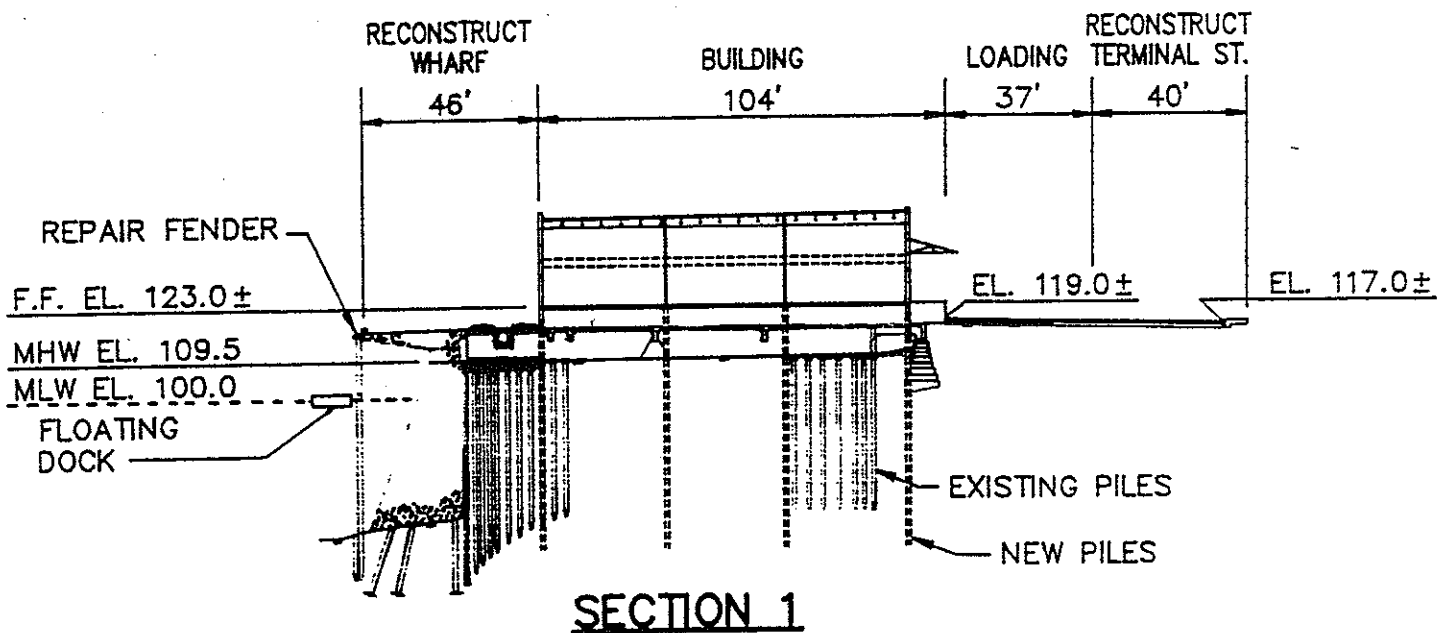
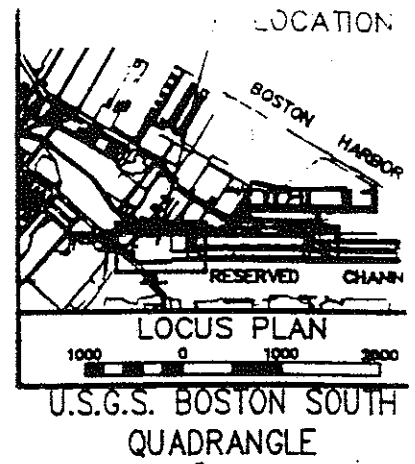


SCALE: 1" = 200'

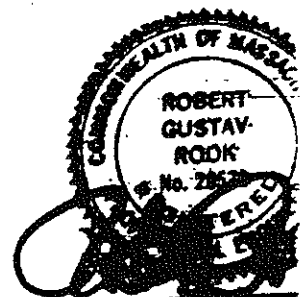


PLAN ACCOMPANYING PETITION OF:  
**EDIC/BOSTON**  
 RECONSTRUCTION OF TERMINAL STREET &  
 REHABILITATION OF BERTH 10  
 IN THE TIDEWATERS OF BOSTON HARBOR  
 CITY OF BOSTON - COUNTY OF SUFFOLK

LICENSE PLAN NO. 3295  
 Approved by Department of Environmental Protection  
 of Massachusetts  
*[Signature]*  
 COMMISSIONER  
 DIVISION DIRECTOR



SCALE: 1" = 50'



PLAN ACCOMPANYING PETITION OF:  
**EDIC/BOSTON**  
RECONSTRUCTION OF TERMINAL STREET &  
REHABILITATION OF BERTH 10  
IN THE TIDEWATERS OF BOSTON HARBOR  
CITY OF BOSTON - COUNTY OF SUFFOLK  
STATE OF MASSACHUSETTS

**LICENSE PLAN NO. 3235**  
Approved by Department of Environmental Protection  
Date:



# The Commonwealth of Massachusetts

No.

3247



Whereas,

Kiewit, Perini, Atkinson and Cashman

of -- Boston, -- in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection (hereinafter the "Department") for license to -- operate and maintain a temporary indoor concrete batch facility within Building No. 16 of the Boston Marine Industrial Park -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Mayor and City Council -- of the City of -- Boston. -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

Kiewit, Perini, Atkinson and Cashman -- subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- operate and maintain a temporary indoor concrete batch facility within Building No. 16 of the Boston Marine Industrial Park -----

in and over filled tidelands of the -- Boston Inner Harbor -- in the -- City -- of -- Boston -- within the South Boston Designated Port Area -- in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 3247, (3 sheets). -----

The structures hereby authorized shall be limited to the following uses: manufacturing of concrete for use in the construction of the entrance and plaza of the Third Harbor Tunnel in South Boston.

This license will expire three (3) years from the date of the license issuance or at the completion of the entrance and plaza of the Third Harbor Tunnel, whichever time period is shorter.

This Waterways license is made subject to the following special conditions:

1. The Licensee shall limit its use of the Batch Plant Facility, as located and described on the license plans, solely for the purpose of supplying concrete for the construction of the entrance and plaza of the Third Harbor Tunnel in South Boston.
2. The Licensee shall receive, deliver, store, and house all materials required for batch operations solely within the interior of Building No. 16 of the Boston Marine Industrial Park.
3. The Licensee shall perform all requisite concrete batch operations on site solely within the interior of Building No. 16 of the Boston Marine Industrial Park.
4. The Licensee shall reuse or dispose of all rinse water, including that used to clean the interior and exterior of the concrete trucks, excess slurry, concrete, sand, aggregate, and other materials in strict accordance with all applicable federal, state, and local statutes and regulations.
5. The Licensee shall allow agents of the Department to enter the site to verify compliance with the conditions of this license and provide any additional data deemed necessary by the Department to substantiate said compliance.
6. Upon expiration of this license, the Licensee shall dismantle and remove all structures and materials associated with the Batch Plant Facility from the site. Any disposal of said structures and materials shall be in strict accordance with all federal, state, and local statutes and regulations.

The Department may approve, on an individual basis, modifications to construction activities, temporary structures, and fill within the project site delineated on License Plan No. 3247, Sheet 2. Such approval shall be in accordance with the following procedure:

- a. the Licensee shall submit to the Department a written request describing the proposed modifications accompanied by plans; and
- b. the Licensee shall concurrently provide copies of the request and plans to the Mayor and City Council of the City of Boston,

the Boston Conservation Commission, and the Massachusetts Office of Coastal Zone Management Office for their review and comment. The Department will consider comments submitted within 10 days of the Department's receipt of the request.

Please see page three (4) for additional conditions to this license. ---

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Duplicate of said plan, number 3247 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
9. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof. No restriction on the exercise of such public rights within the intertidal area shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

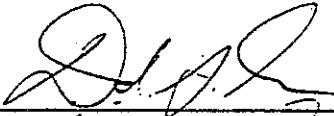
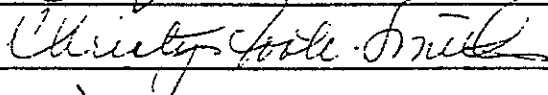
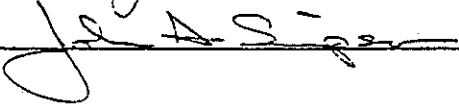
The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Kiewit, Perini, Atkinson and Cashman -- by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by the said Department. -----

Nothing in this License shall be construed as to impair the legal rights of any person. -----

This License shall be void unless the same and the accompanying plans are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Suffolk. ----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this nineteenth day of February

in the year nineteen hundred and ninety-three.

Commissioner	<u></u>	
Director	<u></u>	
Section Chief	<u></u>	

Department of Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS


This License is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Kiewit, Perini, Atkinson and Cashman -----

of the further sum of -- zero dollars and zero cents (\$0.00) -----

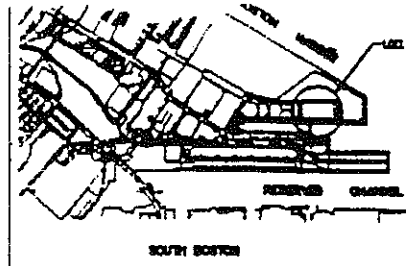
the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON

Approved by the Governor

  
Governor

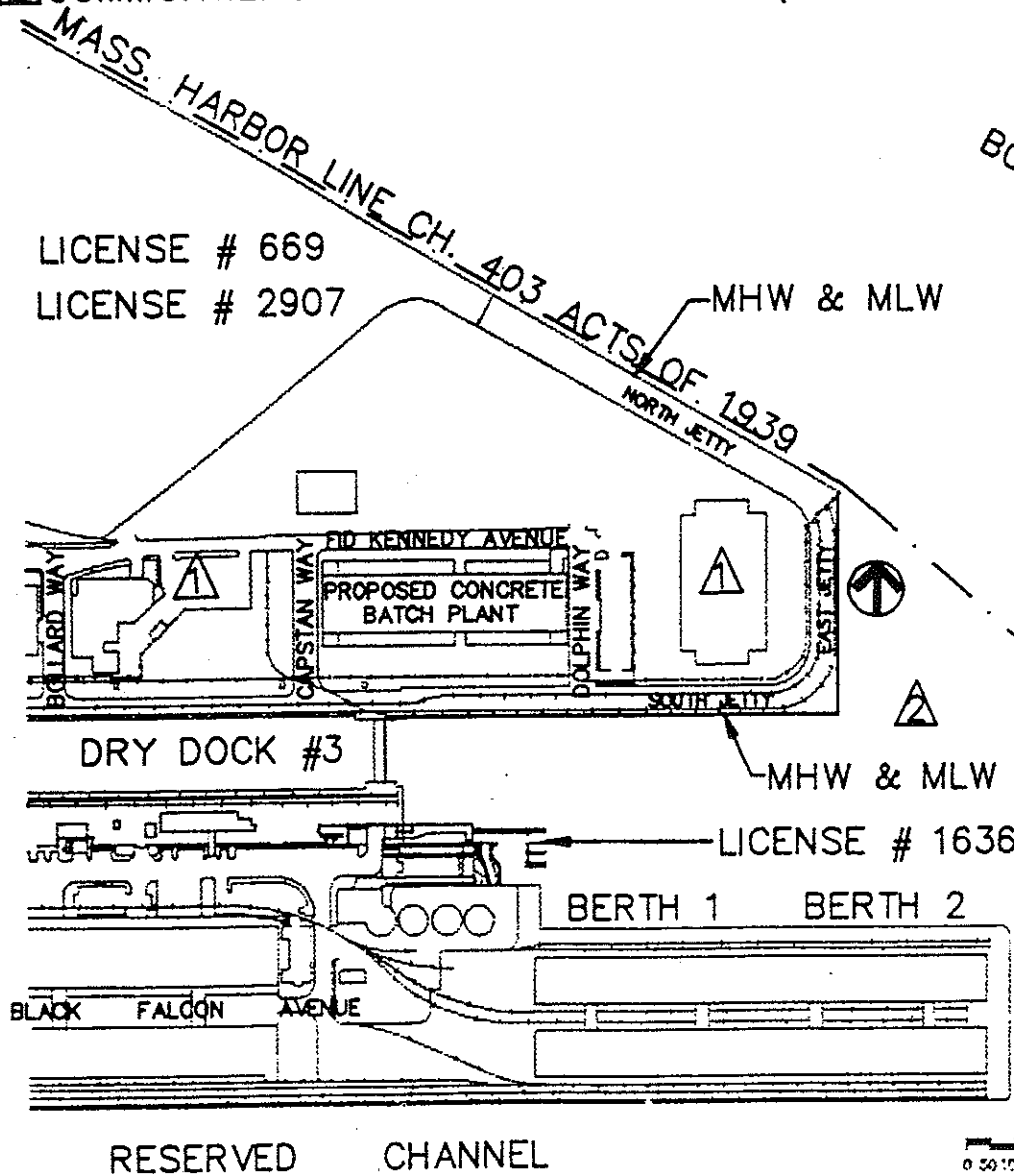
- 1) HISTORIC MEAN HIGH AND MEAN LOW WATER ARE LANDWARD OF THE PROJECT.
- 2) MHW = ELEVATION 9.5 FT.  
MLW = ELEVATION 0 FT.



SCALE : 1 = 3200

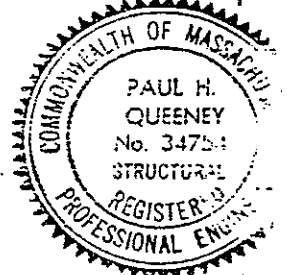
△ ECONOMIC DEVELOPMENT AND INDUSTRIAL CORP. OF BOSTON  
38 CHAUNCY STREET BOSTON, MA.

△ COMMONWEALTH OF MASSACHUSETTS (BOSTON INNER HARBOR)



LICENSE # 669  
LICENSE # 2907

BOSTON HARBOR



*Paul H. Queeney*  
12/3/92

LICENSE # 1636

0 50 100 200 300 400

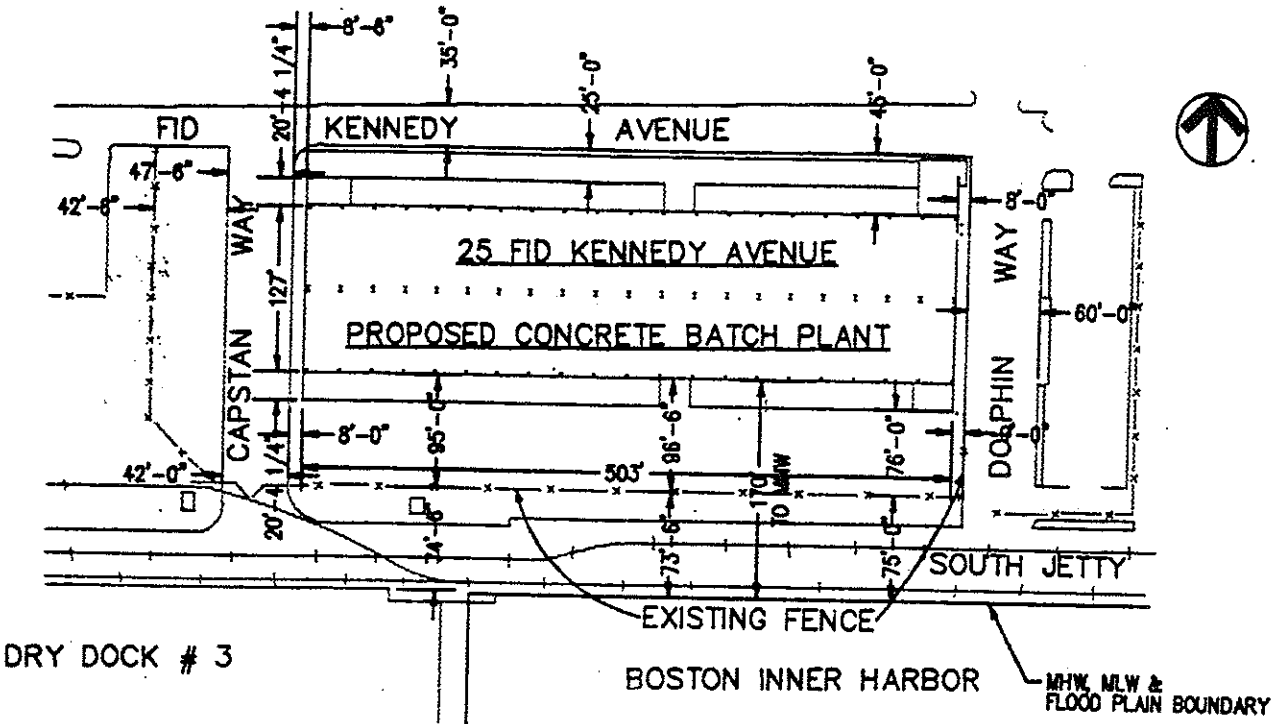
SCALE : 1 = 400

PLANS ACCOMPANYING PETITION OF KIEWIT, PERINI, ATKINSON AND CASHMAN FOR CHANGE IN USE OF BUILDING # 16 BMP 25 FID KENNEDY AVE., SO. BOSTON BOSTON INNER HARBOR, BOSTON MA.

LICENSE PLAN NO. **3247**

Approved by Department of Environmental Protection of Massachusetts

*Christy York Smith*  
SECTION CHIEF



DRY DOCK # 3

BOSTON INNER HARBOR  
 MHW, MLW & FLOOD PLAIN BOUNDARY

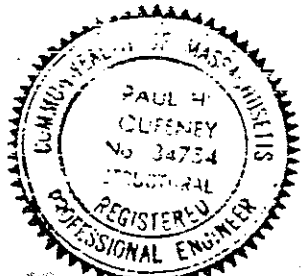
**LICENSE PLAN NO. 3247**

Approved by Department of Environmental Protection

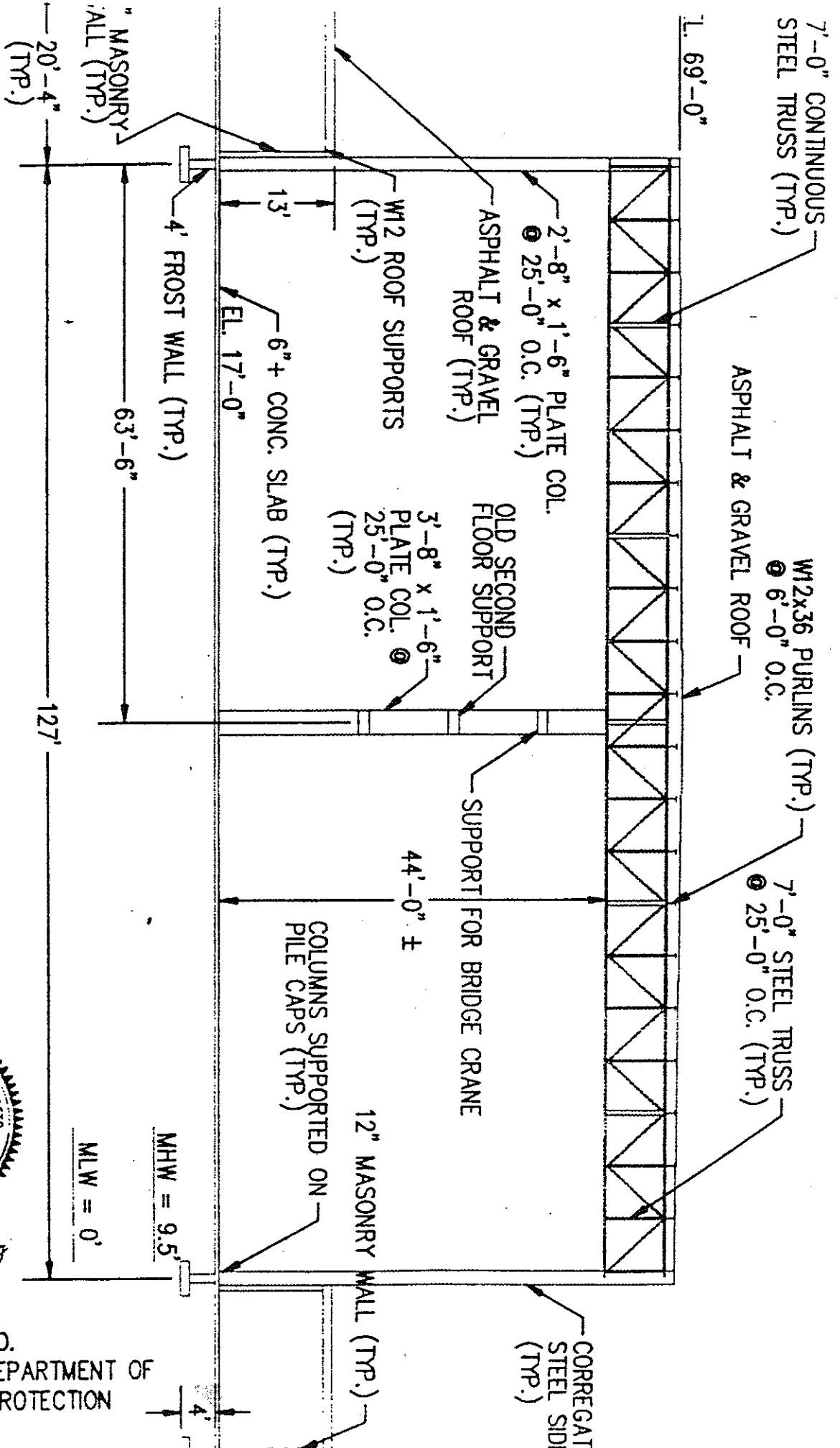
FEB 19 1993

0 150  
 SCALE: 1" = 150'

LICENSE PLAN NO.  
 APPROVED BY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION



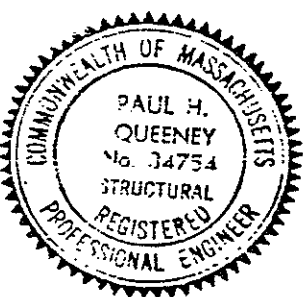
*Paul H. Clifney*



TYPICAL CROSS SECTION

IS:  
 IHW = ELEVATION 9.5'  
 MLW = ELEVATION 0'  
 EMA ZONE C, FIRM PANEL 11 OF 31  
 NOV. 2, 1990

**LICENSE PLAN NO. 3247**  
 Approved by Department of Environmental Protection  
 Date: FEB 19 1993



*Paul H. Quaney*  
 12/3/92

LICENSE PLAN NO.  
 APPROVED BY DEPARTMENT OF  
 ENVIRONMENTAL PROTECTION



# The Commonwealth of Massachusetts

No. 5317



Whereas,

The Boston Design Center and  
the Economic Development and Industrial Corporation

of -- Boston, -- in the County of -- Suffolk -- and Commonwealth  
aforesaid, has applied to the Department of Environmental  
Protection for license to -- maintain a portion of an eight story  
building, known as The Boston Design Center, with associated  
parking, internal circulation drives, sidewalks, plaza and loading  
zone -----

and has submitted plans of the same; and whereas due notice of said  
application, and of the time and place fixed for a hearing thereon,  
has been given, as required by law, to the -- Mayor and City  
Council -- of the -- city -- of -- Boston.

NOW, said Department, having heard all parties desiring to be  
heard, and having fully considered said application, hereby,  
subject to the approval of the Governor, authorizes and licenses  
the said -----

-- The Boston Design Center and the Economic Development and  
Industrial Corporation -----  
subject to the provisions of the ninety-first chapter of the  
General Laws, and of all laws which are or may be in force  
applicable thereto, to -- maintain a portion of an eight story  
building, known as The Boston Design Center, with associated  
parking, internal circulation drives, sidewalks, plaza and loading  
zone -----

in and over the -- filled tidelands of Reserved Channel -- in the  
city of -- Boston and in accordance with the locations shown and  
details indicated on the accompanying DEP License Plan No. 5317, (6  
sheets).

The structures authorized hereby shall be limited to the following uses: warehouse, design showrooms and accessory offices of the furniture and furnishings industries, general office, vehicular parking and circulation, and public pedestrian access to navigable waters.

This Waterways License is subject to the following **Special Conditions** in addition to the Standard Conditions stated herein. Notwithstanding that the Special Conditions stated below describe only one of the two licensees as primarily responsible for particular obligations, this license shall hold both licensees jointly and severally responsible for compliance with every condition and subject to all enforcement measures by the Department including but not limited to license revocation in accordance with the notice procedures of 310 CMR 9.26.

Special Condition 1: The term of this license shall be limited to 30 years in accordance with the Supporting DPA Use authorized herein pursuant to 310 CMR 9.02, 9.15(1)(d) and 9.25(2). At such time as a comprehensive park plan is approved for the Boston Marine Industrial Park as a whole, in accordance with the definition of Marine Industrial Park or DPA Master Plan described in 310 CMR 9.02, and a license is issued for the park as a whole, the use, terms and conditions of the authorization herein for the Boston Design Center shall expire and be simultaneously subsumed within the license for the park as a whole, and, more particularly, that the uses set forth in Special Condition #3 shall remain in effect as part of the license for the park as a whole.

Special Condition 2: The EDIC shall reserve an approximately 680,000 square foot area associated with Drydock #3 for use by water-dependant industries, as further described on sheets 1 and 2 of the license plans.

Special Condition 3: The EDIC has provided the Department with a summary of its expenditures to support the planning, development, construction, maintenance and support of water-dependant industrial uses within the BMIP. The EDIC will prepare and submit to the Department an annual report which includes the capital and operating expenditures it has made in support of water-dependent industries at the Boston Marine Industrial Park. Said report should be submitted on or before the yearly anniversary of the date this license was issued.

Special Condition 4: The Boston Design Center shall remain in industrial use (warehouse and design showroom and accessory uses) with the one exception being the upper two and one half floors which may be available to office use as described in the license application.

Special Condition 5: The EDIC and Boston Design Center shall

patrons and guests of the Massport Black Falcon Terminal located along the Reserve Channel and adjacent to the property licensed pursuant hereto. Such parking shall be made available at such time as EDIC enters into an agreement with the Massachusetts Port Authority for the Massachusetts Port Authority to reimburse EDIC for a documented loss of revenue to the EDIC parking garage.

Special Condition 6: The Boston Design Center shall allow the approximately 3,360 square foot entrance lobby on the western side of the Design Center to be used by community and non-profit groups for special water-related or fund-raising events designed to encourage and support the public's understanding of Boston Harbor. The lobby shall be available after regular business hours including weekends and evenings; any charge for the use of the lobby shall be limited to those security and operational costs incurred by keeping the building open. Reasonable notification of the availability of the lobby shall be provided to the DEP, EDIC, City of Boston including the Boston Redevelopment Authority, Massport, and other community groups and nonprofit groups promoting water related issues.

Special Condition 7: The pedestrian plaza at the westerly entrance of the Design Center shall be maintained in good repair and available to the general public, free of charge 24 hours a day.

Please see Page 4 for additional conditions to this license. ---

Duplicate of said plan, number -- 5317 -- is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.

9. This License authorizes structure(s) and/or fill on:

— Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

— a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --- Boston Design Center and Economic Development and Industrial Corporation --- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (0 cu. yds. = \$0.00 )

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the --- District of the County of Suffolk.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this *twelfth* day of *February* in the year nineteen hundred and *ninety-six*.

Commissioner	<u><i>David E. Smith</i></u>	Department of Environmental Protection
Director	<u><i>RA W. J. J.</i></u>	
Section Chief	<u><i>John A. [unclear]</i></u>	

THE COMMONWEALTH OF MASSACHUSETTS

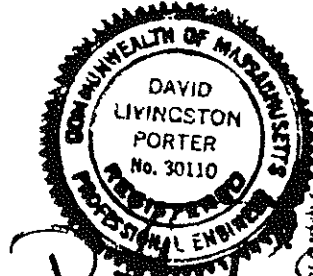
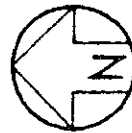
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said --- Boston Design Center and Economic Development and Industrial Corporation ----- of the further sum of --- zero dollars and no cents -----

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

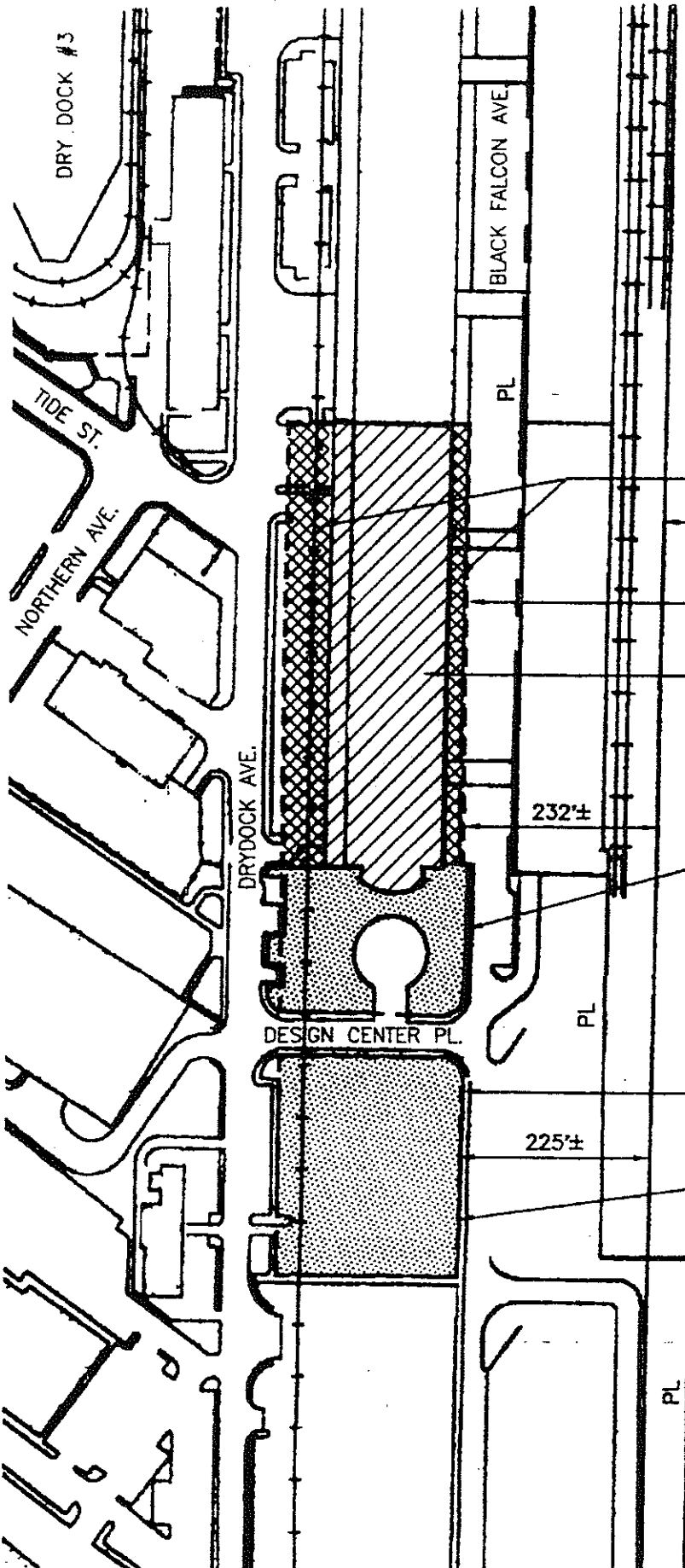
BOSTON,

Approved by the Governor.

*William F. Weld*  
Governor

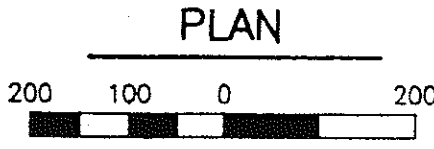


LICENSE PLAN NO. 5317  
Approved by Department of Environmental Protection  
FEB 1 1986



RESERVED CHANNEL

- PARKING (31,850 ± SF)
- MHW, MLW & ELW CONCURRENT WITH FACE OF BULKHEAD
- LEASE LINE
- 8 STORY BUILDING (83,350 ± SF) (SEE SHEET 4 OF 6)
- 232'±
- CAR DROP (18,240 ± SF) AND PEDESTRIAN PLAZA (27,360 ± SF)
- DESIGN CENTER PL.
- 225'±
- LEASE LINE
- PARKING AREA (57,200 ± SF)

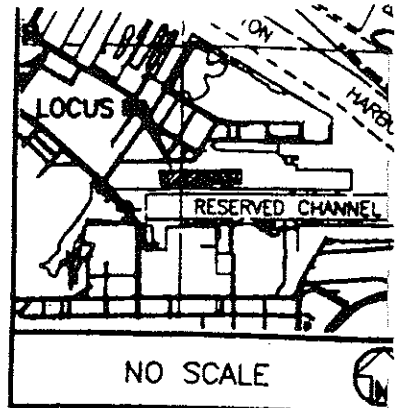
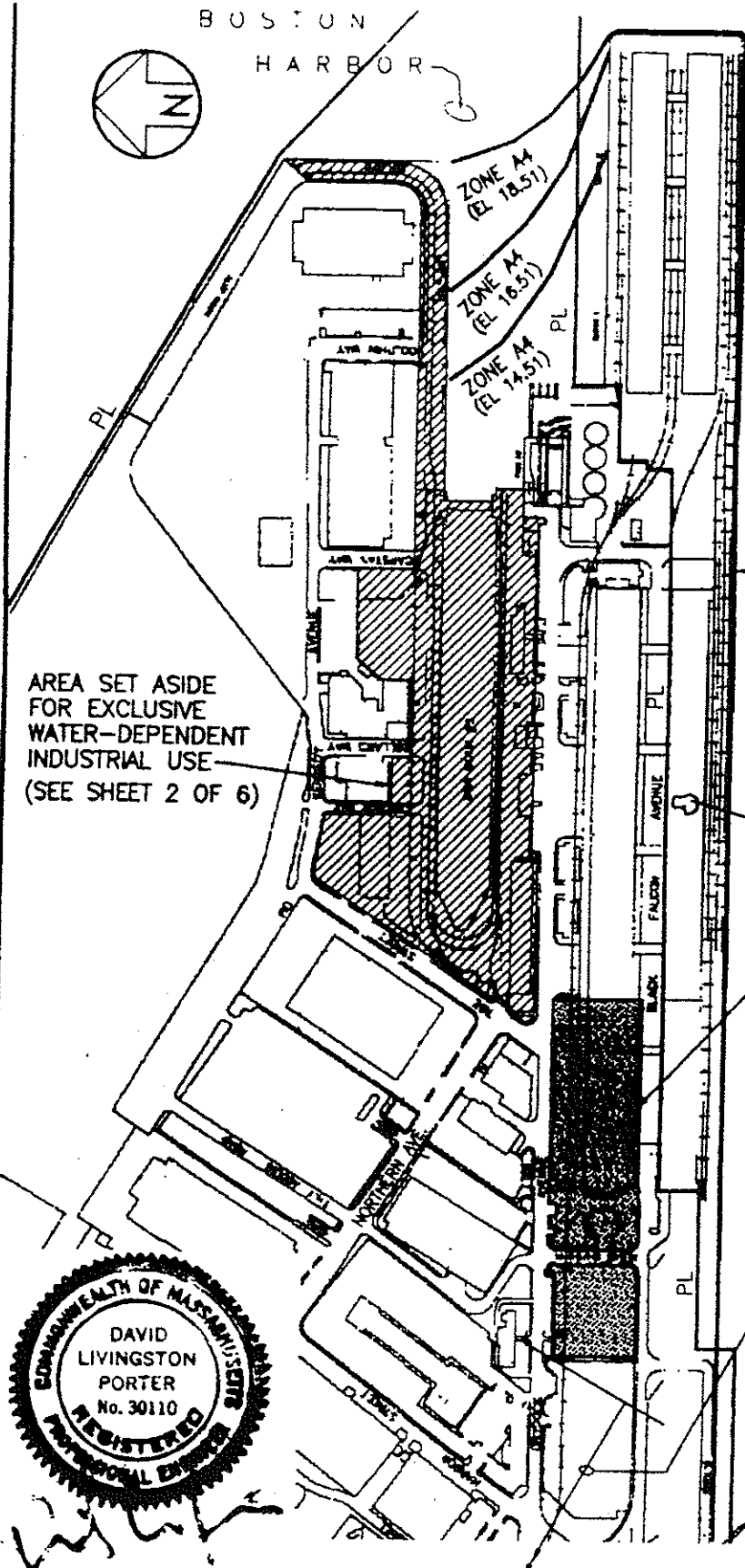
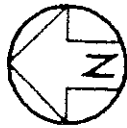


TOTAL AREA = 218,000 ± S.F.  
(EDIC IDENTIFICATION PARCELS #4 & #5)

DATUM: MLW = 0.0'  
MHW = +9.6'  
MLW = 0.0'  
ELW = -2.0'

SITE IS FILLED TIDELAND AUTHORIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS CHP.81 OF THE ACTS OF 1866.

BOSTON HARBOR



FROM NOAA CHART No. 132.

### LOCUS PLAN

DATUM: MLW = 0.0'

MHW = +9.6'  
MLW = 0.0'  
ELW = -2.0'

MHW, MLW & ELW  
CONCURRENT WITH  
FACE OF BULKHEAD

CHANNEL

RESERVED

N/F MASSACHUSETTS PORT AUTHORITY,  
10 PARK PLAZA  
BOSTON, MA

BOSTON DESIGN CENTER  
(EDIC PARCELS #4 & #5)  
(SEE SHEET 3 OF 6)

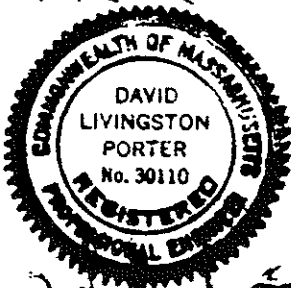
### SITE PLAN

ZONE A4  
(EL 16.51)



SCALE: 1"=500'

HISTORIC MHW ±2200' AWAY,  
HISTORIC MLW ±1500' AWAY  
FROM 1883 PLAN TITLED "PLAN OF PART  
OF BOSTON HARBOR SHOWING IMPROVEMENT  
MADE IN CHANNELS BY THE UNITED STATES  
AND COMMONWEALTH OF MASSACHUSETTS TO  
ACCOMPANY THE REPORT OF THE HARBOR AND  
LAND COMMISSIONER" (REVISED 1885)



PLANS ACCOMPANYING PETITION OF  
BOSTON DESIGN CENTER/ECONOMIC  
DEVELOPMENT & INDUSTRIAL CORPORATION  
TO MAINTAIN AN EIGHT STORY BUILDING,  
PARKING AREAS AND PUBLIC PLAZA  
AT THE  
MARINE INDUSTRIAL PARK - SOUTH BOSTON

SHEET 1 OF 6

PERMITS PLAN 10-5311  
Department of Environmental Protection  
*[Handwritten signature]*

# The Commonwealth of Massachusetts

No. 6970



Whereas, Paul's Lobster Company (Lessor) and Mark Shaw (Lessee)

of --Boston--, in the County of --Suffolk-- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to --change the use of an existing two story building from a fish processing facility to a restaurant, to construct and maintain a pile-supported walkway, and to place and maintain a ramp and floats-----

and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the --Mayor and City Council-- of the --City-- of --Boston--;

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

--Paul's Lobster Company (Lessor) and Mark Shaw (Lessee)--, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to --change the use of an existing two story building from a fish processing facility to a restaurant, to construct and maintain a pile-supported walkway, and to place and maintain a ramp and floats---

in and over the waters of --Boston Harbor-- in the City of --Boston-- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No.6970, (3 sheets).



The structures authorized hereby shall be limited to the following uses: a restaurant, public access to waterfront open space for passive recreational purposes, and public access to navigable waters.

This License will expire thirty (30) years from the date of license issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

Special Condition 1: The Licensee shall construct and maintain, in good repair, a second floor public viewing area as described and located on sheet two of three of the license plans. Said public viewing area shall include: appropriate lighting; trash receptacles; and a 20'x 17' area maintained clear and free from obstructions. The Licensee may place tables and chairs within the remaining portions of the second floor deck. Use of said tables and chairs shall be available to the general public, and shall not require the purchase of food or drink. Public access to said public viewing area shall be made available by means of a passageway along the building's northwestern property line, as described and located on sheet one of three of the license plans. Said passageway shall be maintained clear and free from obstructions, and shall not be gated during the hours of public access. The public viewing area and passageway shall be open and available to the general public, free of charge, twenty-four hours a day; and shall commence immediately upon issuance of a Certificate of Occupancy for the proposed restaurant.

Special Condition 2: The Licensee shall construct and maintain, in good repair, a public walkway along the waterfront perimeter of the project site, as described and located on sheet one of three of the license plans. Said walkway shall be designed in accordance with the City of Boston's Harborwalk Design Standards; connect to any existing or future walkways on adjacent parcels; and include a minimum width of twelve feet clear, appropriate lighting, and trash receptacles. The Licensee shall submit to the Department, a final design plan for the referenced walkway, within one year of the license to be issued pursuant hereto. Said walkway shall be completed and open to the general public no later than three years from the issuance of this license.

Special Condition 3: The Licensee shall landscape and maintain, in good repair, publicly accessible open space between the landward edge of the existing building and the seaward edge of relocated Old Northern Avenue. Since the described area is presently owned by the City of Boston, the Licensee shall obtain written permission from the City of Boston prior to the commencement of any landscaping activities. The design of said area shall maximize the amount of landscaped open space, may incorporate requisite on and off-loading space; and shall be subject to review and approval under the City of Boston's Redevelopment Authority (BRA) Design Review to ensure consistency with their design guidelines and the "Fort Point Channel Public Realm Plan". The Licensee shall submit a copy of the final landscape plan to the Department upon approval. Said open space shall

be open and available to general public no later than six months from the completion of construction activities associated with the realignment of Old Northern Avenue.

Special Condition 4: The publicly accessible areas referenced in Special Conditions 2 and 3 shall be available to the general public, free of charge, twenty-four hours a day. The Licensee may adopt rules governing the publicly accessible areas of the site, including the public viewing area referenced in Special Condition 1, subject to prior review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment by minimizing conflicts between user groups. No amendment to said rules shall be made without prior written approval by the Department.

Special Condition 5: Upon completion of the publicly accessible open spaces described in Special Conditions 1-3, the Licensee shall place and maintain in good repair appropriate signage consistent with the City of Boston's Harborwalk Design Standards. Signs shall be placed at the entrance of the public passageway and at the public viewing area referenced in Special Condition 1 and shall state the hours of public access, that the seating on the second floor deck is available to the public and does not require patronage of restaurant services, the waterways license number of the project and a location on the site where a copy of the license may be inspected by the public.

Special Condition 6: The Licensee shall construct and maintain, in good repair, a boat docking facility in accordance with the conceptual details shown on sheet one of three of the license plans. Said facility shall consist of, at a minimum, a ramp and floating dock system of a size equal to the length of the northeasterly perimeter of the walkway described in Special Condition 2. Said facility shall be made available to the general boating public for transient, and excursion/charter vessel dockage on a year round basis. For purposes of this condition, "transient" shall be defined as dockage of any recreational boat for a period of not more than two hours. The Licensee shall coordinate with their northern abutter (C.K. Realty Trust, Waterways Application No. W97-8567-N), any ongoing design of the water transportation facility along the west apron of the World Trade Center, and the City of Boston in producing a final design plan to ensure consistency in design detail, use of material and pedestrian circulation within the immediate project sites and as they relate to Boston's Watersheet Plan. A final design plan shall be submitted to the Department within one year from the issuance of a license pursuant hereto. Said public landing shall be completed and available to the general public within three years from the issuance of this license.

Special Condition 7: Upon completion of the docking facility described in Special Condition 6, the Licensee shall place and maintain in good repair, signage indicating the availability of the transient boat dockage. Said signage shall be of reasonable size and shall be visible to nearby boaters. Said signage shall also state the maximum length of stay; the availability of public restrooms; and include any reasonable rules governing the slips, in accordance with Special Condition 4.

Special Condition 8: In the event the public facilities, or a portion thereof, as referenced in Special Conditions 2 and 6 are determined to be infeasible, based upon supporting documentation submitted by the Licensee as approved by the Department, the Licensee shall exercise one or a combination of the following options. (1) Submit a proposal to the Department which provides comparable public facilities at an alternative location onsite. (2) Contribute a sum of money, equal to the cost of constructing the infeasible portions of the public facilities, plus the cost of maintenance for the term of this license. Said construction cost shall be based upon the lowest of three construction estimates from licensed contracting firms. Said contribution shall be provided to the City of Boston's Waterfront Development fund, for the specific purpose of providing improved public waterfront pedestrian access and open space, and/or public water-based facilities within the immediate vicinity of the project site. Verification of the receipt of said contribution shall be provided to the Department immediately upon its granting. The referenced alternative public facilities, or provision of an offsite contribution shall be subject to the review and approval of the Department and shall be completed, or provided within the timelines outlined in Special Conditions 2 and 6.

Special Condition 9: The Licensee shall allow the general public to utilize the restrooms located in the proposed restaurant, free of charge, during the normal hours of operation. Public use of said restrooms shall commence, and signage indicating the availability of said restrooms shall be placed at the entrance to said restaurant, immediately upon issuance of a Certificate of Occupancy for the project to authorized herein.

Please see page five (5) for additional conditions of this license.-->

-----  
Duplicate of said plan, number 6970 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
  2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
  3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
  4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
  5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
  6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
  7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
  8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
  9. This License authorizes structure(s) and/or fill on:
    - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
    - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
    - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

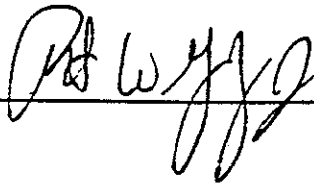
The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --Paul's Lobster Company (Lessor) and Mark Shaw (Lessee)-- by paying into the treasury of the Commonwealth --ten dollars and zero cents (\$10.00)-- for each cubic yard so displaced, being the amount hereby assessed by said Department. (4.0 cubic yards = \$40.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Suffolk.

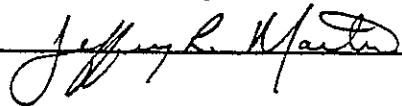
IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this eleventh day of September in the year nineteen hundred and ninety-seven.

Commissioner

  
\_\_\_\_\_

Department of  
Environmental  
Protection

ACTING  
Program Chief

  
\_\_\_\_\_

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said --Paul's Lobster Company (Lessor) and Mark Shaw (Lessee)

of the further sum of ten thousand three hundred eighty dollars and zero cents (\$10,380.00)

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.

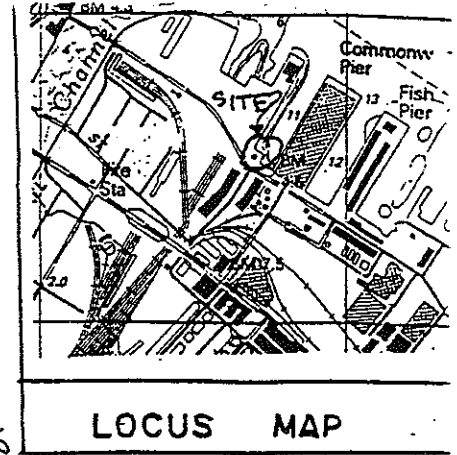
  
\_\_\_\_\_

Acting Governor

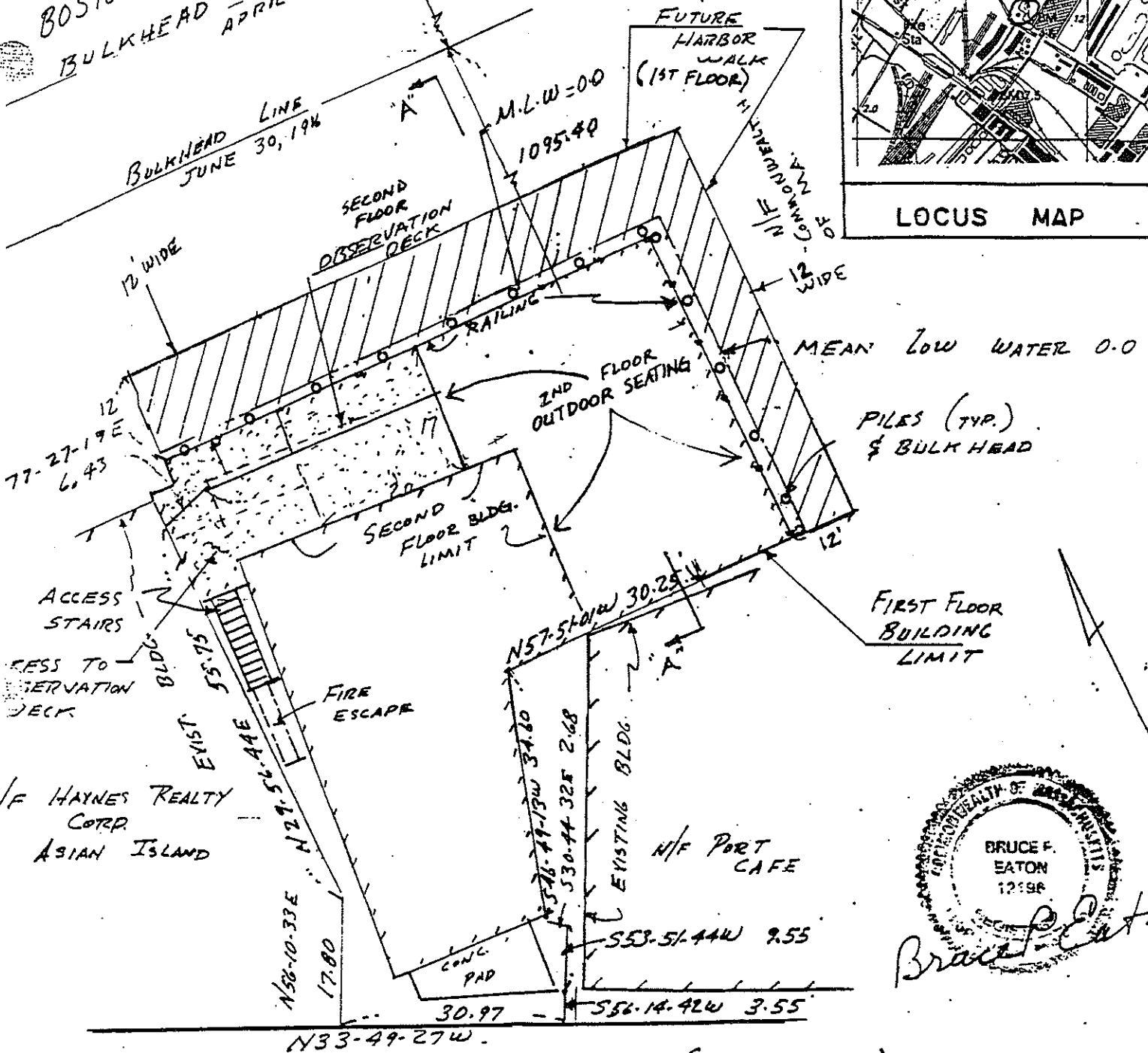
**BOSTON HARBOR**

**BULKHEAD LINE APRIL 24, 1994**

**BULKHEAD LINE JUNE 30, 1994**

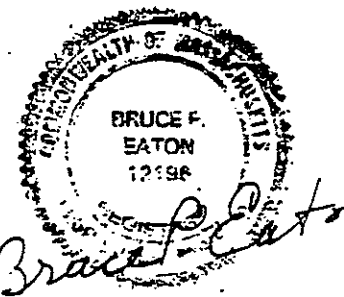


**LOCUS MAP**



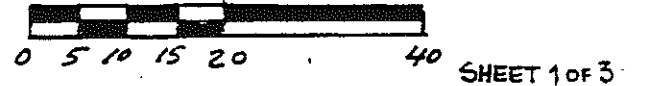
**FORMER NORTHERN AVE. (TO BE LANDSCAPED)**

**NOTE: HISTORIC M.H.W. LOCATE ~ 4200 FT LANDWARD OF SITE**

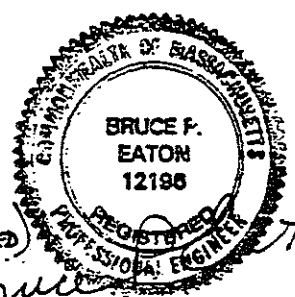
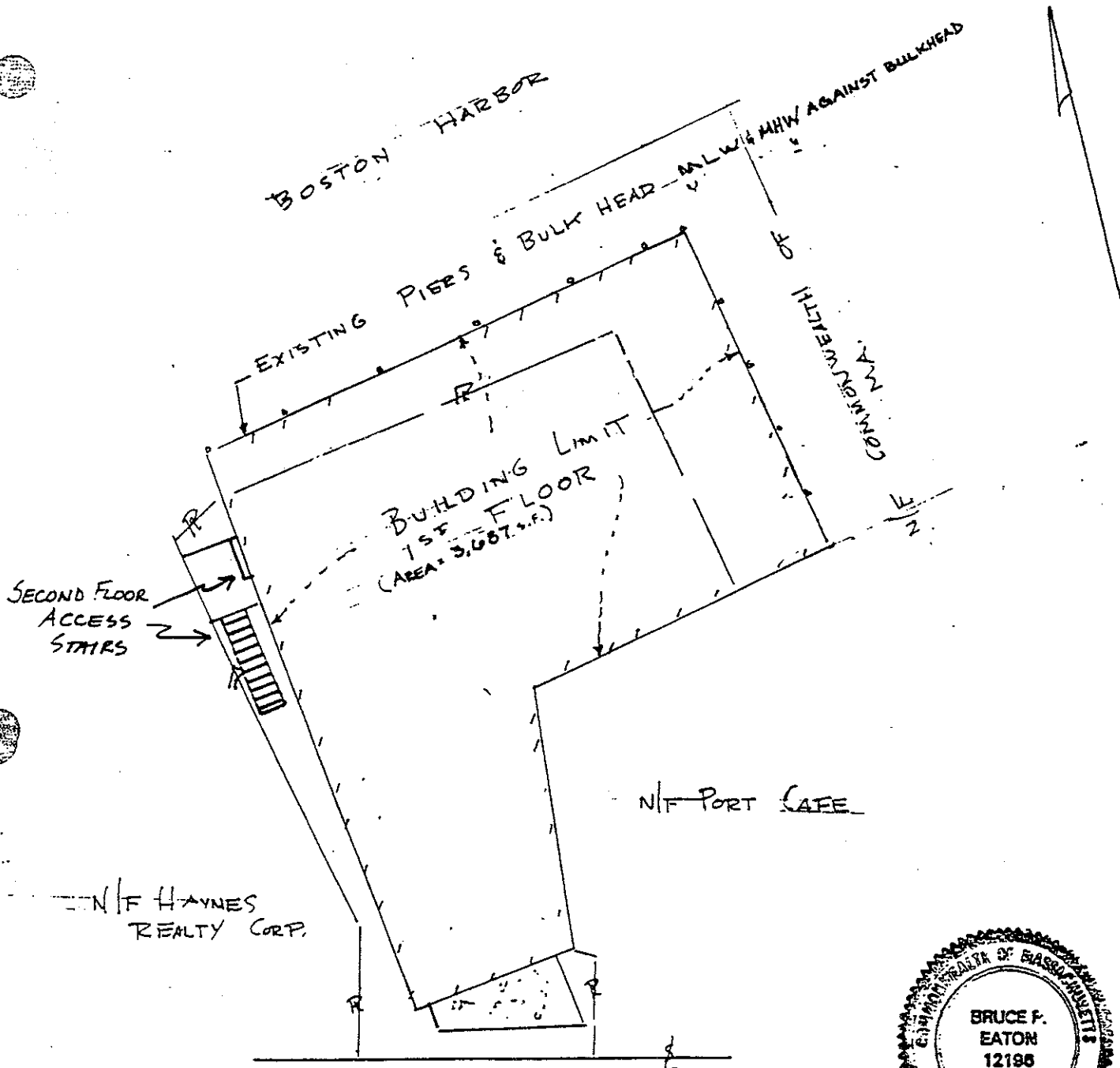


*Bruce F. Eaton*

PLAN ACCOMPANYING PETITION OF  
**PAULS LOBSTER COMPANY & MARK SHAW**  
 LOT- 2671-115 NORTHERN AV., BOSTON, MA.  
 SCALE: 1" = 20'  
 DATE: 2/12/97  
 REV: 8/25/97  
**C.E.C. ENGINEERS & SURVEYORS**  
 WINTER ST. PEABODY, MA. 01960  
 (508) 531-1181



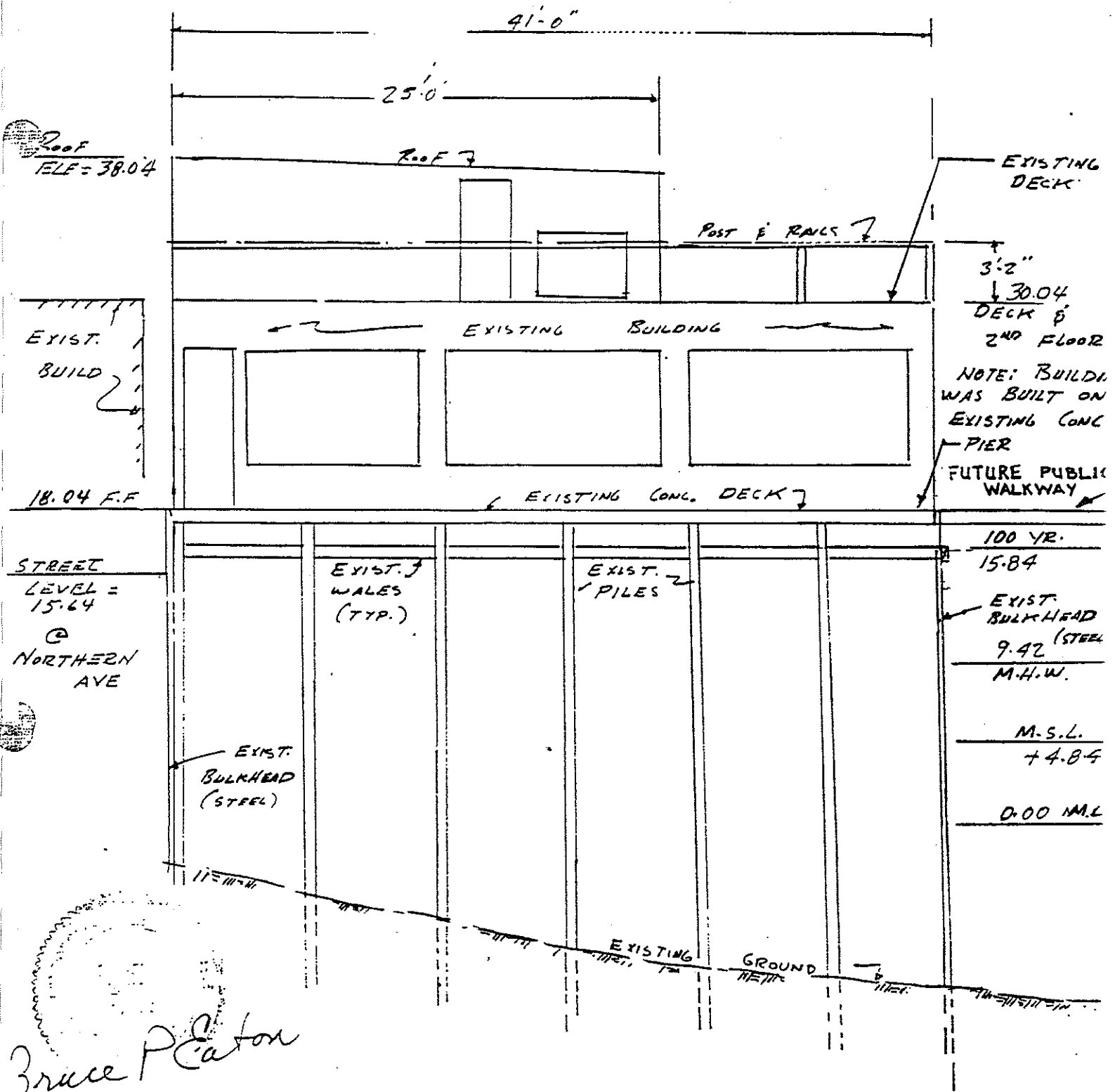
**LICENSE PLAN NO. 697C**  
 Approved by Department of Environmental Protection  
 of Massachusetts  
**SEP 11 1997**  
*[Signature]*



PLAN ACCOMPANYING PETITION OF  
 PAULS LOBSTER COMPANY & MARK SHAW  
 LOT 2671-115 NORTHERN AV. BOSTON, MA.  
 SCALE: 1" = 20' DATE: 2/12/97  
 C.E.C. ENGINEERS & SURVEYORS  
 7 WINTER ST. PEABODY, MA. 01960  
 (508) 531-1191

0 5 10 15 20 40 SHEET 2 OF 3

LICENSE PLAN NO. 6970  
 Approved by Department of Environmental Protection  
 Date: SEP 11 1997



SECTION "A-A"

SCALE: 1/8" = 1'-0"



PLAN ACCOMPANYING PETITION OF  
 PAULS LOBSTER COMPANY & MARK SHAW  
 LOT 2671-115 NORTHERN AV., BOSTON, MA.  
 SCALE: 1" = 20' DATE: 2/12/97  
 C.E.C. ENGINEERS & SURVEYORS  
 WINTER ST., PEABODY, MA. 01960  
 (508) 531-1191

LICENSE PLAN NO. 6970  
 Approved by Department of Environmental Protection  
 SEP 11 1997

*Bruce P. Eaton*



# The Commonwealth of Massachusetts

No. 5071.



Whereas, the New Boston Food Market Development Corporation---

of Boston-----, in the County of Suffolk-----and Commonwealth  
aforesaid, has applied to the Department of Public Works for license to maintain  
existing solid fill and place fill in former Fort Point Channel  
in the vicinity of Dorchester Creek, at its property in the  
city of Boston,-----

and has submitted plans of the same; and whereas due notice of said application, and of  
the time and place fixed for a hearing thereon, has been given, as required by law, to the  
Mayor and City Council of the city-----of Boston-----;

Now said Department, having heard all parties desiring to be heard, and having fully  
considered said application, hereby, subject to the approval of the Governor and-Council,  
authorizes and licenses the said New Boston Food Market Development Corp-

oration-----, subject to the provisions of the ninety-  
first chapter of the General Laws, and of all laws which are or may be in force applicable  
thereto, to maintain existing solid fill and place fill in the for-  
mer tidal portion of South Bay, Fort Point Channel and Dorchester  
Brook, at its property in the city of Boston, in conformity with  
the accompanying plan No. 5071 (two sheets).

Existing solid fill may be maintained within the following  
described lines: Beginning at a point marked "A" on the common  
property line of the licensee and the Commonwealth of Massachu-  
setts, said line being the northeasterly sideline of the right  
of way of the Southeast Expressway; thence running N 59°-46'-25"  
243.62 feet to a point marked "B"; thence turning and running

N 24°-53'-19" E, 108.04 feet to point "C"; thence running about northeasterly a distance of 625.41 feet in a curving line having a radius of 448.63 feet for a distance of 41.04 feet, of 565.26 feet for a distance of 194.90 feet and of 676.56 feet for a distance of 389.47 feet to point "D"; thence running N 24°-53'-19" E, 78.00 feet to point "E"; thence running N 13°-40'-16" E, 361.84 feet to point "F"; thence running N 02°-22'-21" W, 1,110.11 feet to point "G"; thence running N 77°-50'-16" W, 72 feet to point "H"; thence running S 32°-09'-44" W, 467 feet to point "J"; thence running N 57°-50'-16" W, 15 feet to point "K"; thence running S 32°-09'-44" W, 16.14 feet to point "L"; thence running N 57°-50'-16" W, 46.29 feet to point "M"; thence running S 32°-12'-32" W, 122.24 feet to point "N"; thence running about southwesterly 42.03 feet in the arc of a curve of 769.40 feet radius to point "O"; thence continuing about southwesterly 139.04 feet in the arc of a curve of 448.92 feet radius to point "P"; thence running N 36°-54'-54" W, 17.35 feet to point "Q"; thence running about southwesterly 15.22 feet in the arc of a curve of 431.57 feet radius to point "R"; thence running S 55°-06'-22" W, 283.96 feet to point "S"; thence running N 72°-13'-10" W, 128.44 feet to point "T" in the sideline of location of the Southeast Expressway; thence running S 17°-46'-50" W, in said sideline 148.67 feet to point "U"; thence continuing southwesterly in said sideline 21.34 feet in the arc of a curve of 972 feet radius to point "V"; thence running S 16°-31'-21" W, in said sideline 229.33 feet to point "W"; thence running about southeasterly in said sideline in a curving line having a radius of 1,117.00 feet for a distance of 208.10 feet, of 767.00 feet for a distance of 323.07 feet and of 1,117.00 feet for a distance of 232.71 feet to point "X"; thence running S 30°-13'-35" E, in said sideline 332.53 feet to "A" the point of beginning; in the locations shown on said plans and in accordance with the details there indicated.

Solid fill may be placed in tidewater between the mean high water lines along the present location of Dorchester Brook or Dorchester Creek and the sidelines of the easement granted to the Commonwealth of Massachusetts for construction of twin box culverts in said brook or creek, in the locations indicated on said plans.

Within so much of the aforesaid easement as lies within the lines hereinbefore described, the licensee, its successors or assigns, may place solid fill in any portion of the easement area not filled by the Department of Public Works after completion of its construction of said culverts.

Nothing in this license shall be construed as to alter in any way the provisions of said easement.

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This license is granted upon the express condition that no buildings or other structures may be constructed on or over the fill within the said easement except with the prior approval of the Department of Public Works, or its successors, in control of said twin box culvert.

The licensee, its successors or assigns, may maintain any fill placed by others adjacent to said culvert, subject to any additional restrictions which may be imposed by the Department of Public Works, or its successors, in control of said culvert.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensee except with the consent of the owner or owners thereof.

This license is granted upon the condition that the licensee, its successors or assigns, shall permit maintenance of all existing or presently projected drainage through its premises in a manner satisfactory to the Department of Public Works, or its successors, and to the City of Boston.

Nothing in this license shall be deemed to invalidate rights now existing on the premises of the licensee under previous licenses.

This license is granted subject to any applicable provisions of Chapter 762 of the Acts of 1962 regarding the aforesaid twin box culvert; and in consideration of the provisions of Chapter 878 of the Acts of 1965 relative to Parcel No. 2 referred to in said Act, whereby authorizations contained in any license affecting said Parcel, granted subsequent to said Act, shall be irrevocable.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations, and upon the further express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters except in strict conformity with the requirements of the local and State health departments; and upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

The plan of said work, numbered-----5 0 7 1,----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said~~  
heirs, successors

Pursuant to the provisions of said Chapter 878 of the Acts of 1965, this license is granted subject to the express condition that in the event of a taking of the above described property or any part thereof by the Commonwealth or any of its political subdivisions within ten years after the granting of this license, the damages recoverable by reason of such taking shall in no case exceed the actual cost of acquisition of such property by the owner from whom said taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at four percent annually from the date of such acquisition with respect to such property, and from the date of acquisition or construction by such owner, as the case may be, with respect to such buildings and improvements.

~~assigns, by paying into the treasury of the Commonwealth~~  
cents for each cubic yard so displaced, being the amount hereby assessed by  
~~Department.~~

Nothing in this License shall be so construed as to impair the legal rights of any person.  
This License shall be void unless the same and the accompanying plan are recorded  
within one year from the date hereof, in the Registry-----of Deeds for the -----  
District of the County of Suffolk.

In Witness Whereof, said Department of Public Works have hereunto set their hands  
this-----first----- day of-----June,----- in the  
year nineteen hundred and sixty-six.

J.T.H.

\_\_\_\_\_  
F. W. Sargent  
\_\_\_\_\_  
Edward J. Ribbs  
\_\_\_\_\_  
John D. Warner  
\_\_\_\_\_  
\_\_\_\_\_

} Department of  
Public Works

THE COMMONWEALTH OF MASSACHUSETTS

~~This license is approved in consideration of the payment into the treasury of the Com-~~  
~~monwealth by the said~~  
~~the further sum of~~  
~~the amount determined by the Governor and council as a just and equitable charge for~~  
~~rights and privileges hereby granted in land of the Commonwealth.~~

BOSTON, June 6, 1966

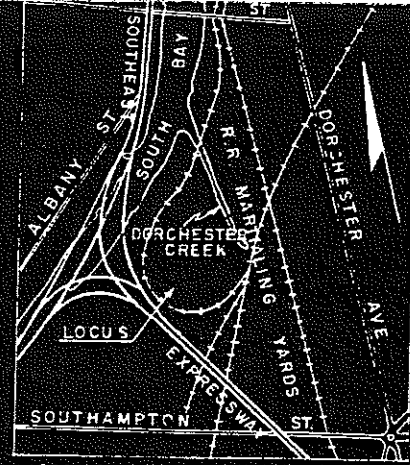
~~Approved by the Governor and Council.~~

\_\_\_\_\_  
John A. Volpe  
Governor. Executive Secretary.

true copy. Attest: Edward F. Dwyer Secretary.

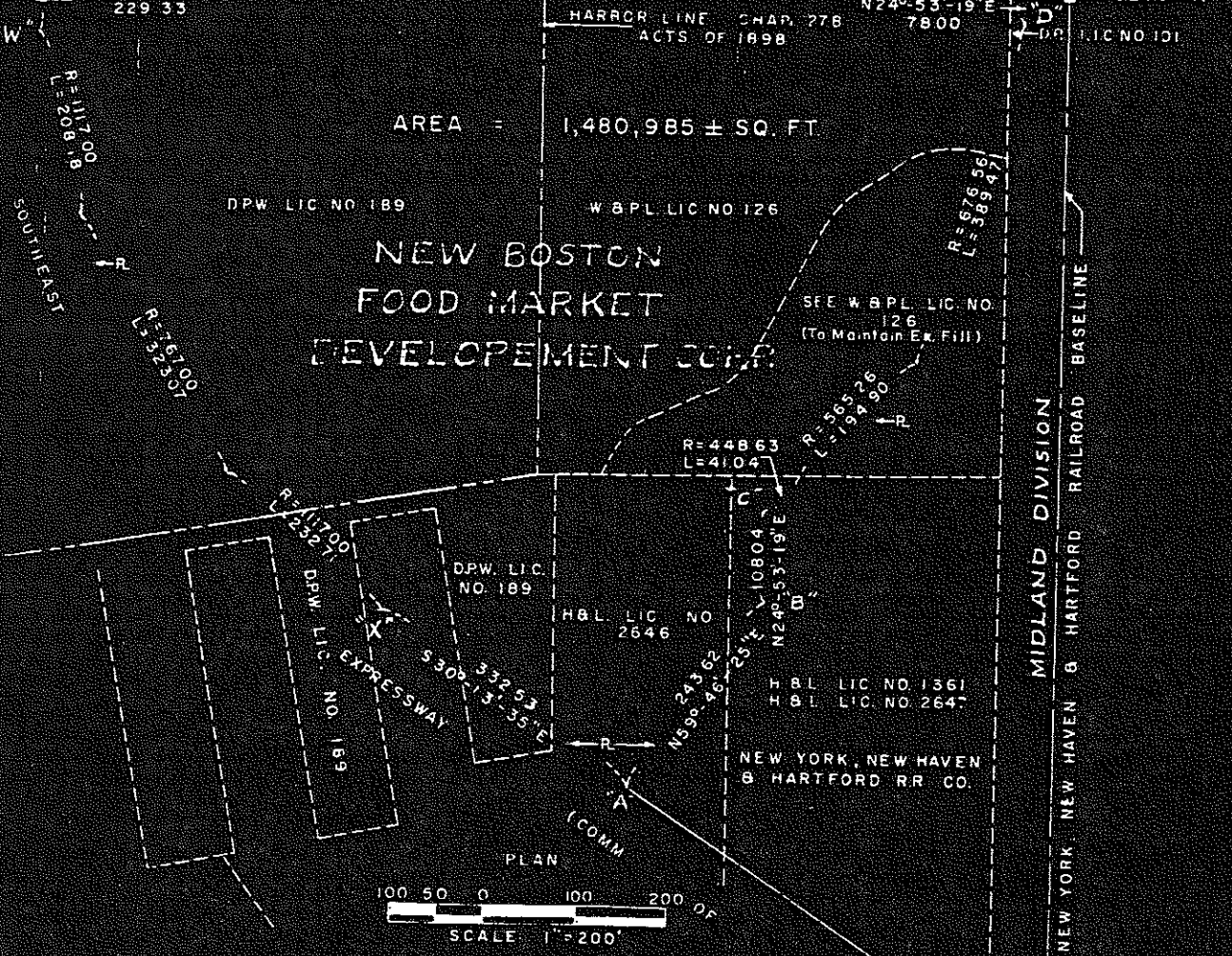
(5)

APPROX. NORTH



USGS - BOSTON SOUTH, 1:24000  
SCALE 1" = 2000'

SEE SHEET 2 MATCH LINE RR. SM. STA. 82+04.11



Plan Accompanying Petition of  
**BOSTON FOOD MARKET DEVELOPEMENT CORP.**  
License to Maintain Existing Solid and Proposed Fill in Former Fort Point and in The Vicinity of Dorchester Creek  
**DORCHESTER, MASS.**

LICENSE PLAN NO. 5071  
APPROVED BY THE BOARD OF PUBLIC WORKS OF MASSACHUSETTS  
JUNE 1, 1966  
COMMISSIONER - DEPT. OF PUBLIC WORKS  
ASSOCIATE COMMISSIONER

28, 1966 Boston Survey Consultants  
263 Summer Street  
Boston, Mass.





AREA = 1,480,985 ± SQ FT

SEE SHEET I MATCH LINE

WARRANTY LICENSE STATUS  
 WRITTEN BY CHAPTER 575  
 OF 1965 (PARCEL LIC. 2)

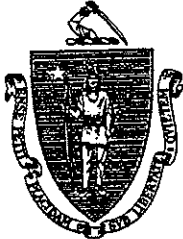


PL FROM PLAN BY H.M. MOSES (1878)  
 BK REG. BK 1495 Pg 171  
 PL FROM PLAN BY MOSELEY, (1833)  
 BK REG. FILE NO 113  
 WATER MARK AND REF TO ABOUT 1 FOOT  
 FROM PLAN BY T. DOANE (1952)  
 BK REG. BK 645 Pg 112  
 FROM WHICH SOIL AND MUD WERE  
 TAKEN BY FRANCIS JACKSON IN 1833.  
 POSITION: NORFOLK REG. BK 295 Pg 181

**LICENSE PLAN NO 5071**  
 APPROVED BY DEPARTMENT OF PUBLIC WORKS  
 JUNE 1, 1966

# The Commonwealth of Massachusetts

5070.



Whereas, the New Boston Food Market Development Corporation---

of Boston-----, in the County of Suffolk-----and Commonwealth  
aforesaid, has applied to the Department of Public Works for license to maintain  
existing solid fill in South Bay Flats, at its property in the  
City of Boston,-----

and has submitted plans of the same; and whereas due notice of said application, and of  
the time and place fixed for a hearing thereon, has been given, as required by law, to the  
Mayor and City Council of the city-----of Boston-----;

Now said Department, having heard all parties desiring to be heard, and having fully  
considered said application, hereby, ~~subject to the approval of the Governor and Council,~~  
authorizes and licenses the said New Boston Food Market Development Corp-

-----, subject to the provisions of the ninety-  
first chapter of the General Laws, and of all laws which are or may be in force applicable  
hereto, to maintain existing fill in the former tidewaters of South  
Bay and Dorchester Brook, at its property in the city of Boston,  
in conformity with the accompanying plan No. 5070.

Existing solid fill may be maintained within the following  
described lines: Beginning at a point marked "A" on the common  
property line of the licensee and of Frank D. and Lillian Pas-  
nesi and lying in the northerly side line of Southampton Street;  
thence running N 24°-53'-19" E, 258.10 feet to point "B"; thence  
running S 65°-07'-01" E, 12.96 feet to point "C"; thence running  
N 24°-52'-59" E, 286 feet to point "D"; thence running N 38°-54'-  
W, 149.02 feet to point "E"; thence running in a curving line  
with a length of 304.88 and a radius of 284.04 to point "F" in the



easterly side line of Moore Street; thence running S 24°-52'-59" W, in said side line 174.64 feet to point "G"; thence running S 65°-07'-01" E, 200.00 feet to point "H"; thence running S 24°-52'-59" W, 462.12 feet to point "J" in the northerly side line of Southampton Street; thence running S 75°-15'-21" E, in said side line 184.96 feet to "A" the point of beginning; in the locations shown on said plan and in accordance with the details there indicated.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensee except with the consent of the owner or owners thereof.

This license is granted upon the condition that the licensee, its successors or assigns, shall permit maintenance of any existing drains running through its premises in a manner satisfactory to the Department of Public Works, or its successors, and to the City of Boston.

Nothing in this license shall be deemed to invalidate rights now existing on the premises of the licensee under previous licenses.

This license is granted in consideration of the provisions of Chapter 878 of the Acts of 1965 relative to Parcel No. 1 referred to in said Act, whereby authorizations contained in any license affecting said parcel, granted subsequent to said Act, shall be irrevocable.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations, and upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters except in strict conformity with the requirements of the local and State health departments; and upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

The plan of said work, numbered-----5 0 7 0,----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said~~

~~heirs, successors~~

Pursuant to the provisions of said Chapter 878 of the Acts of 1965, this license is granted subject to the express condition that in the event of a taking of the above described property or any part thereof by the Commonwealth or any of its political subdivisions within ten years after the granting of this license, the damages recoverable by reason of such taking shall in no case exceed the actual cost of acquisition of such property by the owner from whom said taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at four percent annually from the date of such acquisition with respect to such property, and from the date of acquisition or construction by such owner, as the case may be, with respect to such buildings and improvements.

~~assigns, by paying into the treasury of the Commonwealth~~  
~~cents for each cubic yard so displaced, being the amount hereby assessed by~~  
~~Department.~~

Nothing in this License shall be so construed as to impair the legal rights of any person.  
This License shall be void unless the same and the accompanying plan are recorded  
within one year from the date hereof, in the Registry -----of Deeds for the -----  
District of the County of Suffolk.

In Witness Whereof, said Department of Public Works have hereunto set their hands  
-----first----- day of-----June,----- in the  
nineteen hundred and sixty-six.

F. W. Sargent  
Edward J. Ribbs  
John D. Warner  
\_\_\_\_\_  
\_\_\_\_\_

} Department of  
Public Works

T.H.

THE COMMONWEALTH OF MASSACHUSETTS

~~This license is approved in consideration of the payment into the treasury of the Com-~~  
~~wealth by the said~~  
~~the further sum of~~

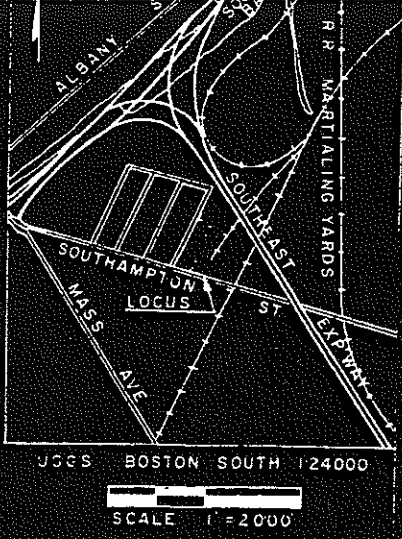
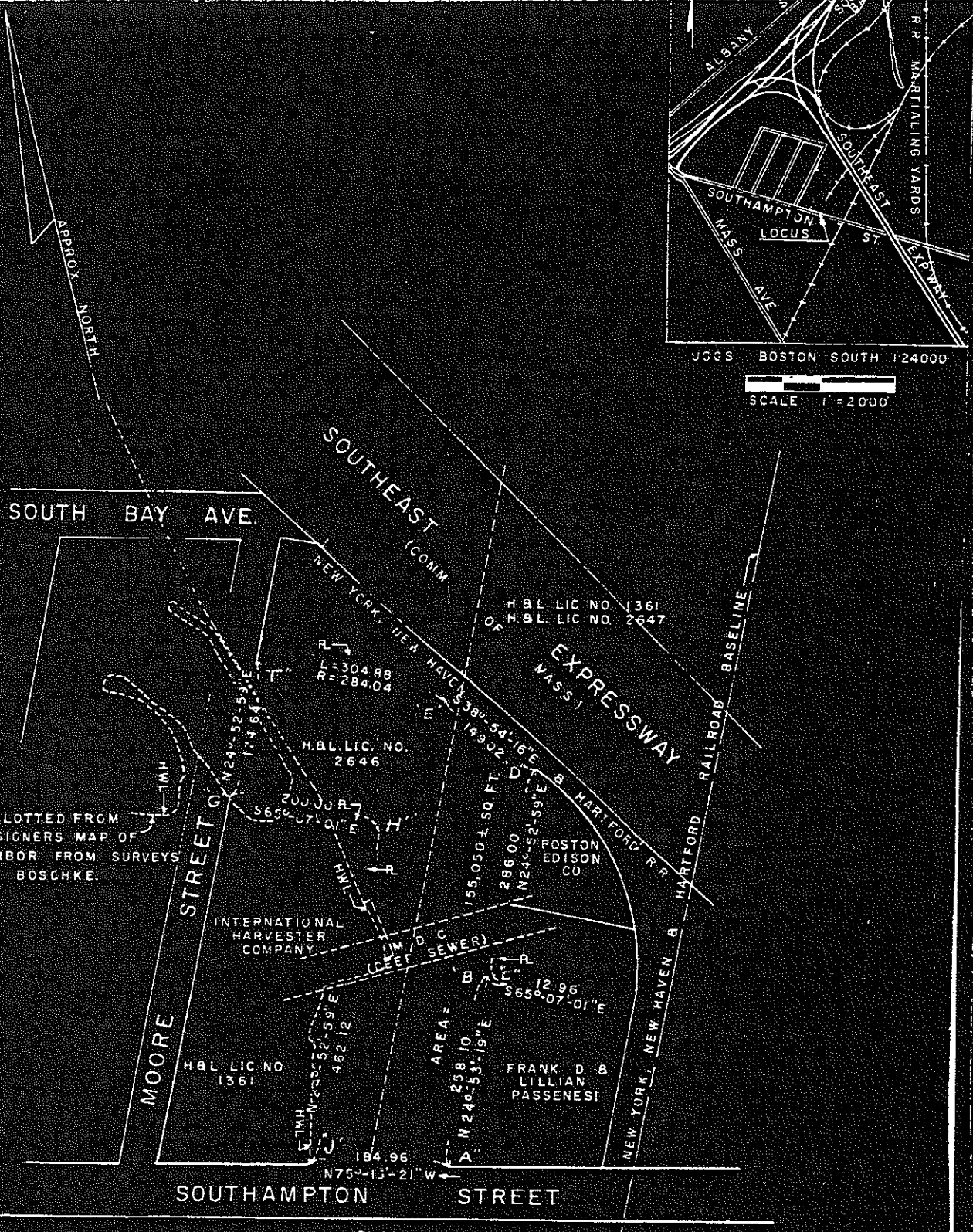
~~amount determined by the Governor and council as a just and equitable charge for~~  
~~the and privileges hereby granted in land of the Commonwealth.~~

~~Approved by the Governor and Council~~

~~BOSTON,~~ \_\_\_\_\_

~~Executive Secretary.~~

true copy. Attest: Edward F. Doyle Secretary.



THE HWL PLOTTED FROM COMMISSIONERS MAP OF BOSTON HARBOR FROM SURVEYS 1861 BY BOSCHKE.



Plan Accompanying Petition of  
**BOSTON FOOD MARKET DEVELOPEMENT CORP.**  
 For License to  
 Maintain Existing Solid Fill  
 SOUTH BAY FLATS  
 DORCHESTER, MASS.

28, 1966  
 Boston Survey Consultants  
 263 Summer Street  
 Boston, Mass

**LICENSED PLAN NO. 5070**  
 APPROVED BY DEPARTMENT OF PUBLIC WORKS OF  
 COMMONWEALTH OF MASSACHUSETTS  
 JUNE 1, 1966  
 APPROVED BY  
 JUNE 1, 1966  
 APPROVED BY



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
METROPOLITAN BOSTON - NORTHEAST REGIONAL OFFICE

ARGEO PAUL CELLUCCI  
Governor

JANE SWIFT  
Lieutenant Governor

BOB DURAND  
Secretary

EDWARD P. KUNCE  
Acting Commissioner

JUN 28 1999

BRA/EDIC  
c/o Fort Point Associates, Inc.  
286 Congress Street, 6th Floor  
Boston, MA 02210  
Attn: Susan St. Pierre

RE: Waterways Application No. W99-9159/License No. 7961  
Boston Harbor, City of Boston, Suffolk County

Dear Sirs/Madams:

The Department of Environmental Protection has approved the enclosed referenced license authorizing you to perform certain activities pursuant to M.G.L. Chapter 91 and regulations 310 CMR 9.00. Any unauthorized substantial change in use or substantial structural alteration of any structure or fill authorized by this license shall render it void.

Furthermore, this license must be recorded at the referenced County Registry of Deeds within 60 days from the date of issuance. The work or change in use authorized by this license shall not commence until said license and plans are recorded, the Department has received written notification of the date, book, and page number of record, or if the Department receives a request for an adjudicatory hearing. Please complete and return the enclosed Notification Form to this office. You are also required to notify the Department in writing of the date the authorized work or change in use is completed.

Pursuant to 310 CMR 9.17(1)(a) and 9.17(2), the Licensee may appeal this decision within twenty-one(21) days of the date of license issuance, by submitting a written request, by certified mail, for an adjudicatory hearing. Any notice of claim for an adjudicatory hearing must include the following information: the DEP Waterways Application File Number; the complete name, address and telephone number of the party filing the request; if represented by counsel, the name, address and telephone number of the attorney; a clear statement that a formal adjudicatory hearing is being requested; and a clear and concise statement of the specific objections to the Department's license decision, and the relief sought through the adjudicatory hearing, including, specifically, the changes desired in the final Waterways License.

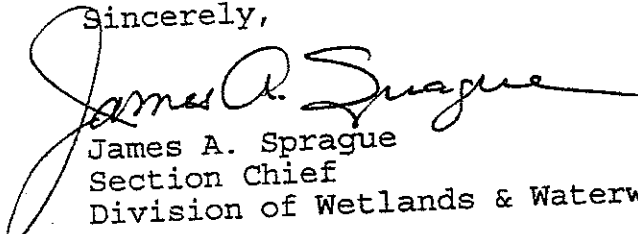
(Lic. #7961)

The hearing request, along with a valid check made payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00), must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211.

At the same time, a copy of this appeal must be sent to the DEP Waterways Regulation Program, the municipal official of the city or town where the project is located, and any other parties to this proceeding. In addition, this appeal must include a statement that the appropriate copies have been delivered as described herein.

Sincerely,



James A. Sprague  
Section Chief  
Division of Wetlands & Waterways

cc: DEP Waterways Boston Office, w/enc.  
Boston Conservation Commission, w/enc.  
Boston Harbormaster, w/enc.

James A. Sprague, Section Chief  
Division of Wetlands & Waterways  
Department of Environmental Protection  
205a Lowell Street  
Wilmington, MA 01887

RE: Waterways Application No. W99-9159/License No. 7961  
Boston Harbor, City of Boston, Suffolk County

Dear Mr. Sprague:

This is to notify you that the referenced license was recorded on  
\_\_\_\_\_, book number \_\_\_\_\_, page number(s) \_\_\_\_\_.

Sincerely,

LICENSE VOID  
IF NOT RECORDED  
WITHIN 60 DAYS  
OF ISSUANCE

# The Commonwealth of Massachusetts



No. 7961

Whereas, BRA/EDIC

of -- Boston, -- in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- construct and maintain a ramp and pile-held floating dock and to place and maintain rip-rap --

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the -- Mayor & City Council -- of the City of -- Boston; -----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said -----

BRA/EDIC --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain a ramp and pile-held floating dock and to place and maintain rip-rap --

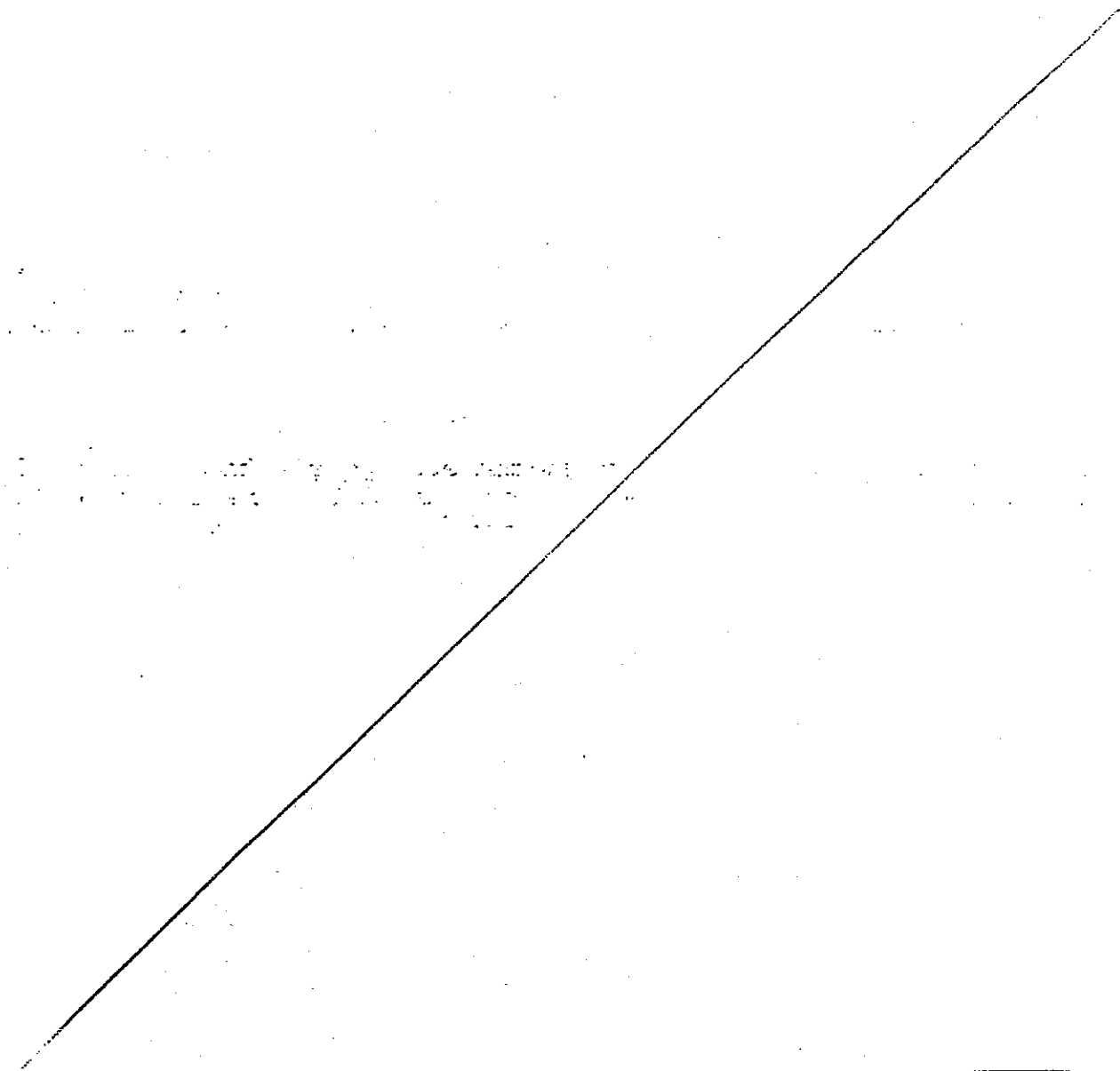
in and over the waters of -- Boston Harbor -- in the -- City -- of -- Boston -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 7961, (5 sheets).



The structures hereby authorized shall be limited to the following uses: commercial docking and boating access to navigable waters and shoreline stabilization.

This license is valid for an unlimited term.

Please see page 3 for additional conditions to this license. --



Duplicate of said plan, number 7961 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
  2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
  3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
  4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
  5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
  6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
  7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
  8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
  9. This License authorizes structure(s) and/or fill on:
    - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
    - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
    - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

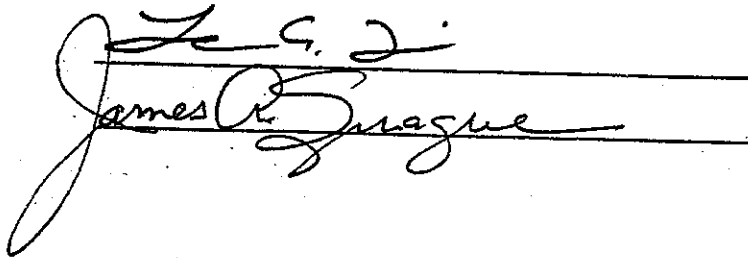
The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- BRA/EDIC -- by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (\$0.00).

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Suffolk.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this twenty-eighth day of June in the year nineteen hundred and ninety-nine.

Commissioner  
Section Chief



Department of  
Environmental  
Protection


THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- BRA/EDIC -- of the further sum of -- zero dollars and zero cents (\$0.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

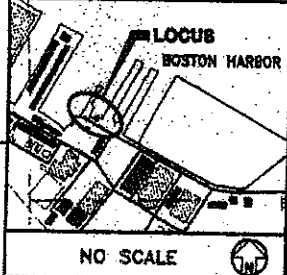
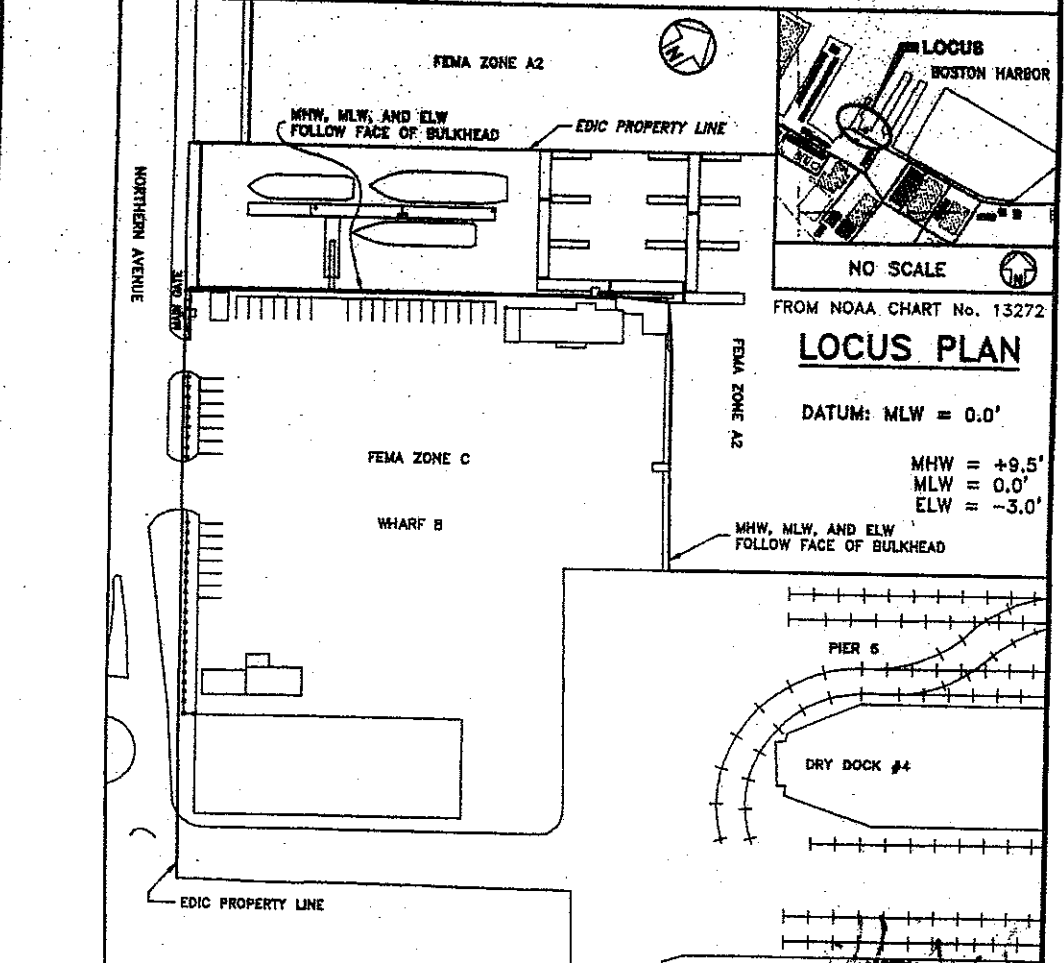
BOSTON,

Approved by the Governor.

  
Governor

I CERTIFY THAT THIS PLAN  
AS PREPARED CONFORMS TO  
THE RULES AND REGULATIONS  
OF THE REGISTERS OF DEEDS.

*David Livingston Porter*



NO SCALE

FROM NOAA CHART No. 13272

### LOCUS PLAN

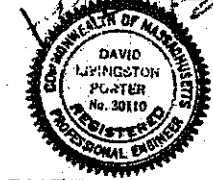
DATUM: MLW = 0.0'

MHW = +9.5'  
MLW = 0.0'  
ELW = -3.0'

MHW, MLW, AND ELW FOLLOW FACE OF BULKHEAD

### EXISTING CONDITION PLAN

SCALE: 1"=100'-0"



SHEET 1 OF 5

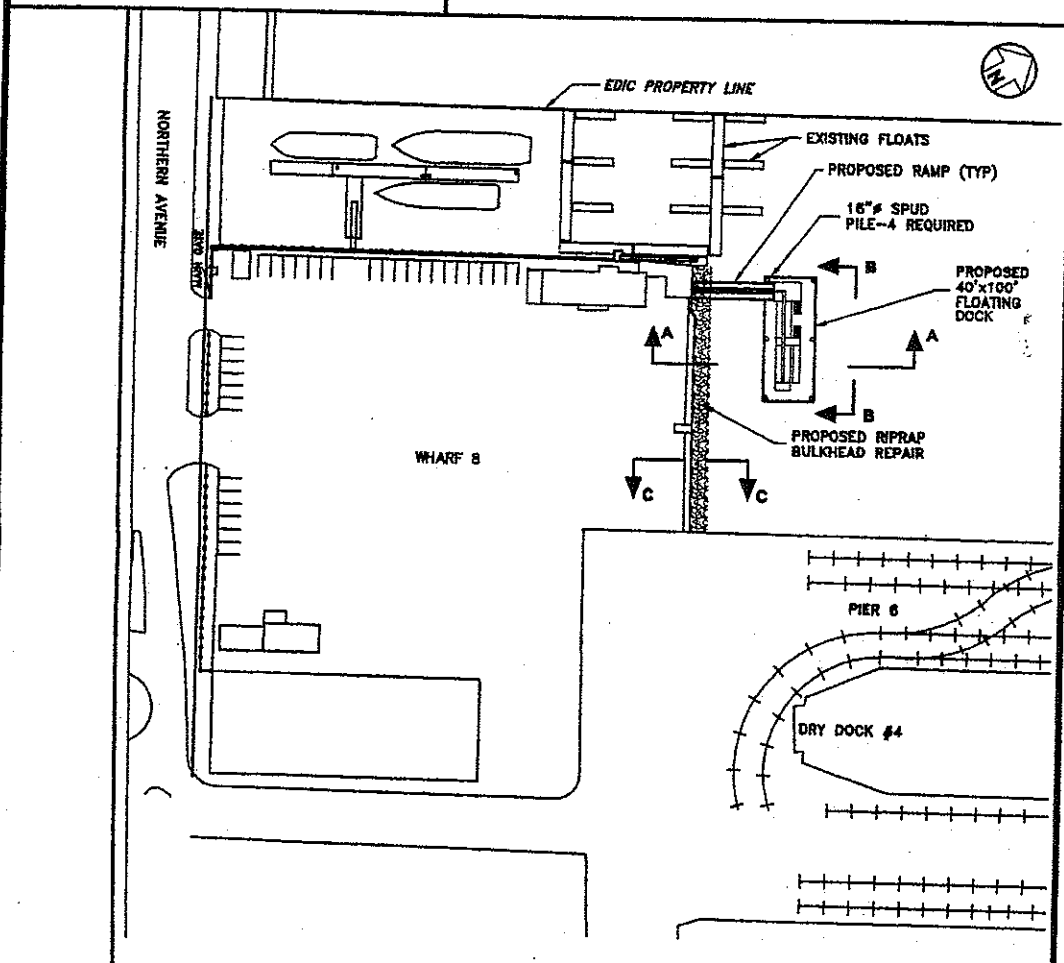
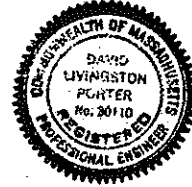
PLANS ACCOMPANYING PETITION OF  
**BRA / EDIC**  
TO CONSTRUCT AND MAINTAIN RIPRAP  
BULKHEAD REPAIR AND PILE MOORED  
FLOATING DOCK  
AT: PIER 7/WHARF 8 - SOUTH BOSTON  
COUNTY OF SUFFOLK, MASSACHUSETTS  
FEBRUARY 1999

LICENSE PLAN NO. 7961  
Approved by Department of Environmental Protection  
of Massachusetts **JUN 28 1999**

*James L. Sparger*

I CERTIFY THAT THIS PLAN  
AS PREPARED CONFORMS TO  
THE RULES AND REGULATIONS  
OF THE REGISTERS OF DEEDS.

*W.L.P.*



**PROPOSED PLAN**

SCALE: 1"=100'-0"

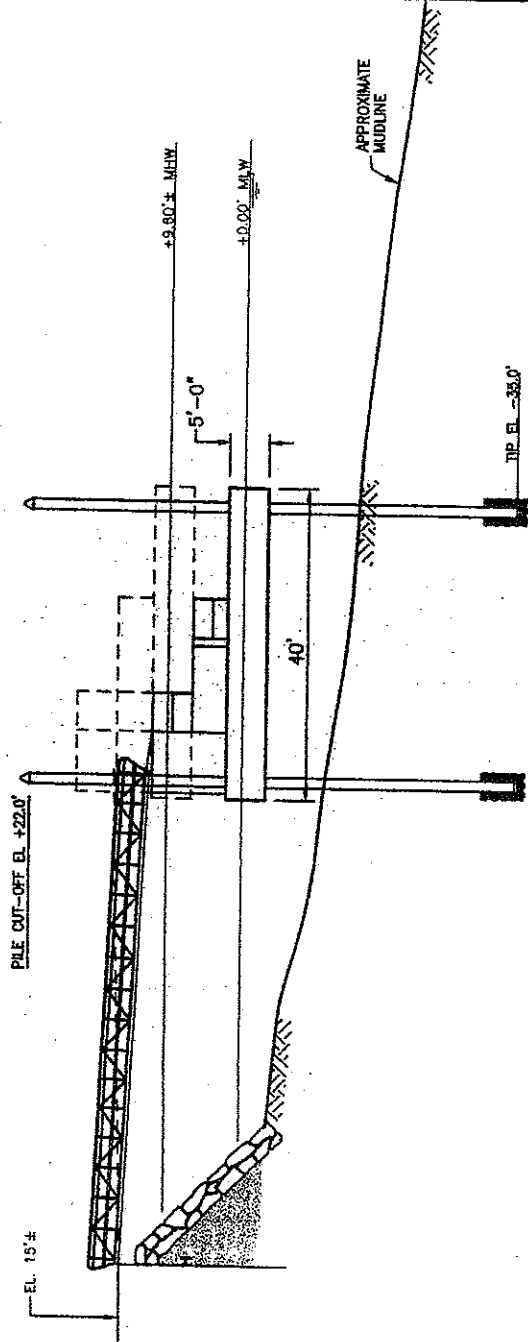


**LICENSE PLAN NO. 7961**  
Approved by Department of Environmental Protection  
Date: **JUN 28 1999**



I CERTIFY THAT THIS PLAN  
AS PREPARED CONFORMS TO  
THE RULES AND REGULATIONS  
OF THE REGISTERS OF DEEDS.

*D.L.K.T.*

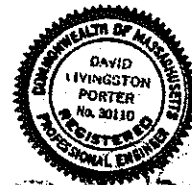


SECTION A-A

SCALE: 1/16" = 1'-0"



LICENSE PLAN NO. 7961  
Approved by Department of Environmental Protection  
Date: JUN 28 1999



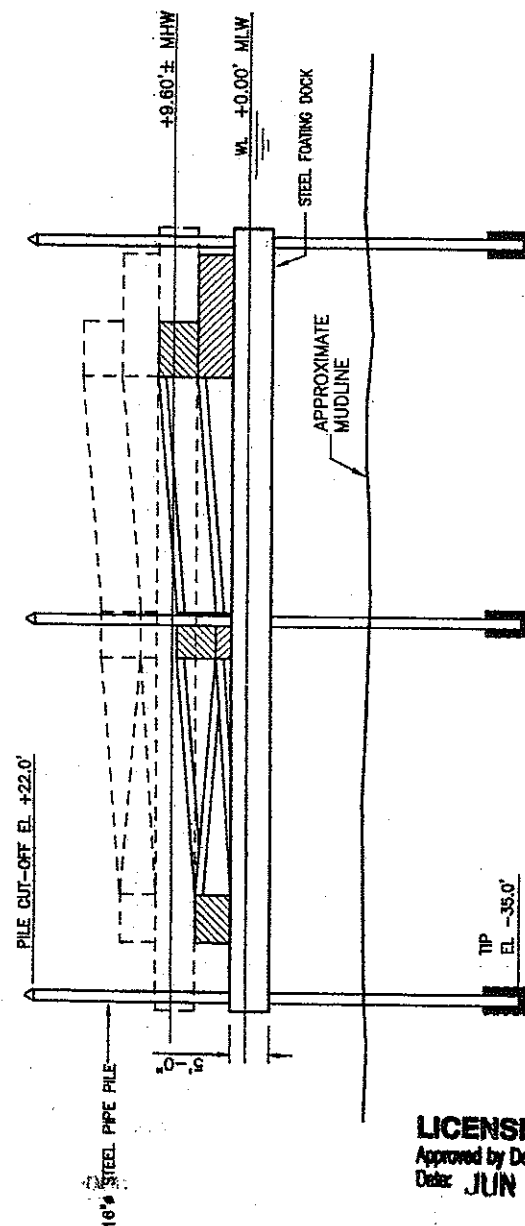
*D.L.K.T.*

SHEET 3 OF 5

I CERTIFY THAT THIS PLAN  
AS PREPARED CONFORMS TO  
THE RULES AND REGULATIONS  
OF THE REGISTERS OF DEEDS.



*D.L.P.*



*D.L.P.*

**SECTION B-B**

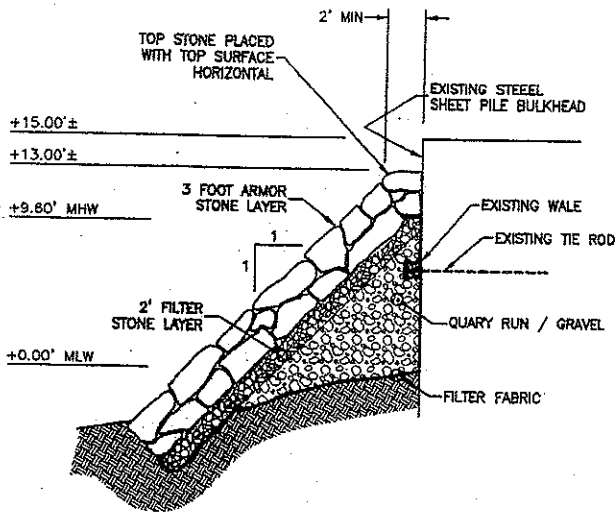
SCALE: 1/16" = 1'-0"



**LICENSE PLAN NO. 7961**  
Approved by Department of Environmental Protection  
Date: JUN 28 1999

I CERTIFY THAT THIS PLAN  
AS PREPARED CONFORMS TO  
THE RULES AND REGULATIONS  
OF THE REGISTERS OF DEEDS.

*David Livingston*



**BULKHEAD REPAIR**

SCALE: 1/8"=1'-0"



**LICENSE PLAN NO. 7961**  
Approved by Department of Environmental Protection  
Date: **JUN 28 1999**



*David Livingston*  
SHEET 5 OF 5





COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

ARGEO PAUL CELLUCCI  
 Governor

JANE SWIFT  
 Lieutenant Governor

BOB DURAND  
 Secretary

DAVID B. STRUHS  
 Commissioner

WRP File No. JD 98-6009  
 City/Town Boston

Determination of Applicability  
 310 CMR 9.00

From: Waterways Regulation Program Issuing Authority

To: Don Law, President  
DLC Corp.  
 (Name of person making request)

Boston Redevelopment Authority/Economic  
Development and Industrial Corporation  
 (Name of property owner)

Address: 36 Bay State Road  
Cambridge, MA 02138

One City Hall Square  
Boston, MA 02201

This determination is issued and delivered as follows:

- by hand delivery to person making request on \_\_\_\_\_ (date)
- by certified mail to person making request on February 11, 1999 (date)

Pursuant to 310 CMR 9.06, the Waterways Regulation Program has considered your request for a Determination of Applicability and its supporting documentation, and has made the following determination:

The Determination is positive:

The area of land and activity thereon, as described below, is subject to 310 CMR 9.00. The entire site consists of previously authorized filled Commonwealth tidelands subject to the geographic jurisdiction of the Department pursuant to 310 CMR 9.04. The proposed use of the site for a seasonal outdoor music pavilion is an activity which requires the submission of an application for a Chapter 91 license pursuant to 310 CMR 9.05(1). Please also refer to the attached cover letter. As a result, DLC Corp. and the BRA/EDIC shall comply with the following conditions:

1. Term: a) This Determination of Applicability (DOA) shall remain in full force and effect until a Chapter 91 License is issued in accordance with the Master Chapter 91 Written Determination for the Boston Marine Industrial Park (EMIP) to be issued to the Boston Redevelopment Authority/Economic Development and Industrial Corporation (BRA/EDIC) following completion of its Master Plan. The

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.magnet.state.ma.us/dep>

Printed on Recycled Paper

BRA/EDIC and DLC Corp. shall record this Determination at the Suffolk County Registry of Deeds no later than sixty (60) days from the date of issuance. The Department may, after proper notice and reasonable opportunity to correct any alleged noncompliance, take any action allowed by law to enforce or revoke this Determination for failure to comply with any of its terms and conditions.

b) The BRA/EDIC shall submit the final Master Plan and Chapter 91 license application for the BMIP by December 31, 1999. The Chapter 91 license application shall be complete and adequate for the assignment of a file number pursuant to 9.11(2)(b). If DEP determines that the application is incomplete, the applicant shall be notified and given a reasonable opportunity to provide the outstanding information. The Chapter 91 License issued in accordance with the Master Chapter 91 Written Determination for the BMIP shall supersede this Determination, incorporate the conditions identified herein -and any additional conditions identified during the public review associated with the Chapter 91 Master License Application- and include a license term for the continued interim use of Wharf 8/Drydock 4 by DLC Corp. Said license term shall not exceed five (5) years from the date of this Determination of Applicability.

c) DLC Corp. and the BRA/EDIC shall amend the license agreement between them dated January 29, 1999, to strike section 3 which relates to an option to extend the term of the license.

2. Drydock 4: a) The BRA/EDIC shall ensure that Drydock 4 remains available to serve and support water-dependent-industrial use during the term of the proposed interim use of Wharf 8/Drydock 4 by DLC Corp. The BRA/EDIC shall prepare and distribute an Operations Plan which details the measures to be undertaken in the event an operator proposes to use the Drydock or its adjacent facilities. Such measures shall include, at a minimum, maintaining the 440V electrical capacity to Drydock 4; activation of the dewatering pumps through the provision of a commercial diesel motor or a portable diesel powered generator; maintaining the steam generator in its current location; providing temporary office space, when necessary; allowing the perimeter of pier 5 to be used for commercial layover, unloading, and dockside repairs; preserving the remaining laydown area and use of support facilities (i.e., cranes); and maintaining vehicular access from Northern Avenue/Massport Haul Road to the drydock along the eastern limits of the Harborlights lease area.

b) The BRA/EDIC shall develop and implement a Marketing Plan to actively market Drydock 4 for water-dependent-industrial use on a short and long term basis.

c) A Notice of Availability for the Operations and Marketing Plan shall be submitted to the MEPA Office by June 1, 1999 and be subject to the requirements of Condition 14.

3. Commercial Lobster: DLC Corp. shall integrate Commercial Lobster into the site plan for Wharf 8 with an area for construction of a fully operational permanent improved replacement facility to be available by April 30, 1999. Commercial Lobster may be relocated to a temporary facility, with equal or greater physical attributes, to accommodate continuous operation until the completion of the improved permanent facility. Prior to the commencement of any demolition activities, the BRA/EDIC shall provide the Department with documentation which verifies said use is being relocated as a result of voluntary arrangements, and with the approval of Commercial Lobster, as required pursuant to 310 CMR 9.36(4).

4. Maintenance of Water-Dependent Uses: DLC Corp. and the BRA/EDIC shall maintain the existing berthing facilities, and access related thereto, located along the western perimeter of Wharf 8, for use by commercial vessels associated with the existing operations of water-dependent uses on Wharf 8, currently A.C. Cruise Lines and two lobstermen (Charles Galinauskas and Anthony Ordile). A.C. Cruise Lines shall be provided with 24 hour access to the eight parking spaces shared

by the water-dependent users of Wharf 8, security in conjunction with that provided for events in the proposed structures, and an onsite ticket and sales office building. The two lobstermen shall be provided with 24-hour access to the docks, seasonal landside storage for lobster pots and 24-hour access to eight parking spaces shared by the water-dependent users of Wharf 8. DLC Corp. and the BRA/EDIC shall ensure, to the greatest extent possible, that utility service to these uses is not disrupted during demolition or construction activities associated with the proposed project.

5. Traffic Analysis and Mitigation: a) The BRA/EDIC and DLC Corp. shall develop a Transportation Plan to protect and promote truck priority access and pedestrian safety within the BMIP by analyzing potential impacts as a result of the proposed project and identifying appropriate mitigation measures, and minimize automobile access by encouraging use of alternative modes of transportation to concert events. The Plan shall: offer concrete steps for developing viable water transportation and providing convenient shuttle bus service from downtown; detail the manner in which ticket mailers will incorporate recommendations for alternative modes of transportation; detail how pedestrian traffic from the EDIC garage to the project site will be managed including the potential use of shuttle buses and giving priority to truck access; consider closing the EDIC garage during Harborlights events to reduce potential conflicts between trucks and pedestrians; describe any proposed street related changes such as opening the Drydock Avenue entrance to the BMIP to truck traffic, rephasing the Summer Street/Drydock Avenue traffic signal to allow an advance phase for left turns from Summer Street to Drydock Avenue, and provision of both left and right turns from Drydock Avenue to Summer Street; describe how maritime, industrial and related trucking activities will continue to have priority at curb cuts; describe the trucking routes to and from the BMIP, including the availability of Congress Street, Summer Street and Northern Avenue to truck access; explain how the operations staff at the BMIP will manage both pedestrian and vehicular traffic at events; provide additional information regarding police details at the Northern Avenue/Massport Haul Road intersection to ensure trucks are given priority and protection of pedestrians; confirm that the Dry Dock Avenue entrance to the BMIP will be opened to truck traffic and the access road along the eastern edge of Wharf 8 will also be kept open to truck traffic; describe the location of onsite bike racks; and ensure the proposed site design within the southeast corner could, in the future, accommodate a standard 4-way intersection at the junction of Northern Avenue and the Massport Haul Road.
- b) Said Plan shall be filed with the MEPA Office by April 30, 1999, and be subject to the requirements of Condition 14. A subsequent review of the Plan shall occur after the first ten (10) events and adjustments to proposed mitigation measures and alternative transportation modes should be implemented as necessary, and in consultation with the businesses located within the BMIP. Thereafter, the Plan shall be updated to include traffic and EDIC garage counts from 3-5 typical weeknight events, an assessment of traffic impacts during the prior year, recommended refinements to the mitigation measures, be submitted to the MEPA Office annually after each season (November 15), and be subject to the requirements of Condition 14.
- c) DLC Corp. shall not include the cost of parking in ticket prices.
6. Wharf 8 Improvements: DLC Corp. shall immediately provide \$200,000 in capital infrastructure expenditures to the Wharf 8 and Drydock 4 site. Said expenditures shall include: removal of existing foundations from prior buildings; demolition of an abandoned and defunct ice house; installation of new water and sewer service; improvements to the bulkhead along the northern perimeter of Wharf 8, which should not impede navigation or ultimate use of the berths; installation of a new 440V electrical switch gear and service suitable to serve the drydock; and construction

of public restrooms. The referenced improvements shall be implemented prior to the first concert event.

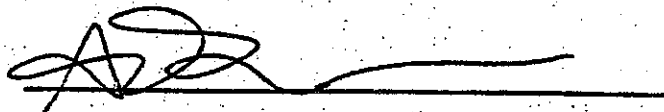
7. Long Term Capital Improvements: a) The BRA/EDIC shall develop a Reactivation Plan to support water-dependent-industrial use in the BMIP, with a particular focus on improvements in support of maritime industry on Wharf 8, Drydock 4 and the South Jetty, over the first year, and implement recommended improvements over the following four years. The Plan shall include: an analysis of the structural and mechanical condition of the site and drydock facility; estimates for repairs; a market study or potential maritime uses; a cost-benefit analysis of alternative uses; and identification of funding sources for proposed uses. Said plan shall be part of the Final Master Plan/Chapter 91 License Application to be submitted by December 31, 1999.  
  
b) The BRA/EDIC shall invest 100% of the gross rent revenue from the license agreement with DLC Corp. (at minimum \$250,000 per year) for the design and construction of capital improvements for maritime-industrial facilities in the BMIP, with a particular focus on improvements in support of maritime industry on Wharf 8, Drydock 4 and the South Jetty. All annual revenues shall be placed in a dedicated account to be administered by the BRA/EDIC. Said funds shall be expended in accordance with the recommendations of the Reactivation Plan and an accounting of said funds shall be submitted to the Department annually after each season (November 15) and be subject to the requirements of Condition 14.
8. Harbor Planning/Zoning: The BRA/EDIC shall not rezone Wharf 8 from its current designation as a MER Zone for at least ten years from the date of issuance of this DOA. Any future rezoning must be consistent with applicable Chapter 91 standards for allowable uses within a Designated Port Area.
9. Public Access: Prior to the commencement of the 1999 concert season, the BRA/EDIC and DLC Corp. shall construct a public walkway and an expanded public open space along the waterfront of the lease area. Said public walkway shall have a minimum width of 20 feet clear, shall be consistent with applicable City of Boston Harborwalk Guidelines, and shall include bike racks and at least four interpretive markers. All public facilities shall be open to the general public twenty-four (24) hours a day, except as provided in this Condition 9. DLC Corp. may restrict access to the Harborwalk and its restrooms 1.5 hours prior to and during performances on nights with scheduled concert events, and may only restrict access to the expanded public open space in accordance with license agreement between the BRA/EDIC and DLC Corp. DLC Corp. shall be responsible for cleaning and maintaining the Harborwalk and onsite public open spaces, and keeping the restrooms open to the public dawn to dusk, from April 15 to November 15 of each year. The BRA/EDIC shall be responsible for maintenance during the remainder of the year. DLC Corp. shall ensure that the information booth is available for the dissemination of public information regarding Boston Harbor, and make reasonable efforts to provide at least one event per season, free of charge.
10. Navigational Safety: The BRA/EDIC and DLC Corp. shall, by June 1, 1999, prepare a Navigational Safety Plan designed to ensure that commercial vessel access through the main shipping channel of Boston Inner Harbor, and to and from onsite and adjacent (Massport Fish Pier) docking facilities are not impeded by recreational boat traffic attracted to the proposed project site and that any necessary costs associated with additional harbor patrols required to ensure navigational access and safety during concert events are paid for. A draft copy of said Plan shall be submitted to the Boston Harbormaster and the Port Operators Group by May 1, 1999 for review and comment.
11. Water Transportation: The BRA/EDIC and DLC Corp. shall work to maximize the use of water-based access to the proposed project site as a means of reducing vehicular traffic. The BRA/EDIC and DLC Corp. should consult with the MBTA

EOTC and known boat operators in this effort, and specifically consider shuttle services from North Station, Charlestown Navy Yard, East Boston, Rowes Wharf, Russia Wharf, as well as connections from the North and South shores. The BRA/EDIC and DLC Corp. shall ensure that any alterations to the existing float system maintain the operations of the existing water-dependent uses, and obtain prior review and approval from the Department, local harbormaster and other federal, state and local authorities, as appropriate.

12. Permanent Site: The BRA/EDIC and DLC Corp. shall continue to seek an appropriate permanent location for Harborlights for the performance season in the year 2004, outside the boundaries of any Designated Port Area and MER Zone. A list of alternative sites shall be included in the Final BMIP Master Plan and Chapter 91 license application. The BRA/EDIC shall assess the compatibility of the alternative sites with local zoning, planning and Chapter 91. DLC Corp. shall analyze each site for business purposes. Thereafter, annual reports on the progress and analysis of alternative sites shall be submitted to the Department by November 15 and be subject to the requirements of Condition 14. Within three years from the date of issuance of this Determination of Applicability, DLC Corp. shall identify a preferred site and commence permitting by the fourth year.
13. Performance Hours: Weekday concert events shall be restricted to evenings. Evenings shall be defined as six (6) p.m. or later.
14. Plan/Report Distribution: The availability of all annual reports and plans shall be noticed in the Environmental Monitor, distributed to all commenters and interested parties who have notified the Department in writing, and subject to a 30 day review and comment period. Comments should be provided to the DEP and the BRA/EDIC.

Issued by the Department of Environmental Protection, Bureau of Resource Protection, Division of Watershed Management, Waterways Regulation Program

Assistant Commissioner



On this 11th day of February, 1999 before me personally appeared Arleen O'Donnell to me known to be the person described in, and who executed, the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

**ELIZABETH B. KIMBALL**

Notary Public

My Commission Expires May 3, 2002

  
Notary Public

My commission expires on

This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, by-laws or regulations.

**NOTICE OF APPEAL RIGHTS:**

**A) Appeal Rights and Time Limits**

This determination is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date this determination was issued.

**B) Contents of Hearing Request**

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely state the facts which are the ground for the request, and relief sought. Additionally, the request must state why the determination is not consistent with applicable laws and regulations.

In addition, pursuant to 310 CMR 9.17(3), any notice of claim for an adjudicatory hearing must include the following information: the WRP File No., name of the applicant and address of the project; the complete name, address, and telephone number of the party filing the request and, if represented by counsel, the name, address and telephone number of the attorney and, if claiming to be a person aggrieved, the specific facts that

demonstrate that the party satisfies the definition of "aggrieved person" found in section 9.02; a clear statement that a formal adjudicatory hearing is being requested; a clear and concise statement of the specific objections to the Department's determination, and the relief sought through the adjudicatory hearing; and a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

C) Filing Fee and Address

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
PO Box 4062  
Boston, Mass. 02211.

At the same time, pursuant to 310 CMR 9.17, a copy of this appeal shall be sent by certified mail or hand delivery to the applicant, and other parties to this proceeding, if any, and to the municipal official of the city or town where the project is located.

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

D) Exceptions

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

E) Waiver

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

**APPENDIX D**

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**COASTAL ZONE MANAGEMENT CONSISTENCY STATEMENT**

## **APPENDIX D COASTAL ZONE MANAGEMENT CONSISTENCY**

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A complete review of the Master Plan has been conducted in light of the provisions of the Massachusetts Coastal Zone Management Program (MCZM). A finding of consistency with the provisions of the MCZM program is necessary for approval under the Chapter 91 licensing program.

### **MCZM Consistency**

A complete review of the project has been conducted in light of the provisions of the Massachusetts Coastal Zone Management Program (MCZM). A finding of consistency with the provisions of the MCZM program is necessary for approval under the Chapter 91 licensing program

### **WATER QUALITY**

#### **•WATER QUALITY POLICY #1**

Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.

The BRA/EDIC has expended considerable amounts of monies upgrading the stormwater drainage system within the MIP. There are no combined sewers within the MIP. As new parcels are developed, projects are reviewed to ensure reasonable measures are in place to minimize any adverse contributions to water quality. It is anticipated that the storm drainage system will be formally conveyed to the Boston Water and Sewer Commission and will be operated in compliance with federal and state effluent limitations. There are no known direct discharges from any uses within the MIP.

#### **•WATER QUALITY POLICY #2**

Ensure that nonpoint pollution controls promote the attainment of state surface water quality standards in the coastal zone.

The MIP Master Plan will address stormwater treatment to protect the water quality of the adjacent Boston Harbor

#### **•WATER QUALITY POLICY #3**

Ensure that activities in or affecting the coastal zone conform to applicable state and federal requirements governing subsurface waste discharges.

All tenants in the MIP dispose of sanitary waste through the existing BWSC/MWRA collection and treatment system. There will be no sub-surface waste discharges. Where appropriate, particularly in the case of seafood processing, pre-screening or pre-treatment of processing



wastes will be required to reduce loadings on the MWRA system. Projects within the MIP will conform to all existing state and federal requirements related to air and water pollution. The MIP does not contain inland wetlands.

## **HABITAT**

### **•HABITAT POLICY #1**

Protect coastal resource areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eelgrass beds, and fresh water wetlands for their important role as natural habitats.

The MIP site is a fully developed site with no ecologically significant resources.

### **•HABITAT POLICY #2**

Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.

This policy is not applicable to the MIP site.

## **PROTECTED AREAS**

### **•PROTECTED AREAS POLICY #1**

Preserve, restore, and enhance complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern program.

This policy is not applicable to the MIP site.

### **•PROTECTED AREAS POLICY #2**

Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.

This policy is not applicable to the MIP.

### **•PROTECTED AREAS POLICY #3**

Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.

The MIP does not contain any designated or registered historic districts or sites. However, many of the existing buildings from prior military activities on the site have been adaptively reused.

## **COASTAL HAZARDS**

### **•COASTAL HAZARD POLICY #1**

Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.

There are no natural coastal landforms such as dunes, beaches, and barrier beaches, coastal banks, salt marshes or land under the ocean located on the Project site.

### **•COASTAL HAZARD POLICY #2**

Ensure construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.

The MIP is a highly developed urban site and significant additional interference with sediment transport and water circulation is unlikely. As construction on various parcels within 100 feet of the Harbor are proposed, such projects will be reviewed with the Boston Conservation Commission to ensure that construction is properly conditioned to preserve water quality and marine productivity.

### **•COASTAL HAZARD POLICY #3**

Ensure that state and federally funded public works projects proposed for location within the coastal zone will:

- not exacerbate existing hazards or damage natural buffers or other natural resources,
- be reasonably safe from flood and erosion related damage, and
- not promote growth and development in hazard-prone or buffer areas, especially in Velocity zones and ACECs, and
- not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.

The filled land of the MIP, with the exception of the MMT, is located outside the 100 year flood zone (FEMA Rate Map Zone C). The MMT is technically located within Zone A-2 (el. 10), but

based on actual survey data, the MMT is generally above the flood elevation. Nevertheless, any new construction will be designed in accordance with FEMA and state building code standards to provide protection from coastal storm flooding and wave damage.

•COASTAL HAZARD POLICY #4

Prioritize public funds for acquisition of hazardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.

This policy is not applicable to the MIP.

**PORT AND HARBOR INFRASTRUCTURE**

•PORTS POLICY #1

Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.

No dredging is proposed for the MIP beyond that authorized and carried out under the Boston Harbor Navigation Improvement Project.

•PORTS POLICY #2

Obtain the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environment policies.

The Boston Harbor Navigation Improvement project, which is being reviewed separately, will serve the MIP and continue to ensure that deep draft ships have access to Port facilities.

•PORTS POLICY #3

Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.

This policy relates directly to the purpose of the MIP Master Plan. As demonstrated in the Master Plan, maritime commerce and development is being encouraged and promoted within the MIP, a Designated Port Area. Sufficient provisions are being made to reserve lands for maritime industrial use consistent with the provisions of the Port of Boston Economic

Development Plan, ensuring that maritime industrial uses will not be excluded, but will in fact be accommodated and promoted.

•PORTS MANAGEMENT PRINCIPLE #1

Encourage, through technical and financial assistance, expansion of water-dependent uses in designated ports and developed harbors, re-development of urban waterfronts, and expansion of visual access.

The MIP Master Plan promotes the use of the Designated Port Area for expanding maritime industrial uses.

**PUBLIC ACCESS**

•PUBLIC ACCESS POLICY #1

Ensure that developments proposed near existing public recreation sites minimize their adverse effects.

There are no public recreation sites as traditionally defined within or near the MIP. However, there are pockets within the MIP which support pedestrian vistas and the MIP will form an integral link in the City of Boston Harborwalk.

•PUBLIC ACCESS MANAGEMENT PRINCIPLE #1

Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters. \*

•PUBLIC ACCESS MANAGEMENT PRINCIPLE #2

Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses. \*

•PUBLIC ACCESS MANAGEMENT PRINCIPLE #3

Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline. \*

**•PUBLIC ACCESS MANAGEMENT PRINCIPLE #4**

Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.\*

\*These policies are not directly applicable to the MIP, although through certain maritime uses, such as the Thompson Island Ferry, A.C. Cruise Lines and the Black Falcon Cruise Terminals, public recreation on the water is encouraged and promoted.

**ENERGY****•ENERGY POLICY #1**

For coastally-dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.

This policy is not applicable to the MIP.

**•ENERGY MANAGEMENT PRINCIPLE #1**

Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

This policy is not applicable to the MIP.

**OCEAN RESOURCES****•OCEAN RESOURCES POLICY #1**

Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.

This policy is not generally applicable to the MIP; however, to the extent that the MIP supports seafood processing and distribution, it also can function as a marketing vehicle for aquaculture products.

**•OCEAN RESOURCES POLICY #2**

Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the MA Ocean Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreation can be assured.

This policy is not applicable to the MIP.

**•OCEAN RESOURCES POLICY #3**

Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shorelines areas due to alteration of wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.

This policy is not applicable to the MIP.

**GROWTH MANAGEMENT****•GROWTH MANAGEMENT PRINCIPLE #1**

Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.

The existing MIP is viewed as being part of the local community character of South Boston and major changes to the general character of the area are not being proposed.

**•GROWTH MANAGEMENT PRINCIPLE #2**

Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.

Major investments in public infrastructure are currently being made to serve the MIP vicinity. The MIP Master Plan proposes to attract additional investment and development to this area, which is well served by urban infrastructure.

**•GROWTH MANAGEMENT PRINCIPLE #3**

Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

This project will enhance commercial and industrial development by focusing on new projects in an existing development center

**APPENDIX E**

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**BANKBOSTON PAVILION SITING STUDY**



# BankBoston PAVILION

## Siting Study

### 1.0 Introduction

In the fall of 1998, Harborlights Pavilion, now known as BankBoston Pavilion, requested permission from local and state agencies to relocate its facility from the Fan Pier to Wharf 8 at the Marine Industrial Park. Substantial public comments were received on the proposal. State agencies agreed to the relocation for a temporary time period and required that a siting study be conducted to identify a list of sites within Boston Harbor where a permanent facility could be located.<sup>1</sup> The decision also required that the siting study be included in the BRA's upcoming Final Master Plan for the Marine Industrial Park.

In fulfillment of these conditions, the Boston Redevelopment Authority (BRA) conducted a siting study in the fall of 1999. The study first identified a "universe of sites" using specific locational criteria and then performed a qualitative evaluation of the sites to determine if they met additional criteria. The sites that met the second set of criteria were then relayed to BankBoston Pavilion Corporation for review and consideration.

### 2. Site Screening Analysis

#### Phase 1 Identification of Universe of Sites

The Secretary's Certificate established waterfront sites in Boston Harbor, including the Boston Harbor Islands, as the geographic area for the siting study. It also required that the "Yards End" site in Charlestown be included in the analysis. A preliminary list of sites was developed for consideration. The Harbor Islands were eliminated at the outset of the study, as they are, in a practical sense, inaccessible for the intended use. The preliminary list of sites is shown in Table 1.

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<sup>1</sup> See ENF Certificate issued by the Secretary of the Executive Office of Environmental Affairs (EOEA) on January 15, 1999 and the Determination of Applicability issued by the Department of Environmental Protection dated February 11, 1999.

**Table 1**  
**Preliminary List of Sites**

**East Boston**

Jeffries Street between Everett and Maverick Streets  
Pier 5  
Pier 3  
Pier 1  
Clipper Ship Wharf  
Boston East site on Border Street  
CA/T staging site\*  
Massport parking\*

**Charlestown**

Parcel 5 (Yards End) at Navy Yard  
Parcel 4 (Yards End) at Navy Yard

**Downtown Waterfront**

Sargents Wharf

**Fort Point Channel**

Boston Wharf property

**South Boston**

Fan Pier  
Caribou Fisheries  
Anthony's Pier 4  
Fisheries Co-op Site (Massports Parcel K)  
B Street/East Service Road  
East 1st and H  
East 1st and K

**Dorchester**

Bayside Expo parking lot  
Calf Pasture

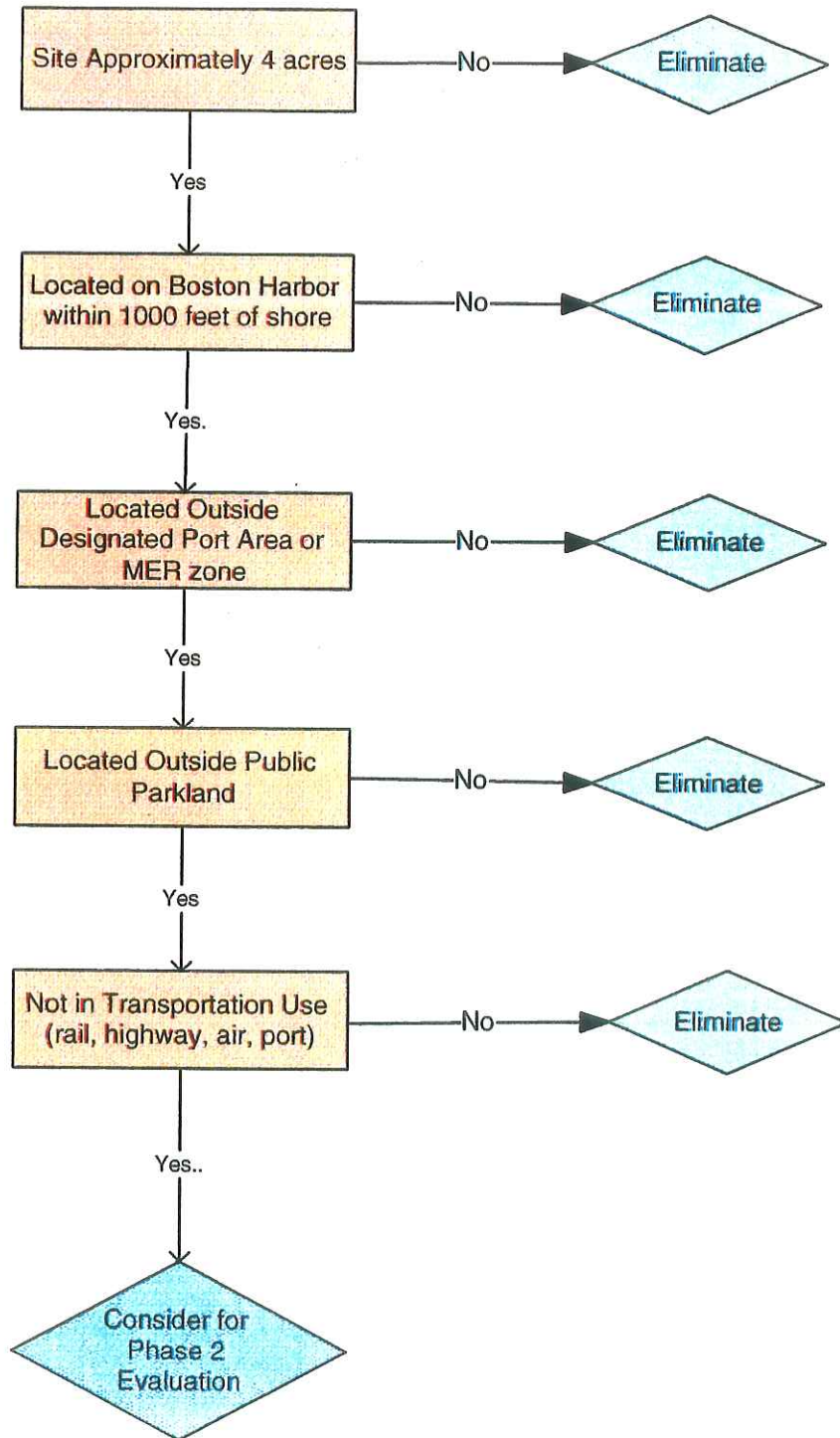
\*A windshield survey resulted in the addition of these two potential sites, located on either side of the Hyatt Hotel at Logan Airport, for a total of 21 sites.

The BRA next developed Initial Site Screening Criteria that were used in a "fatal flaw" analysis (see Figure 1). This process eliminated from further consideration those sites that were less than 4 acres in size<sup>1</sup>, located more than 1,000 feet from the waters edge, in a DPA or MER zone, or dedicated parklands or in use for transportation. The 4-acre minimum was established to reflect the size of the current BankBoston Pavilion site and does not include public parking. This phase of the selection process identified a universe of 12 sites, shown in Table 2 and Figure 2.

<sup>1</sup> There may be some flexibility in specific parcel size and configuration for a permanent site, but four acres is a reasonable approximation of the requirements based on the existing and former sites.

**FIGURE 1**

**BANK BOSTON PAVILION  
PHASE 1 SITE SCREENING CRITERIA**



**Table 2**  
**Sites Meeting Phase 1 Site Screening Criteria**

**East Boston**

- 1) CA/T staging area southeast of Hyatt Hotel at Logan
- 2) Massport parking area north of Hyatt Hotel at Logan
- 3) Pier 3
- 4) Pier 1
- 5) Clippership Wharf

**Charlestown**

- 6) Parcel 5 (Yards End) at Navy Yard

**Fort Point Channel**

- 7) Boston Wharf property

**South Boston**

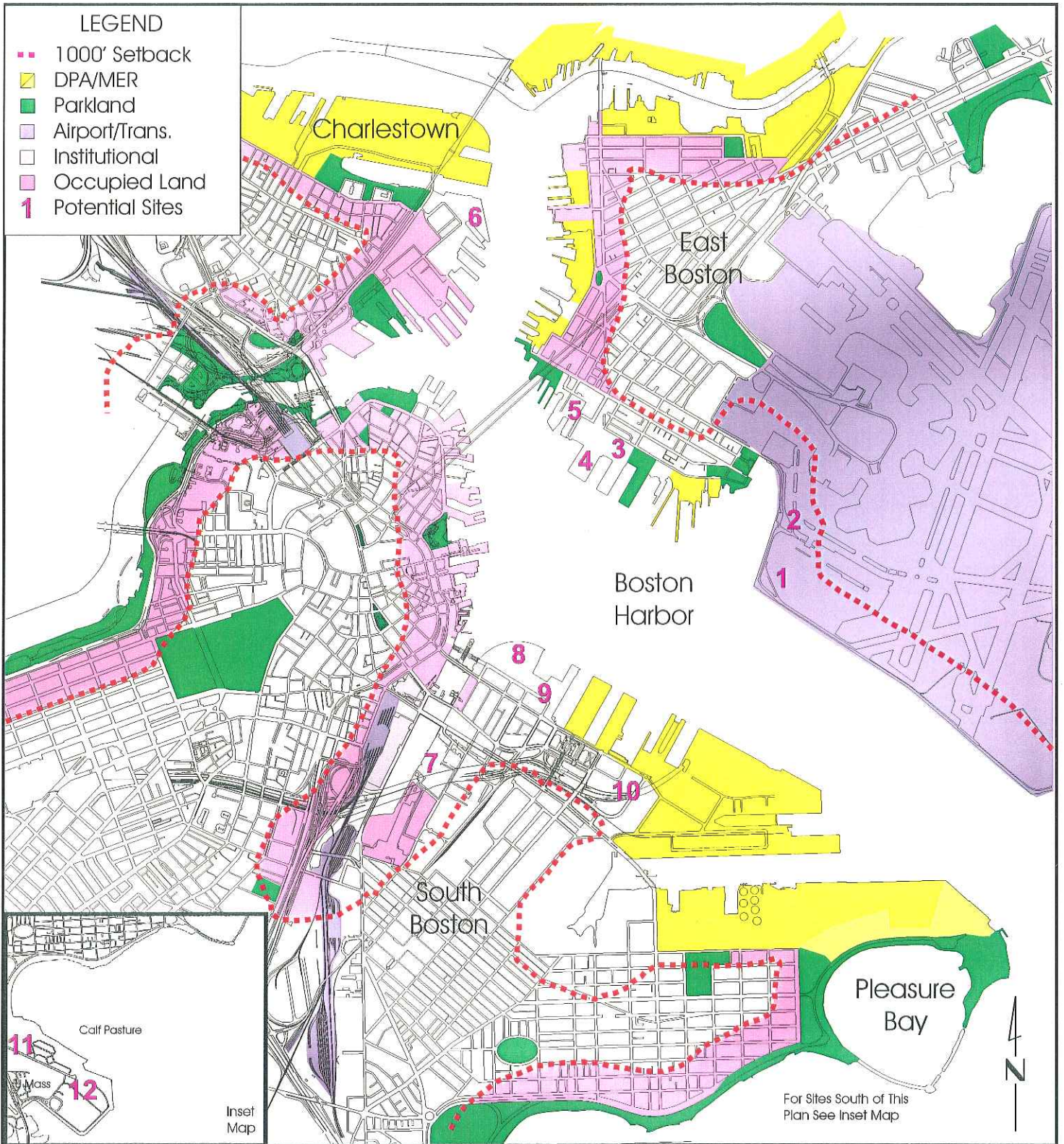
- 8) Fan Pier
- 9) Pier 4
- 10) Massport's Parcel K

**Dorchester**

- 11) Bayside Expo parking lot
- 12) Calf Pasture

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**Initial Site Screening  
Bank Boston Pavilion**

BankBoston Pavilion Siting Study  
Boston Redevelopment Authority

Phase 2 Site Evaluation

The BRA developed additional criteria to evaluate the universe of sites identified in the Phase 1 Initial Site Screening Process. These additional criteria were more qualitative and designed to measure each site's relative strengths and weaknesses. The sites were evaluated to determine availability, accessibility, parking, suitability of the proposed use to the surrounding area, and views. These criteria are outlined below and in the matrix on Figure 3. A summary sheet for each site was created, including a parcel map and photographs.

The Phase 2 Site Evaluation Criteria were defined as follows:

**A. Site Is Available**

- |                 |   |
|-----------------|---|
| Qualifies       | Site is vacant and readily available for acquisition or contains structures that can be easily removed.   |
| Doesn't Qualify | Site is not available for acquisition (stable land use or competing proposal in design phase) or contains structures that cannot be easily removed. |

**B. Site Is Accessible**

- |                     |  |
|---------------------|--|
| Qualifies           | The site is easily accessible by all modes of transportation (highway, mass transit, shuttle bus, water transportation). |
| Partially Qualifies | The site is accessible by highway, mass transit or shuttle bus.  |
| Doesn't Qualify     | The site is not easily accessible.   |

**C. Site Has Adequate Parking**

- |                     |  |
|---------------------|--|
| Qualifies           | The site has parking within walking distance (1,500 feet or a 5- to 10-minute walk) for 1,000 cars.                          |
| Partially Qualifies | The site has parking within walking distance for 750 cars and an MBTA transit stop is located within 1,500 feet of the site. |
| Doesn't Qualify     | The site does not have parking within walking distance or is inaccessible by car.  |

**D. Suitability of Proposed Use to Surrounding Areas**

- |                 |   |
|-----------------|---|
| Qualifies       | The use does not negatively impact existing land uses or create impacts that cannot be adequately mitigated, does not displace desirable uses, and is not located adjacent to a residential neighborhood. |
| Doesn't Qualify | The use is incompatible with existing land uses.  |

**E. View Of Downtown Skyline**

- |                     |   |
|---------------------|---|
| Qualifies           | The site has a direct view of the downtown skyline, the Harbor or other dramatic feature. |
| Partially Qualifies | The site has some view of the downtown skyline, the Harbor or other dramatic feature      |
| Doesn't Qualify     | The site has no view of the downtown skyline, the Harbor or other dramatic feature.       |

FIGURE 3  
PHASE 2 SITE EVALUATION

ID #	NAME	ASSESSORS PARCEL #	OWNER	ZONING	SIZE	AVAILABLE	ACCESS	PARKING	SUITABILITY WITH ADJACENT USES	VIEWS
1	CAT Staging Site (E. Boston) at Logan	01-4126-001	Massport	Logan International Airport Subdistrict	4 acres	○	○	○	○	○
2	Massport Parking Lot (E. Boston) at Logan	01-4126-001	Massport	Logan International Airport Subdistrict	4 acres	○	○	○	○	○
3	Pier 3	01-0446-000	Massport	Waterfront Service Subdistrict; Open Space - Waterfront Access Subdistrict	5.4 acres	○	●	●	●	○
4	Pier 1	01-0446-000	Massport	Waterfront Service Subdistrict; Open Space - Waterfront Access Subdistrict	12.5 acres	○	●	●	●	○
5	Clippership Wharf	01-0540-000	Harbor Landing LP	Waterfront Residential Subdistrict; Planned Development Area #30	4 acres	○	●	●	●	○
6	Parcel 5 Yards End	02-3617-600	BRA	Harborpark District; Charlestown Navy Yard	4.5 acres	○	●	○	○	●
7	Boston Wharf Site	06-1167-002	Boston Wharf Co.	South Boston Waterfront IPD; IMZ/MA; Restricted Manufacturing,	8.9 acres	○	○	●	●	○
8	Fan Pier	06-2671-030	Fan Pier Land Co.	South Boston Waterfront IPD; Waterfront Transition Zone/General Area; Planned Development Area #23	14.4 acres	●	○	○	○	○
9	Pier 4	06-2671-060	Pier 4 Inc.	South Boston Waterfront IPD; Waterfront Transition Zone/General Area; Planned Development Area #24	5.5 acres	●	○	○	○	○
10	Massports Parcel K	05-2682-010	Parcel M Massport	South Boston Waterfront IPD; 2, General Industrial	4.1 acres	○	○	○	○	○
11	Bayside Expo Parking Lot	13-3448-001	Commonwealth of Mass.	Columbia Point Special Study Area	32.5 acres	○	●	○	○	○
12	Calf Pasture	12-3413-000	BWSC or UMass	Columbia Point Special Study Area	10.3 acres	○	●	○	○	○

KEY:  
 ○ Qualifies  
 ● Partially Qualifies  
 ● Doesn't Qualify



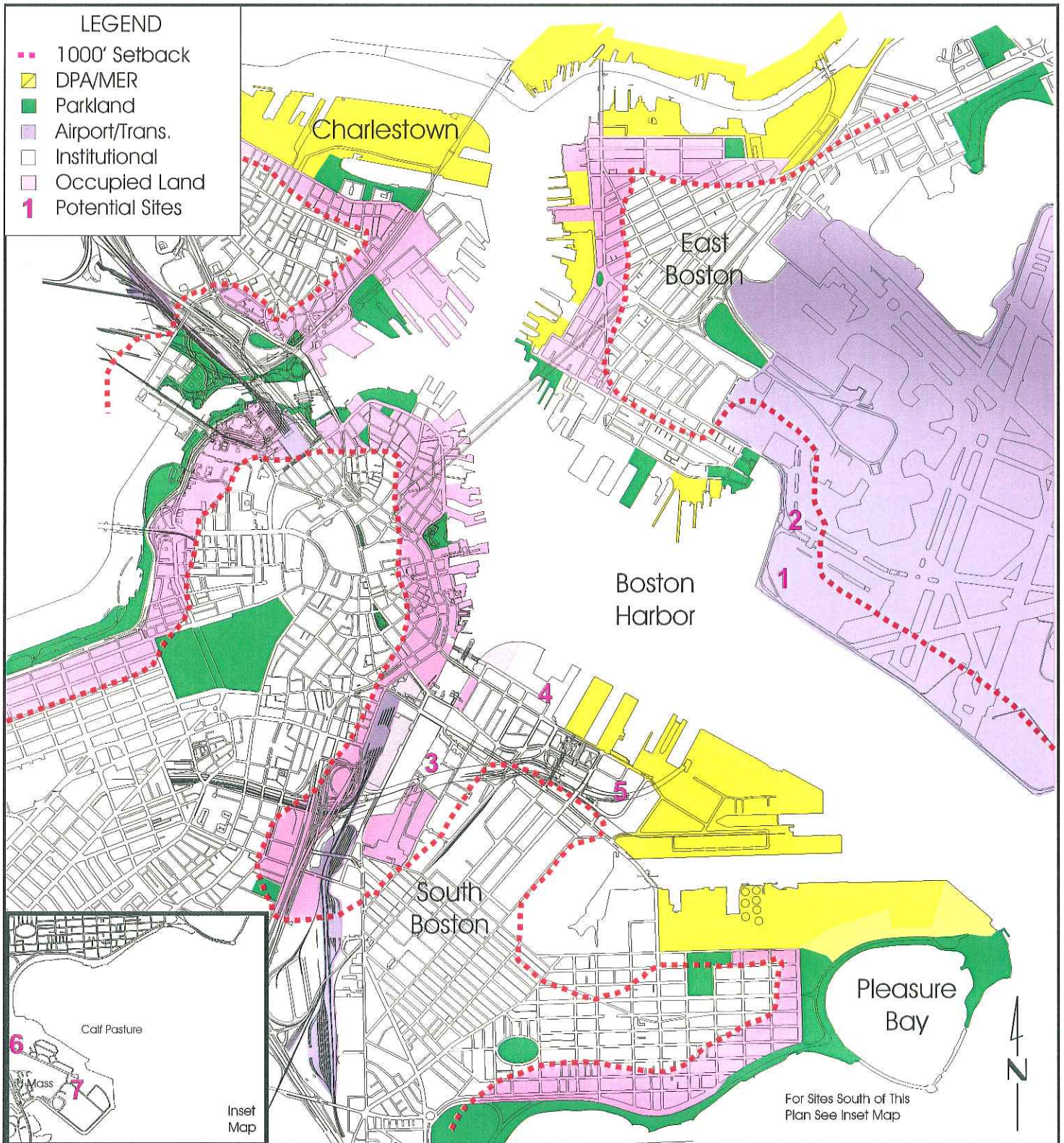
### 3.0 List of Sites for Study by BankBoston Pavilion Corporation

The Phase 1 Site Screening and Phase 2 Site Evaluation processes resulted in a final list of 6 sites for further consideration by the BankBoston Pavilion Corporation. These sites are listed in Table 3 and shown on Figure 4.

<b>Table 3</b>	
<b>Sites for Further Review by BankBoston Pavilion Corporation</b>	
<b>East Boston</b>	
1)	CA/T staging area southeast of Hyatt Hotel at Logan
2)	Massport parking area north of Hyatt Hotel at Logan
<b>South Boston</b>	
3)	Pier 4
4)	Massport's Parcel K
<b>Dorchester</b>	
5)	Bayside Expo parking lot
6)	Calf Pasture

This list of sites was presented to BankBoston officials in November of 1999 for their review.

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**Sites for Further Review  
Bank Boston Pavilion**

**PHASE 2 SITE EVALUATIONS AND PHOTOGRAPHS**

**SITE 1 CA/T STAGING SITE AT LOGAN AIRPORT**

**Owner:** Commonwealth of Massachusetts (Massport)  
**Zoning:** Logan International Airport Subdistrict  
**Size:** 4 acres

**Site Description**

This site is located southeast of the Hyatt Hotel on Harborside Drive and is currently used for CA/T construction staging. While adjacent to the airport, the site is somewhat buffered from airport noise by existing buildings.

**Availability**

Discussions with Massport will be necessary to determine if the site is available.

**Accessibility**

The site has excellent access from south and west via the Ted Williams Tunnel and Route 1 from the north. The site is also serviced by water transit at the nearby Logan Water Transportation Terminal and by bus service. Bus 120 goes from the Maverick Square MBTA Station via Summer Street to Jefferies and back down Maverick Street. The stop at the corner of Maverick and Jefferies is 3/5ths of a mile from the site.

**Parking**

The Harborside Hyatt Hotel parking lot is located several hundred yards from the site and contains approximately 175 spaces, which are currently underutilized. There is a general use, 550-car garage belonging to Massport 1/4 mile down Harborside Drive. In addition, Harborside Drive, Merrimack Street, and Jeffries Street hold a number of surface parking lots that serve car rental agencies, fly-and-ride establishments, business and other uses. These are between 1/2 and 4/5ths of a mile away from the site. The Massport central parking garage is about 4/5ths of a mile away.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include a hotel, parking garage, water transit shuttle and airport uses. The Pavilion would be a compatible neighbor.

**Views**

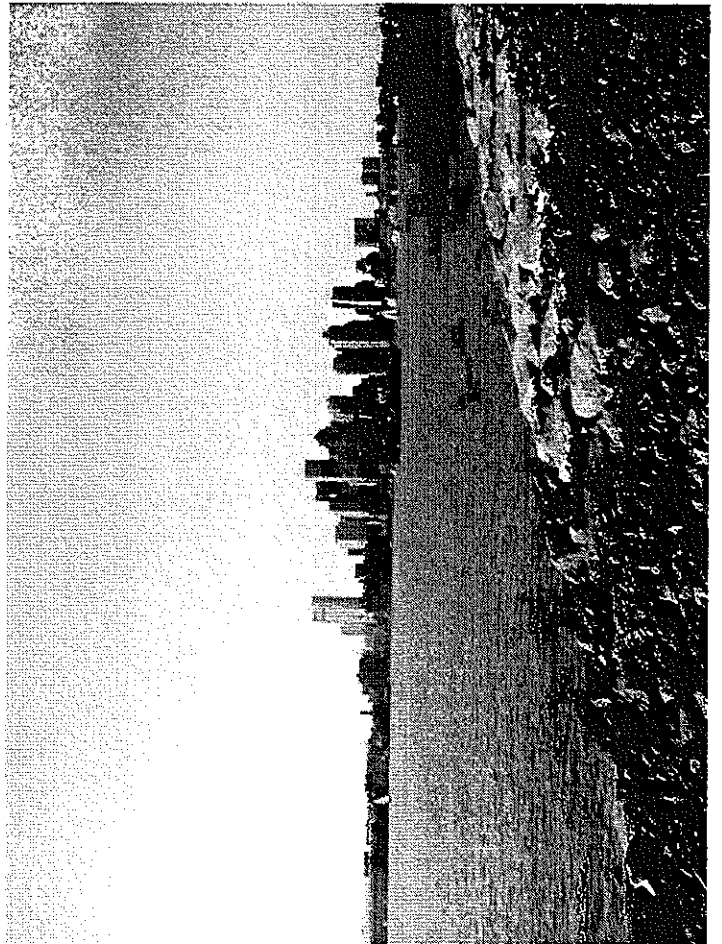
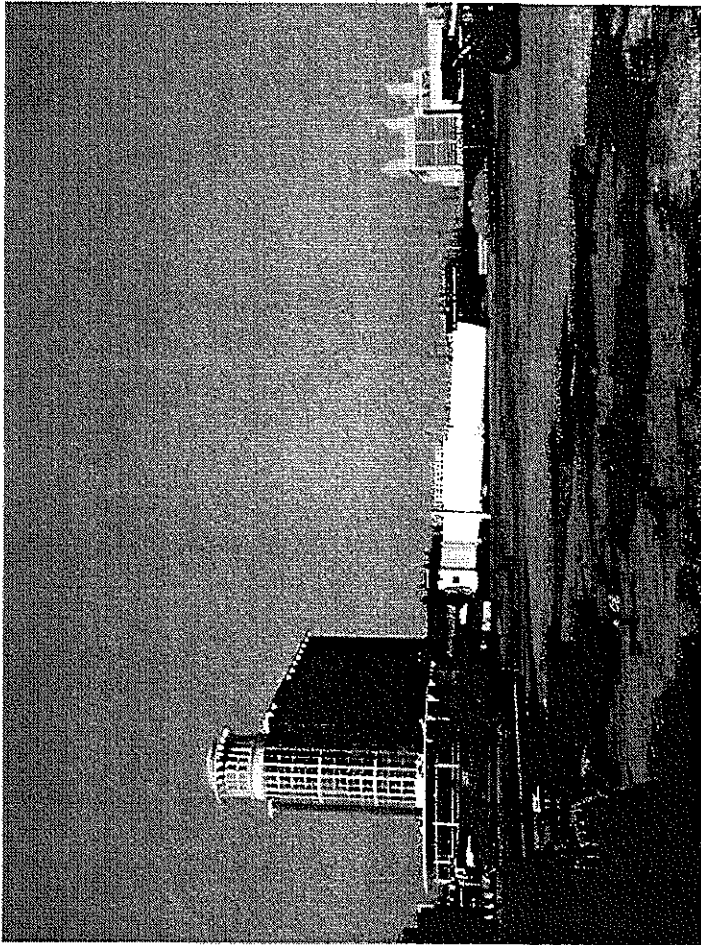
The site has wonderful views across Boston Harbor of the of the Boston skyline.

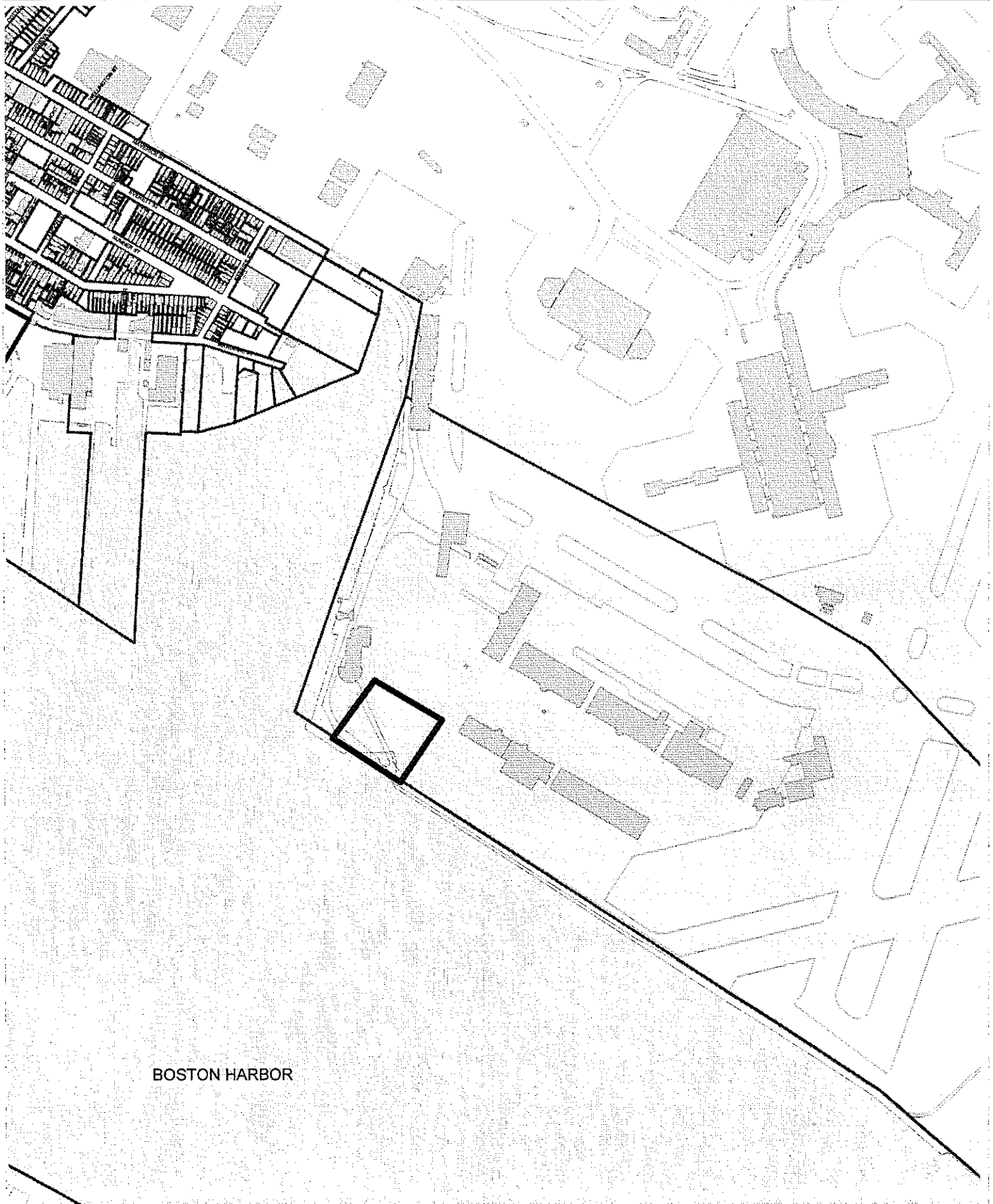
**Conclusion**

For further study by BankBoston Pavilion Corporation.



**SITE 1:  
STAGING SITE  
AT LOGAN AIRPORT**





BOSTON HARBOR



## **SITE 2    PARKING LOT AT LOGAN AIRPORT**

**Owner:**            **Commonwealth of Massachusetts (Massport)**  
**Zoning:**          **Logan International Airport Subdistrict**  
**Size:**             **4 acres**

### **Site Description:**

This site is located north of the Hyatt Hotel on Harborside Drive. While adjacent to the airport, the site is somewhat buffered from airport noise by existing buildings.

### **Availability**

Discussions with Massport will be necessary to determine if the site is available.

### **Accessibility**

The site has excellent access from south and west via the Ted Williams Tunnel and Route 1 from the north. The site is also serviced by water transit at the nearby Logan Water Transportation Terminal and by bus service. Bus 120 goes from the Maverick Square MBTA Station via Summer Street to Jefferies and back down Maverick Street. The stop at the corner of Maverick and Jefferies is 1/3 mile from the site.

### **Parking**

Massport owns a 550-car, general use garage adjacent to the site. The Harborside Hyatt Hotel parking lot is located approximately 150 yards from the site, with 175 underutilized spaces. In addition, Harborside Drive, Merrimack Street, and Jeffries Street hold a number of surface parking lots that serve car rental agencies, fly-and-ride establishments, businesses and other uses. These are between 1/4 and 3/10th of a mile away from the site. The Massport central parking garage is about 1/2 a mile away.

### **Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include a hotel, parking garage, water transit shuttle and airport uses. The Pavilion would be a compatible neighbor.

### **Views**

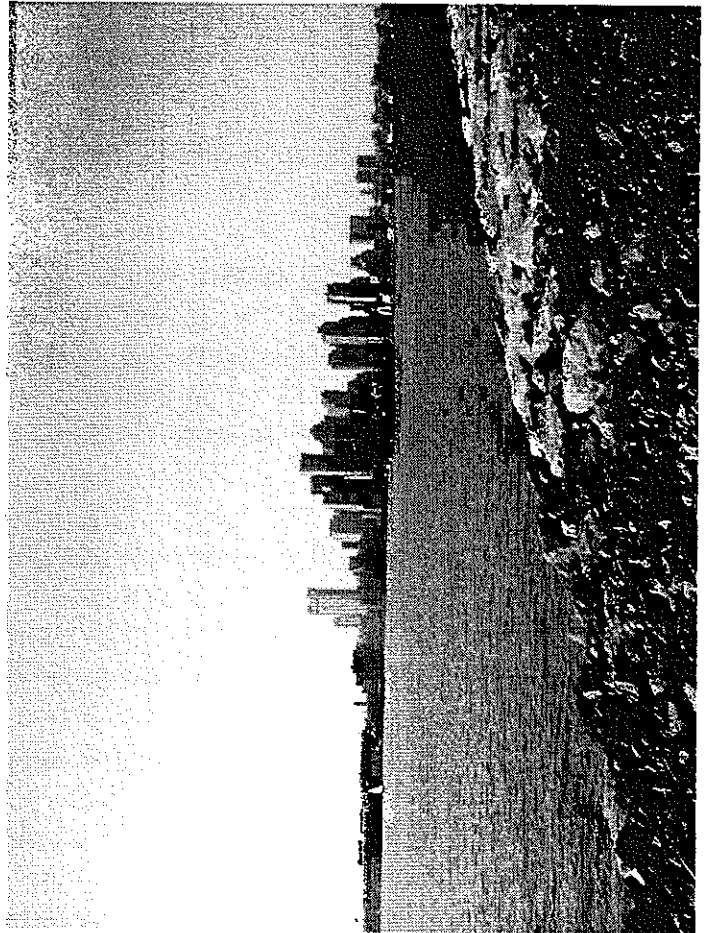
The site has wonderful views across Boston Harbor of the of the Boston skyline.

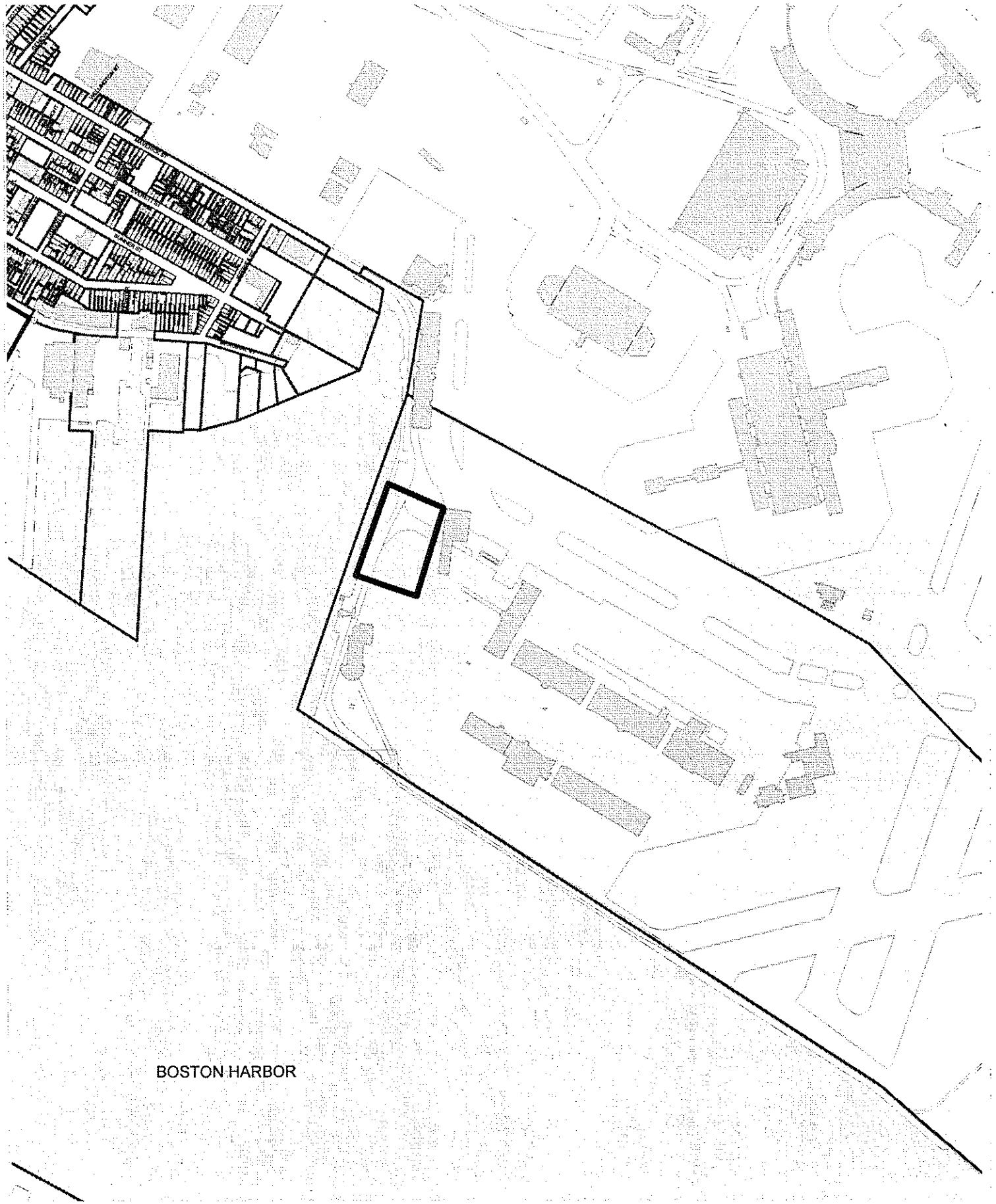
### **Conclusion**

For further study by BankBoston Pavilion Corporation.

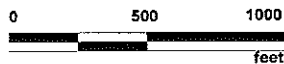


**SITE 2:  
PARKING LOT  
AT LOGAN AIRPORT**





BOSTON HARBOR



**SITE 3    PIER 3 in EAST BOSTON**

**Owner:**            **Commonwealth of Massachusetts (Massport)**  
**Zoning:**          **Waterfront Service Subdistrict; Open Space – Waterfront Access Subdistrict**  
**Size:**             **Over 5.45 Acres**

**Description:**

This site is located on the East Boston Waterfront off Marginal Street. The site is somewhat buffered from airport noise by existing buildings and by the fact that the most frequently used runways are oriented perpendicular to the site.

**Availability**

Massport has committed to develop this site as Phase 2 of Piers Park as part of its Master Plan for the area. The City of Boston has recently completed a Master Plan for East Boston to be issued in the near future. The Master Plan supports Massport's proposal to develop Pier 3 as open space.

**Accessibility**

The site has fairly poor access from south and west via the Ted Williams Tunnel and Route 1 from the north. Water transit service is available at the Logan Water Transportation Terminal (5,000 feet east) and the MBTA Maverick Station is located 2,000 feet to the north. Bus 120 goes from Maverick Station via Summer Street to Jefferies and back down Maverick Street. The stop at the corner of Cottage and Summer is 900 feet from the site.

**Parking**

There are no public parking garages in the area. There are other undeveloped parcels that could be used for parking.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include a public park on Pier 4 to the east, industrial uses on Pier 1 to the west and residential areas to the north across the street.

The proposed Pavilion may be considered an inappropriate use given the proximity of the site to the existing park and residential areas.

**Views**

The site has wonderful views across Boston Harbor of the Boston skyline.

**Conclusion**

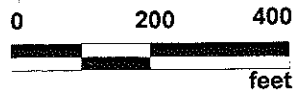
Not for further study by BankBoston Pavilion Corporation.

**SITE 3:  
PIER THREE**





BOSTON HARBOR



**SITE 4 PIER 1 IN EAST BOSTON**

**Owner:** Commonwealth of Massachusetts (Massport)  
**Zoning:** Waterfront Service Subdistrict; Open Space – Waterfront Access  
Subdistrict  
**Size:** 12.5 Acres

**Description:**

This site is located on the East Boston Waterfront off Marginal Street. Similar to Pier 3, the site is somewhat buffered from airport noise by existing buildings and the fact that the most frequently used runways are oriented perpendicular to the site.

**Availability**

The site does contain a building that could be readily removed. Massport has recently issued an RFQ for the development of this site for residential uses.

**Accessibility**

The site has fairly poor access from south and west via the Ted Williams Tunnel and Route 1 from the north. Water transit service is available at the Logan Water Transportation Terminal (5,500 feet east) and the MBTA Maverick Station is located 1,200 feet to the north. Bus 120 goes from Maverick Station via Summer Street to Jefferies and back down Maverick Street. The stop at the corner of Orleans and Summer is 900 feet from the site.

**Parking**

There are no public parking garages in the area. There are other undeveloped parcels that could be used for parking.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include a public park on Pier 4, a shipyard to the east and residential areas to the north across the street. The proposed Pavilion may be considered an inappropriate use given the proximity of the residential areas.

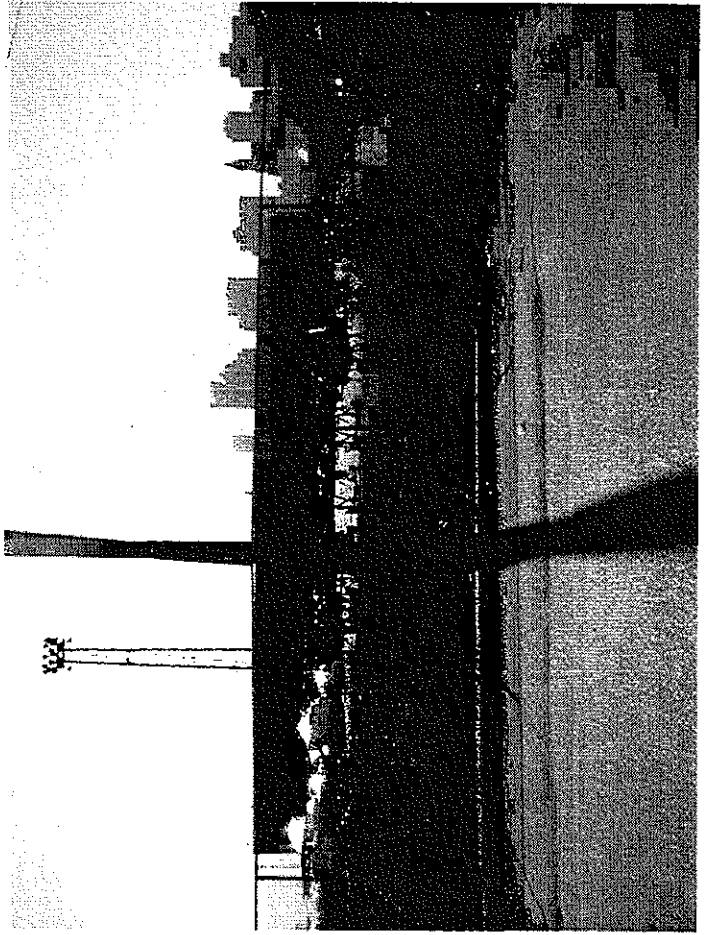
**Views**

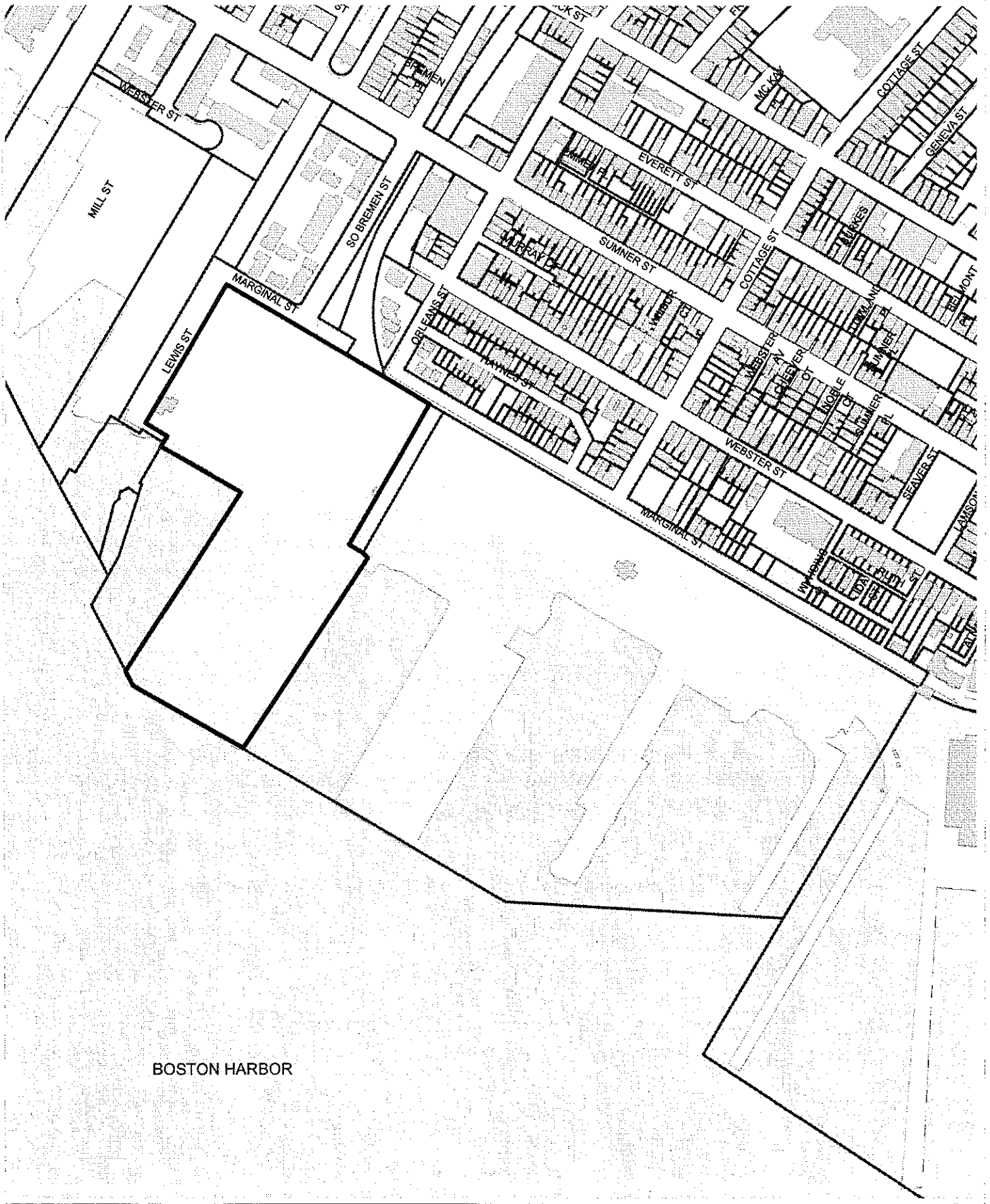
The site has wonderful views across Boston Harbor of the of the Boston skyline.

**Conclusion**

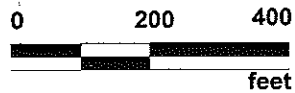
Not for further study by BankBoston Pavilion Corporation.

**SITE 4:  
PIER ONE**





BOSTON HARBOR





**SITE 5 CLIPPERSHIP WHARF**

**Owner:** Harbor Landing LP  
**Zoning:** Waterfront Residential Subdistrict; Planned Development Area #30  
**Size:** 4 acres

**Description:**

This site is located on the East Boston waterfront east of the Massport Piers (sites 3 and 4). Similar to the Massport Piers, the site is somewhat buffered from airport noise.

**Availability**

The site is available for development. Previous development proposals have been prepared for this site focusing on residential land uses.

**Accessibility**

The site has fairly poor access from south and west via the Ted Williams Tunnel and Route 1 from the north. The site is not serviced by water transit (the nearest stop is 7,000 feet west at the Logan Water Transportation Terminal), although the Lewis Mall site has been identified as a terminal location for future service. The MBTA Maverick Station is 1/4 of a mile from the site.

**Parking**

There are no public parking garages in the area. There are other undeveloped parcels that could be used for parking.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include residential areas across Marginal Street. The proposed Pavilion may be considered an inappropriate use given the proximity of the residential areas.

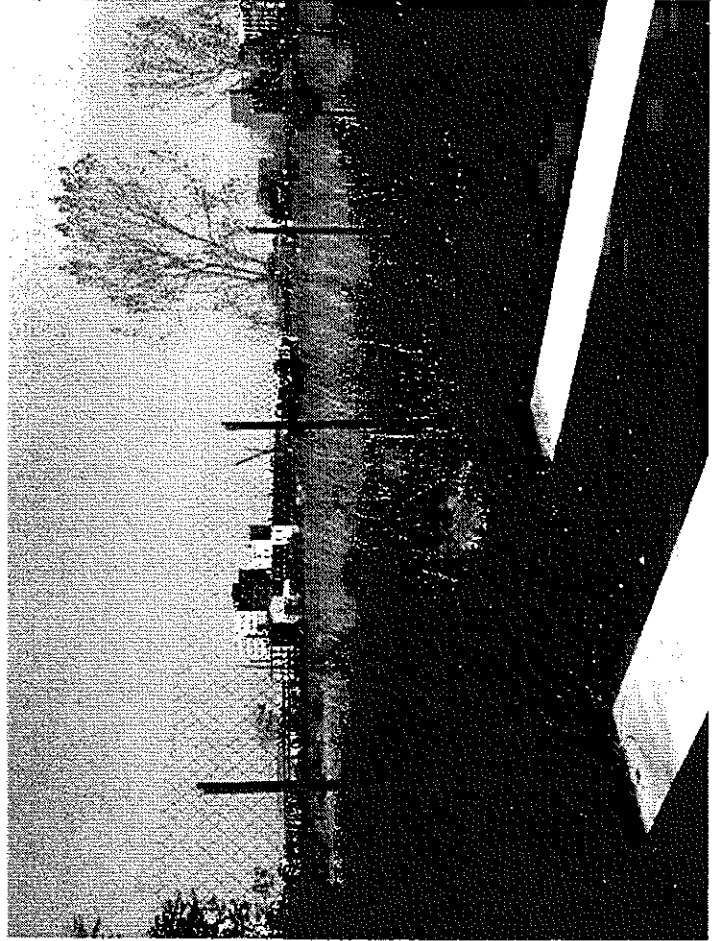
**Views**

The site has wonderful views across Boston Harbor of the of the Boston skyline.

**Conclusion**

Not for further study by BankBoston Pavilion Corporation.

**SITE 5:  
CLIPPER SHIP WHARF**





BOSTON HARBOR



**SITE 6    PARCEL 5 AT CHARLESTOWN NAVY YARD**

**Owner:**            BRA  
**Zoning:**          Harborpark District: Charlestown Navy Yard  
**Size:**             4.5 Acres

**Description:**

This site is located at the northern end of the Charlestown Navy Yard.

**Availability**

The site is owned by the BRA and was previously designated as the development site for the proposed New England Aquarium relocation. The site is available for development.

**Accessibility**

The site has good access from north and south via I-93 and from the north via Route 1. The site is located approximately 3,000 feet northeast of the Charlestown Navy Yard water transit terminal and is serviced by MBTA buses. Bus 93 goes between Sullivan Square (with connections to the Orange Line, inter-city bus depot, MBTA bus depot) and Haymarket Square (Orange and Green Lines, inter-city bus depot, MBTA bus depot). Its 13th Street stop is 200 yards from the site.

**Parking**

There is a parking garage (Building 119) located approximately 1,500 feet to the east; however, use of this facility may be limited due to long-term tenant leases.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include vacant parcels, residential development, and office and biomedical use. The waterfront piers in the Navy Yard are being developed as residential uses. Biomedical facilities are planned on parcels adjacent to Parcel 5. The proposed Pavilion may be considered an inappropriate use given the proximity of the residential areas.

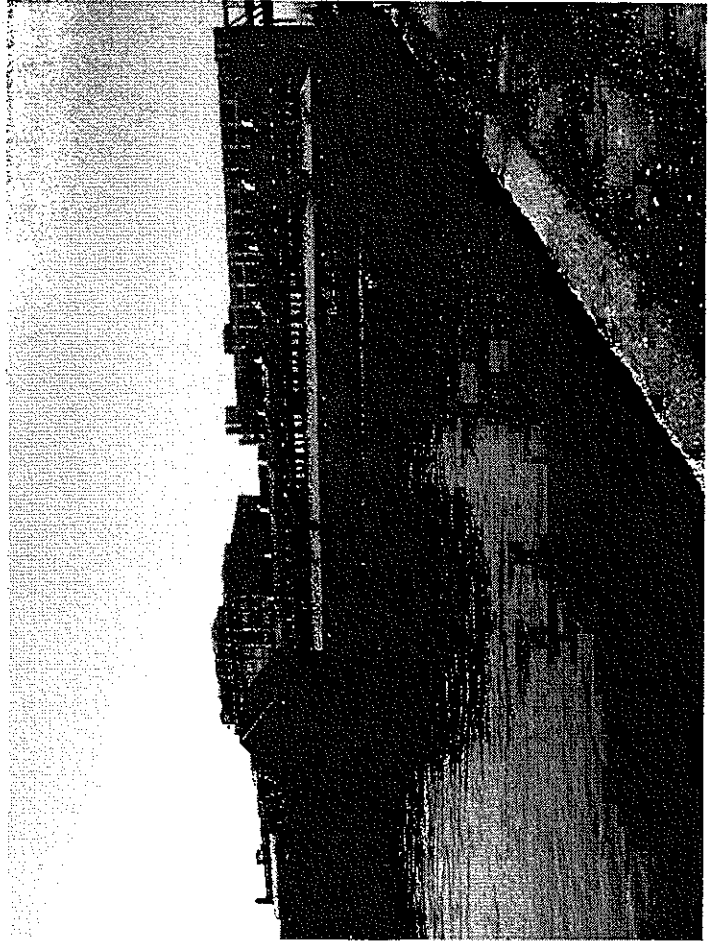
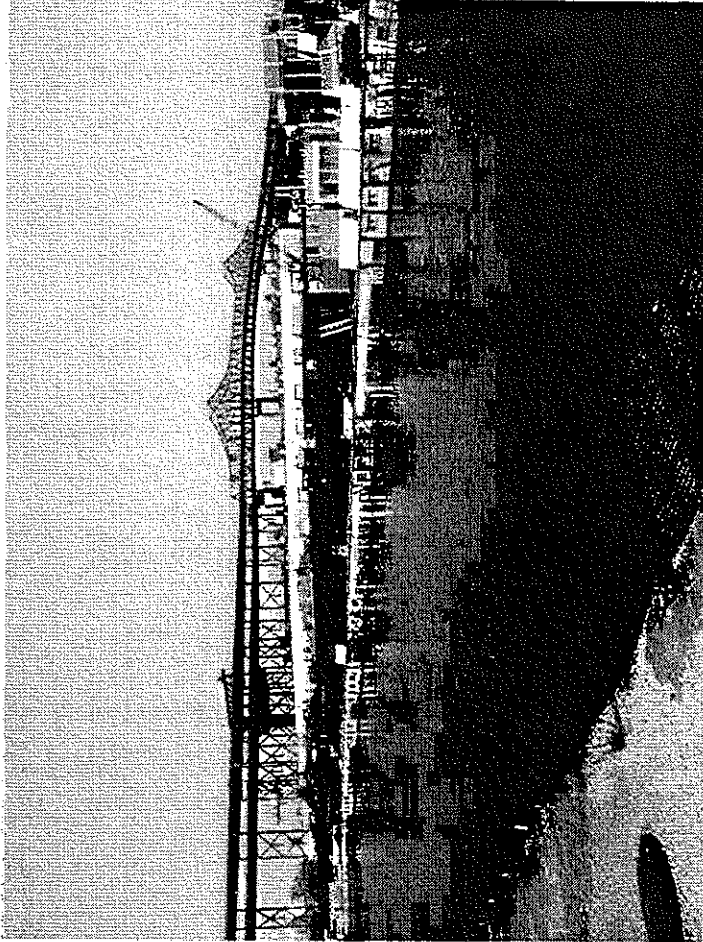
**Views**

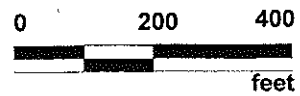
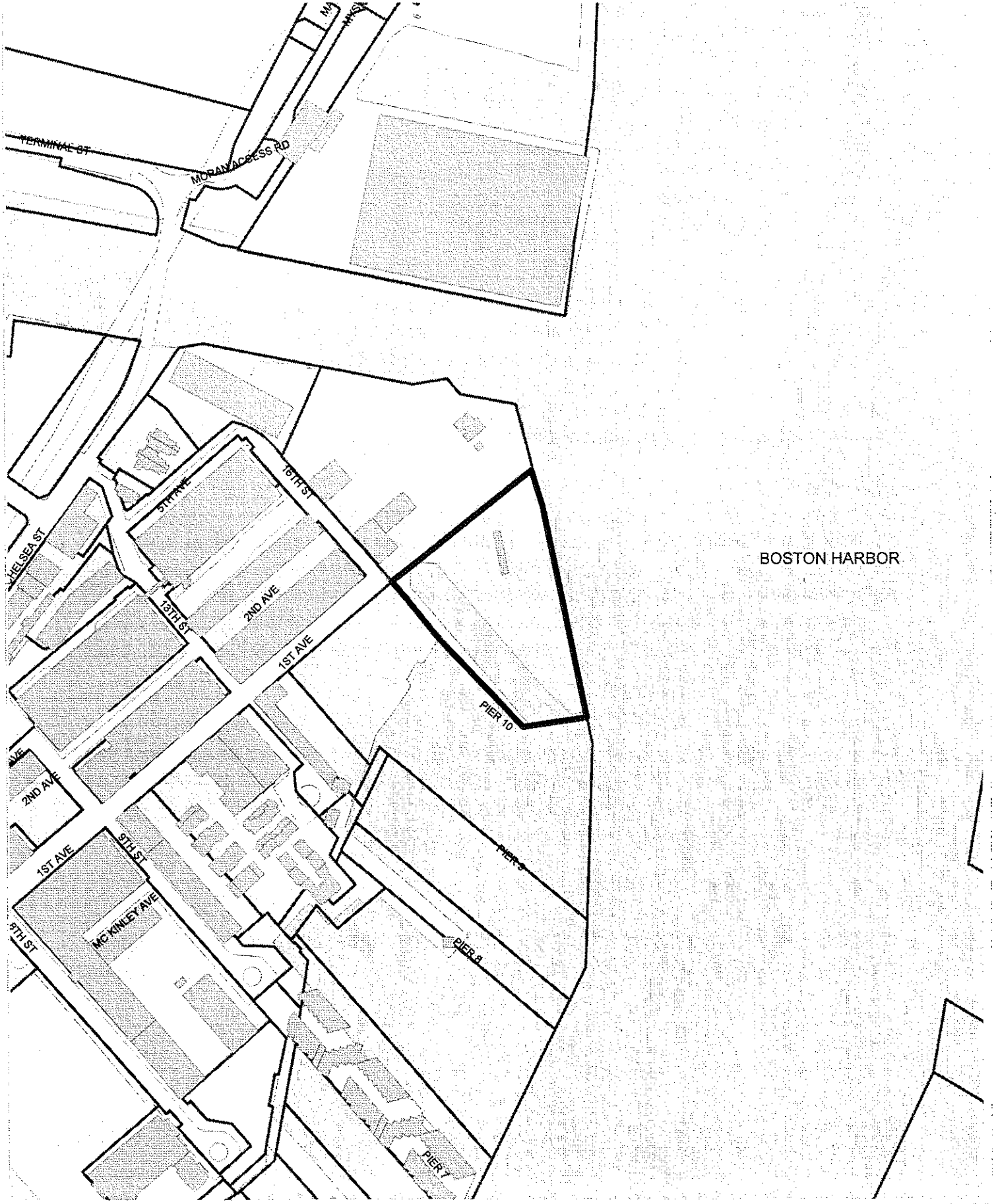
The site has good views of Boston Harbor to the east.

**Conclusion**

Not for further study by BankBoston Pavilion Corporation.

**SITE 6:  
PARCEL 5  
NAVY YARD**





**SITE 7 BOSTON WHARF AT FORT POINT CHANNEL**

**Owner:** Boston Wharf Company GPS  
**Zoning:** South Boston Waterfront IPOD; Underlying M2/M4; Restricted  
Manufacturing  
**Size:** 8.9 Acres

**Description:**

This site is located on the north side of the Fort Point Channel across from the United States Postal Service property. The site formerly held the Channel nightclub building and is currently used for parking. The site is not adversely affected by airport noise

**Availability**

The site is currently used for parking and could readily be developed.

**Accessibility**

The site has excellent access from south and west via I-93 and Route 1 and Massachusetts Avenue. South Station is located across the channel. The water transit dock at the federal courthouse is approximately 2,500 feet from the site. The future water transit dock at the BECo site is approximately 2,000 feet west of the site on the north side of the Fort Point Channel. The site is serviced by MBTA bus service. Bus 7 between South Station and City Point in the residential area of South Boston stops at Melcher and Summer, within 300 yards of the site.

**Parking**

There is a parking garage located across Necco Street from the site, and there are also several surface lots along Summer and Congress Streets that are within 1/2 mile. In addition, the Gillette parking lots are 200 yards to the south. A rental arrangement might be possible with them. There may also be room to provide on site parking.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include the Gillette Company, a parking garage, and residential areas on A and Summer Streets. The proposed Pavilion may be considered an inappropriate use given the proximity of the residential areas.

**Views**

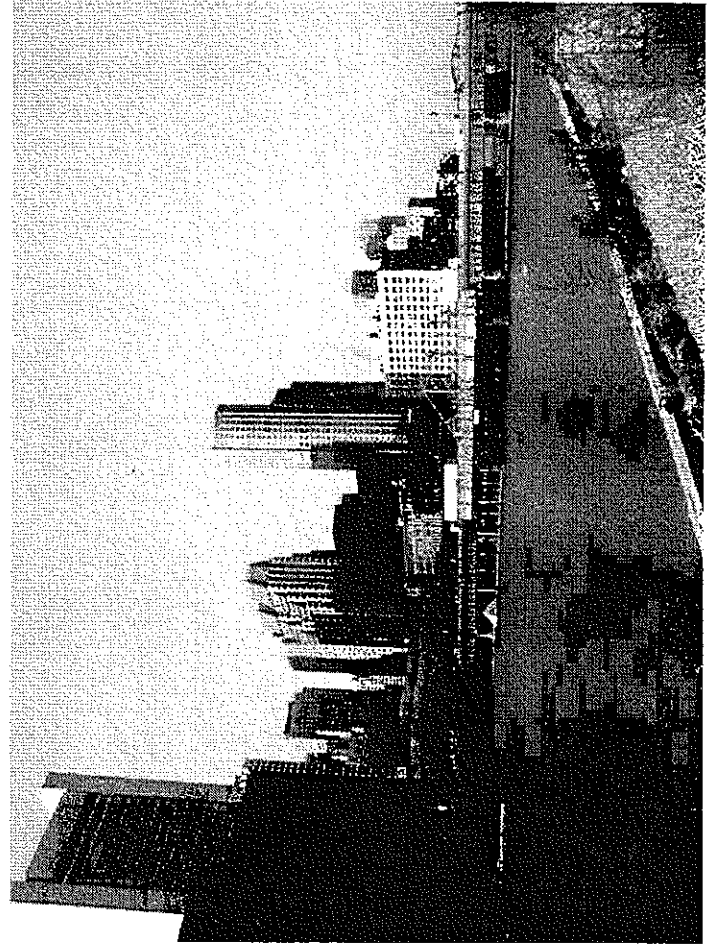
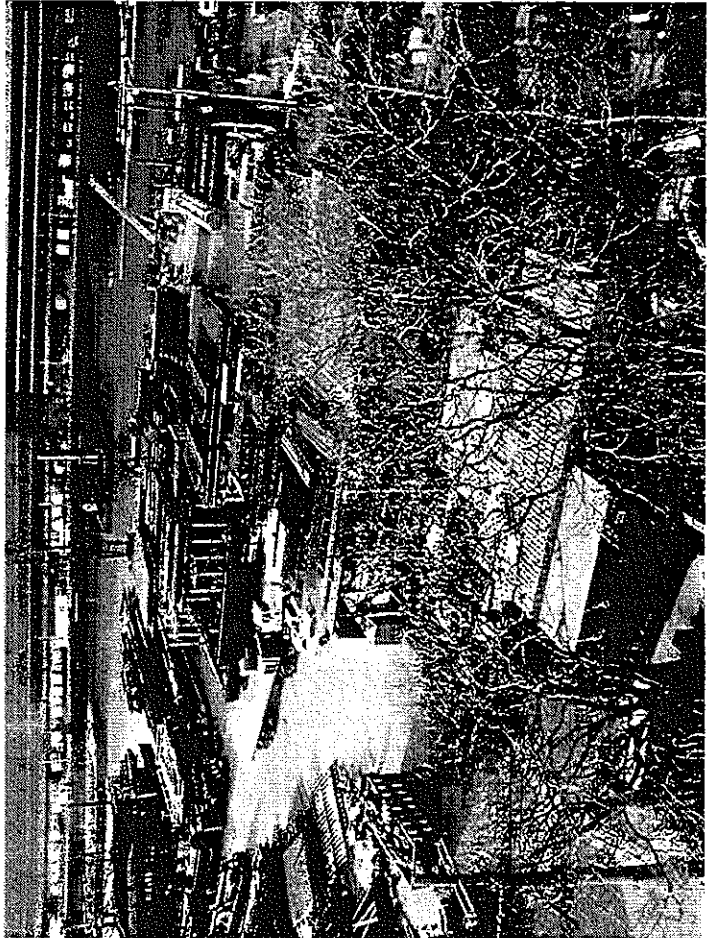
The site has nice views across Fort Point Channel of the financial district and, when the USPS site is redeveloped, will have excellent views of that area.

**Conclusion**

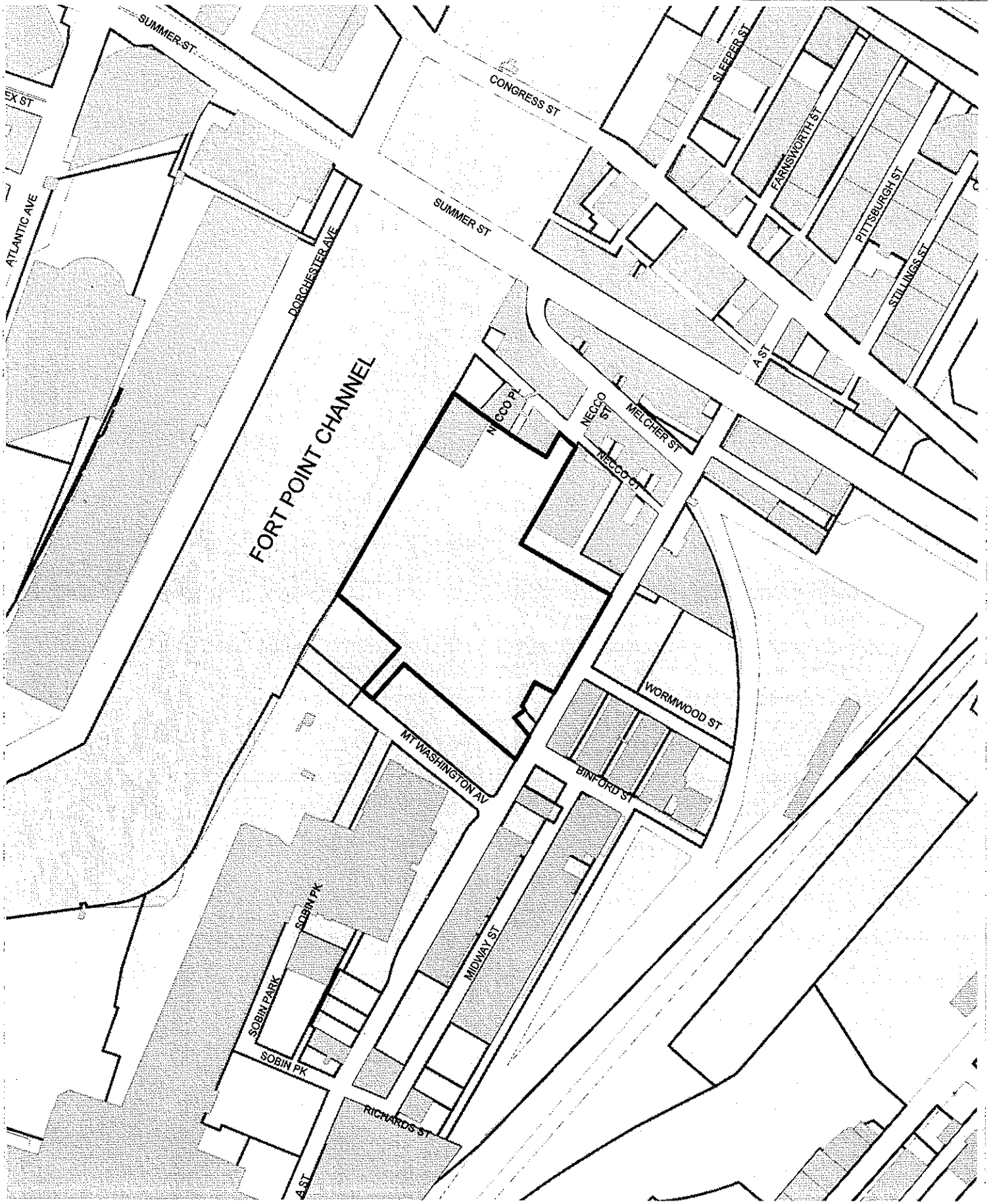
Not for further study by BankBoston Pavilion Corporation.



**SITE 7:  
BOSTON WHARF**

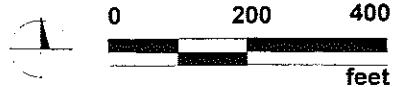






Boston  
Redevelopment  
Authority

# Bank Boston Pavillion Siting Study



**SITE 7  
BOSTON WHARF**

**SITE 8 FAN PIER**

**Owner:** Fan Pier Land Co.  
**Zoning:** South Boston Waterfront IPOD; Underlying Waterfront Transition  
Zone/General Area; Planned Development Area #23  
**Size:** 14.4 Acres

**Description:**

The site is located in South Boston in a prime location just across from the Fort Point Channel.

**Availability**

An ENF for the site was recently submitted to MEPA and a PNF has been submitted to the BRA. The entire site has been programmed for mixed use development and open space, and approximately 1 acre was reserved for cultural uses. The Pavilion would qualify as a cultural use, but requires at least 4 acres; moreover, the Institute of Contemporary Arts was recently selected to develop this space. Due to the extensive planning already completed and the level of design and programming for site uses, this site is considered unavailable.

**Accessibility**

The site has excellent access from south and west via the Ted Williams Tunnel and Route I-93 from the north and south. The nearby federal courthouse water transit dock, approximately 600 feet to the west, also services the site and the World Trade Center dock is 2,500 feet to the east. Four different MBTA buses come within a half mile of the site. In addition, the proposed Transitway station will be located near the site on Northern Avenue.

**Parking**

Currently, there are 3 large surface parking lots with a total capacity for 2631 cars along Northern Avenue within a quarter of a mile radius of the site. While these lots will be redeveloped over time with buildings, some of the proposed buildings will be parking garages.

**Suitability of Proposed Use to Surrounding Area**

The site is the original location of the Harborlights Pavilion, which was popular and well-supported by the public. The surrounding land uses include the federal courthouse, surface parking lots, the World Trade Center and CA/T construction staging areas. The Pavilion would be a compatible neighbor.

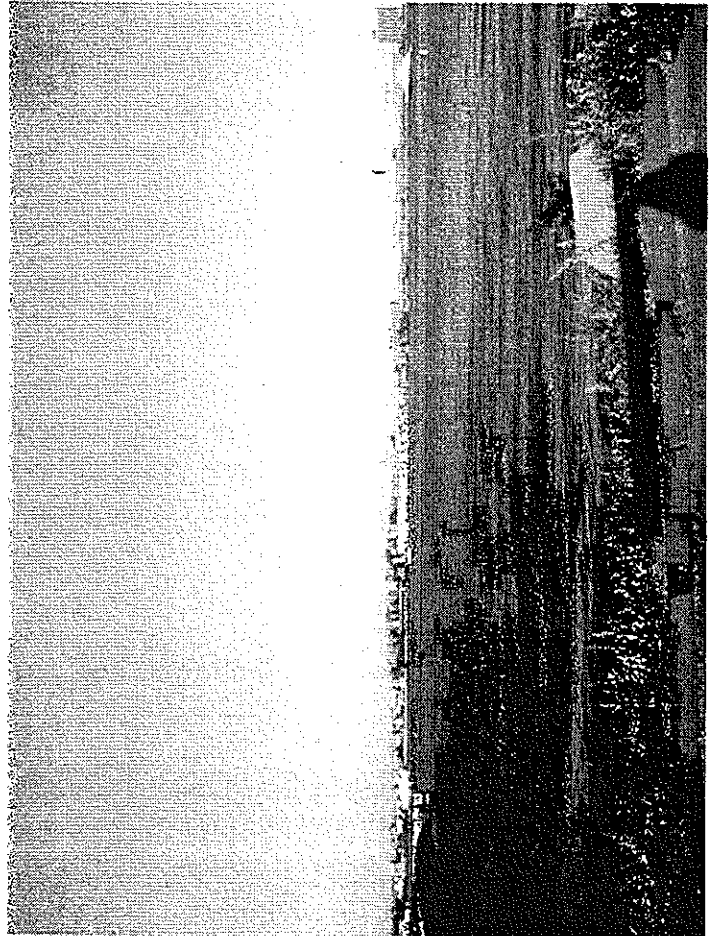
**Views**

The site has wonderful views across Boston Harbor of the Boston skyline.

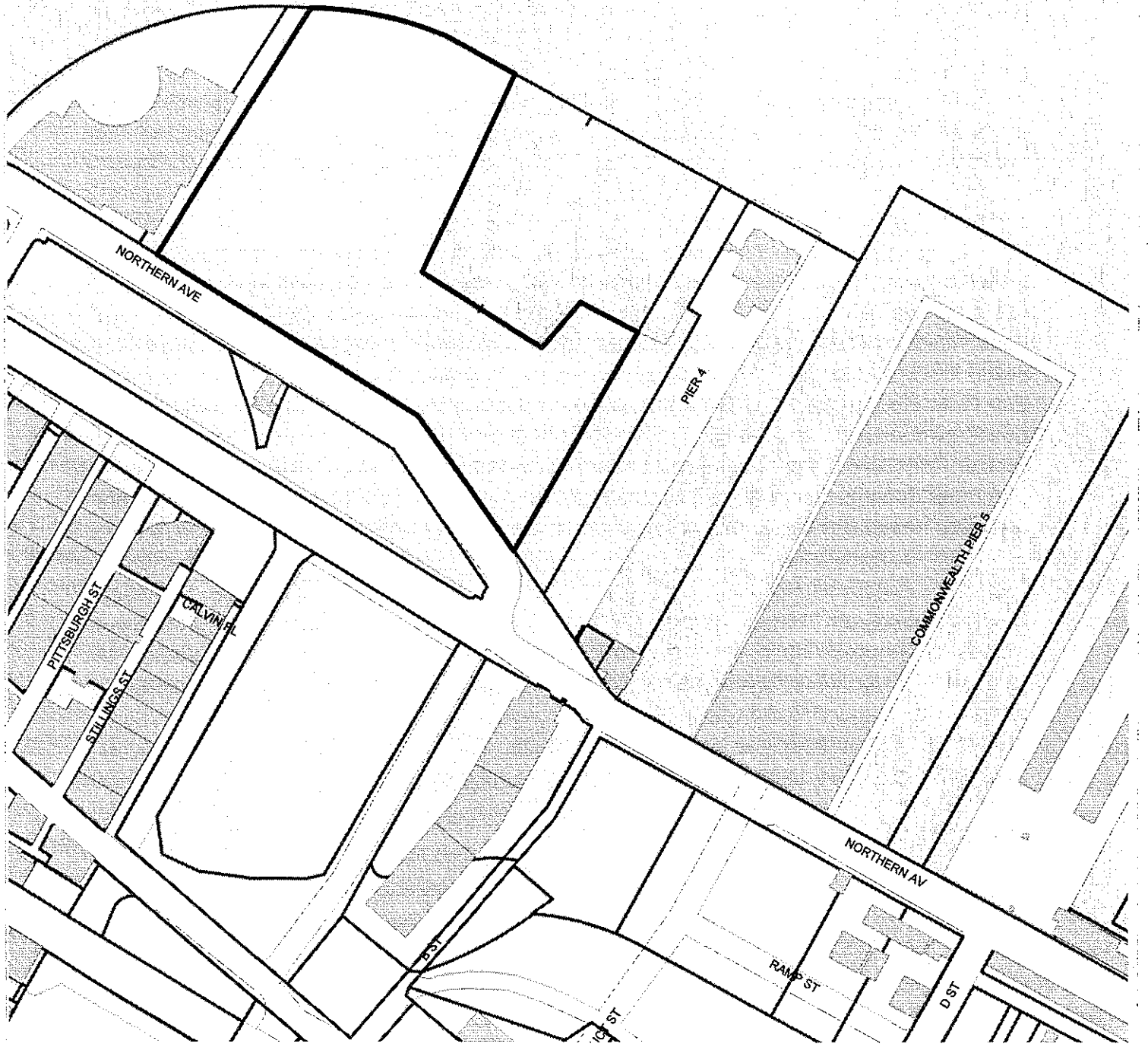
**Conclusion**

Not for further study by BankBoston Pavilion Corporation.

**SITE 8:  
FAN PIER**



BOSTON HARBOR



Boston  
Redevelopment  
Authority

**Bank Boston Pavillion  
Siting Study**



**SITE 8  
FAN PIER**

**SITE 9          PIER 4**

**Owner:**            **Pier Four Inc.**  
**Zoning:**           **South Boston Waterfront IPOD; Underlying Waterfront Transition  
Zone/General Area; Planned Development Area #24**  
**Size:**              **5.5 Acres**

**Description:**

The site is located on the South Boston waterfront in a prime location adjacent to the Fan Pier.

**Availability**

The site contains a parking lot and the Anthony's Pier 4 restaurant. The owners have developed conceptual development schemes for the site. There may be opportunity to locate the Pavilion on this site.

**Accessibility**

The site has excellent access from south and west via the Ted Williams Tunnel and Route 1 from the north. The nearby federal courthouse water transit dock, approximately 1,000 feet to the west, also services the site and the World Trade Center dock is 1,500 feet to the east. Four different MBTA buses service the site. These are: bus route 4, with service between the World Trade Center and North Station via Northern Avenue; route 7, from South Station to City Point via Summer/New Congress Streets, returning on Northern Avenue; route 3, from City Point down Northern Avenue, across the Fort Point Channel via Congress Street to South Station; and route 6, from Haymarket Square along Commercial/Atlantic Avenue, crossing the Fort Point Channel and taking B Street to Northern Avenue and the MIP area. In addition, the proposed Transitway station will be located near the site on Northern Avenue.

**Parking**

Currently, there are 3 large surface parking lots with a total capacity for 2631 cars along Northern Avenue within a quarter of a mile radius of the site. While these lots will be redeveloped over time with buildings, some of the proposed buildings will be parking garages.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include the federal courthouse and Fan Pier site, surface parking lots, the World Trade Center and CA/T construction staging areas. The Pavilion would be a compatible neighbor.

**Views**

The site has wonderful views across Boston Harbor of the Boston skyline.

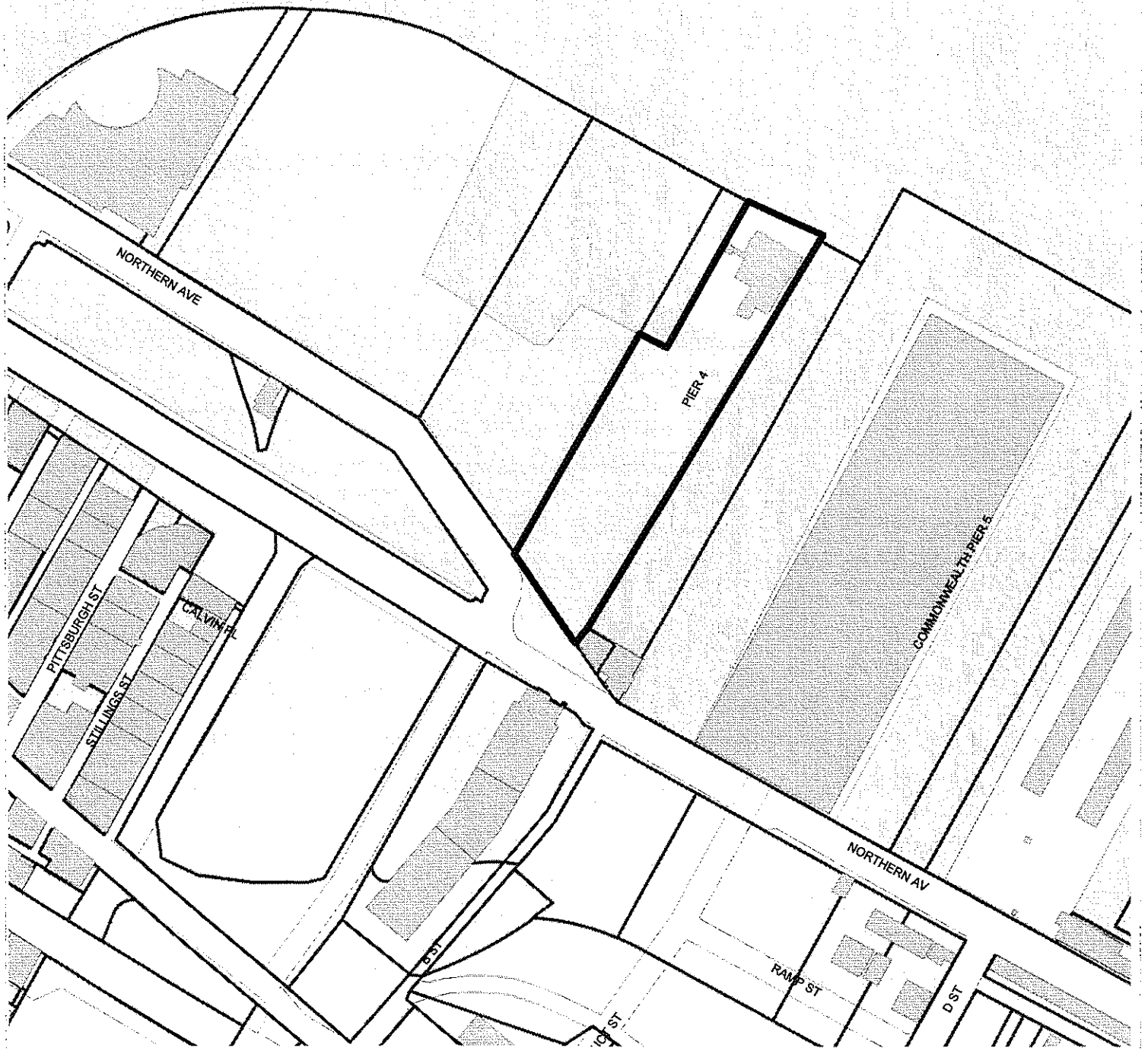
**Conclusion**

For further study by BankBoston Pavilion Corporation.

**SITE 9:  
ANTHONY'S  
PIER FOUR**

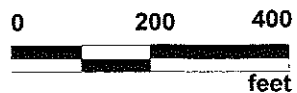


BOSTON HARBOR



Boston  
Redevelopment  
Authority

**Bank Boston Pavillion  
Siting Study**



**SITE 9  
PIER FOUR**



**SITE 10 MASSPORT PARCEL K**

**Owner:** Massport  
**Zoning:** South Boston Waterfront IPOD; Underlying I-2; General Industrial  
**Size:** 4.1 acres

**Description:**

This site is located immediately south of the existing BankBoston Pavilion facility on Wharf 8. The parcel would experience the same noise levels as the existing facility.

**Availability**

Discussions with Massport will be needed to determine if the site is available. Massport recently submitted an ENF for the development of the Commonwealth Flats area in which this parcel is located. Some reconfiguration of the parcels defined in that document may be required to create a 4-acre parcel.

**Accessibility**

The site has excellent access from south and west via the Ted Williams Tunnel and Route I-93 from the north and south. The World Trade Center water transit dock is 1,500 feet to the east and MBTA buses also service the site. Bus 3 and 6 both go along Northern Avenue adjacent to the site; Busses 7, 448, 449, 459 and CT3 all come within 250 yards of the site; and bus 4 stops less than ¼ of a mile away. Buses 448, 449, and 459 could be used to connect the site with Marblehead and Salem. They originate at South Station, and at D Street, turn off Northern Avenue to go to the Airport and points beyond. The crosstown route CT3 offers service every half-hour from 6:30 AM to 8:00 PM between the Longwood Medical Area and the Airport via Ruggles Station, Andrew MBTA Station, and World Trade Center.

**Parking**

The EDIC 1100-car parking garage is within 1/4 mile of the site. In addition, there is a 200-car parking lot across the Haul Road from the site, a 300-car lot between the site and D Street, and a 150-car lot between Summer Street and the Haul Road, approximately 900 feet away.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include the Marine Industrial Park, the Fish Pier, and CA/T construction staging.

**Views**

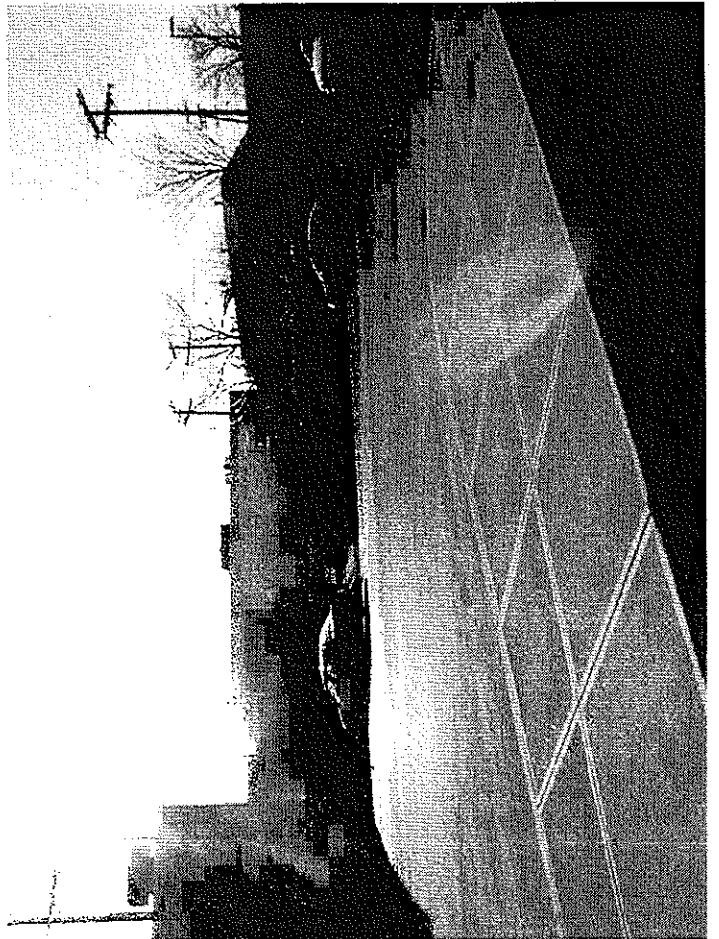
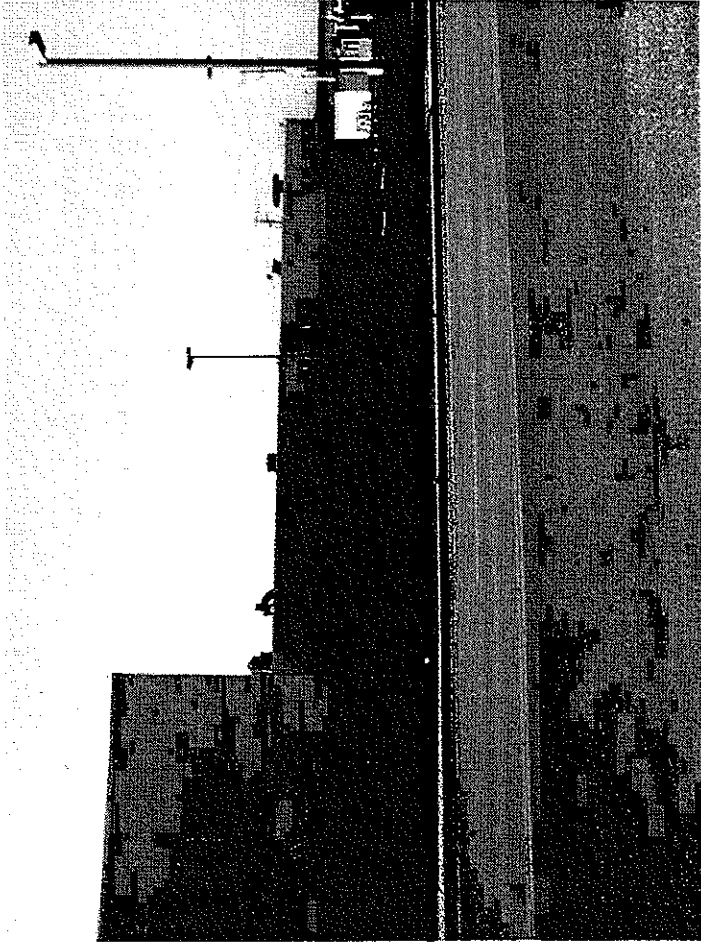
The site has similar views of Boston Harbor as the existing Pavilion site.

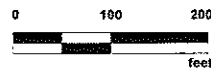
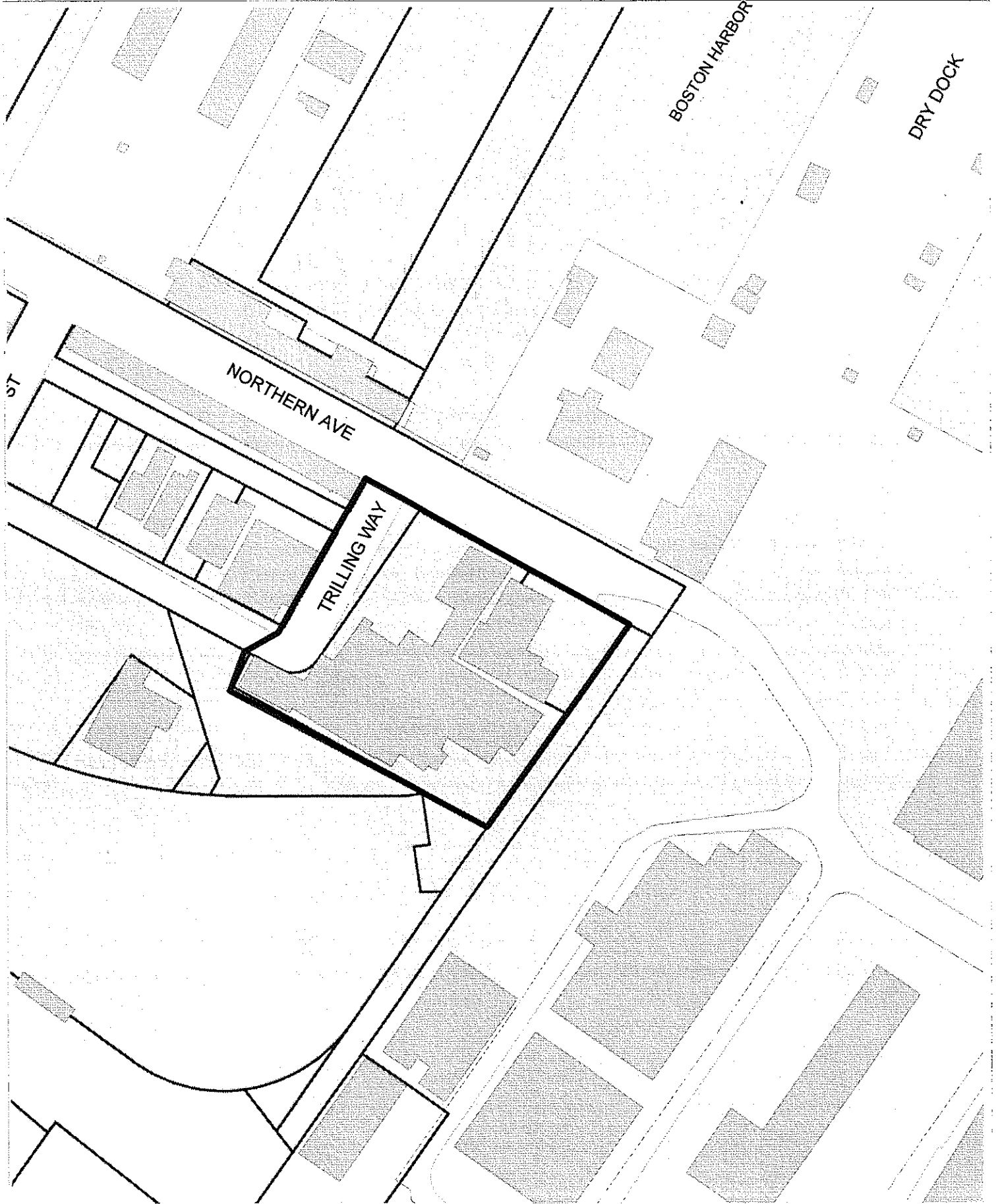
**Conclusion**

For further study by BankBoston Pavilion Corporation.



**SITE 10:  
MASSPORT  
TRILLING WAY**





BankBoston Pavilion Siting Study  
Boston Redevelopment Authority

**SITE 11 BAYSIDE EXPO PARKING LOT**

**Owner:** Commonwealth of Massachusetts  
**Zoning:** Columbia Point Special Study Area  
**Size:** 32.5 Acres

**Description:**

This site being considered is the parking lot located just east of the Bayside Expo Center building. This area of the city does experience higher noise levels from the airport due to its proximity to the more heavily used runways

**Availability**

The area being considered is used as surface parking for the Bayside Expo. Discussion with Bayside Expo will be needed to determine if a 4-acre tract could be developed for the Pavilion.

**Accessibility**

The site has good access from I-93 north and southbound. There is a water transportation dock at the JFK Library approximately 4,000 feet southeast of the site. The site is served by a shuttle bus, is less than ¼ mile from the 8 and 16 Bus Lines, and is under 1/2 a mile from JFK MBTA Station. This privately-operated shuttle bus goes from JFK Station to the JFK Library, with stops at the Bayside Expo Center. Bus 8 runs between Kenmore Square and the JFK Station via Ruggles Station, Dudley Square, Massachusetts Avenue, and Columbia Road. Bus 16 connects Forest Hills Station with JFK Station via Columbia Road.

**Parking**

The Bayside Expo Center has a surface parking lot for 2000 cars. In addition, the site is large enough to develop surface parking for as many cars as is needed.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include Carson Beach, and the Harbor Point residential development.

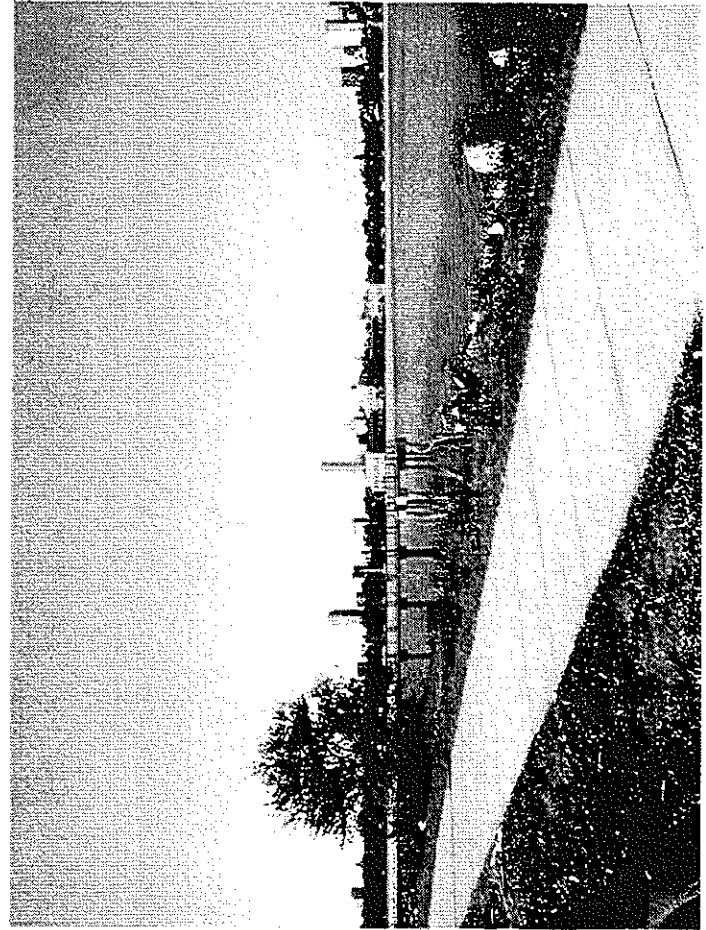
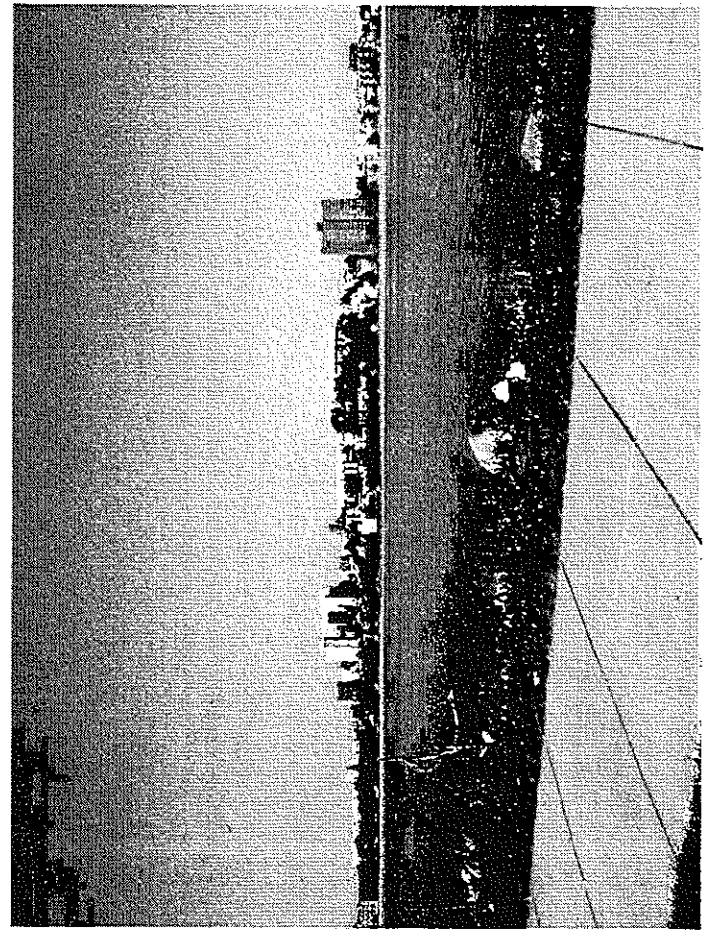
**Views**

The site has nice views across South Bay towards South Boston and has views easterly toward Boston Harbor.

**Conclusion**

For further study by BankBoston Pavilion Corporation.

**SITE 11:  
BAYSIDE EXPO LOT**

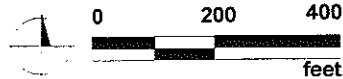




BOSTON HARBOR

SOUTH BAY EXPRESSWAY

WILLIAM MORRIS BLVD



**SITE 12 CALF PASTURE**

**Owner:** City of Boston (Boston Water and Sewer Commission)/UMASS  
**Zoning:** Columbia Point Special Study Area  
**Size:** 10.3 Acres

**Description:**

This site is located just south of the Harbor Point residential complex and north of the JFK Library. Similar to the Bayside Expo site, this area of the City experiences higher noise levels from the airport due to its proximity to the more heavily used runways.

**Availability**

Legislation has been passed to allow for the transfer of the site to the University of Massachusetts which may now have it under agreement.

**Accessibility**

The site has good access from I-93 north and southbound. There is a water transportation dock at the JFK Library approximately 1,000 feet east of the site. Both the 8 and 16 Busses run adjacent to the site, and the site could also be served by the FS shuttle bus. Bus 8 runs between Kenmore Square and the JFK Station via Ruggles Station, Dudley Square, Massachusetts Avenue, and Columbia Road. Bus 16 connects Forest Hills Station with JFK Station via Columbia Road. The FS Shuttle (not an MBTA bus) runs from JFK Station to the JFK Library, with a stop at the Bayside Expo Center. With a slight modification in its route, it could pass the site without an increase in distance traveled.

**Parking**

The site is bounded by the University of Massachusetts, the State Archive building, and the JFK Library, all three institutions having associated parking. The UMass garage holds 2000 cars and is 900 feet away; the Archive building has a surface lot for 40 cars and is 600 feet away; and the JFK Library has a surface lot for 300 cars and is 300 feet away. In addition, the site is large enough to develop surface parking for over 1000 cars.

**Suitability of Proposed Use to Surrounding Area**

The surrounding land uses include the Harbor Point residential development, the University of Massachusetts and the JFK Library. The Pavilion would be compatible with these uses with some site design and/or building design to reduce noise on the side facing Harbor Point.

**Views**

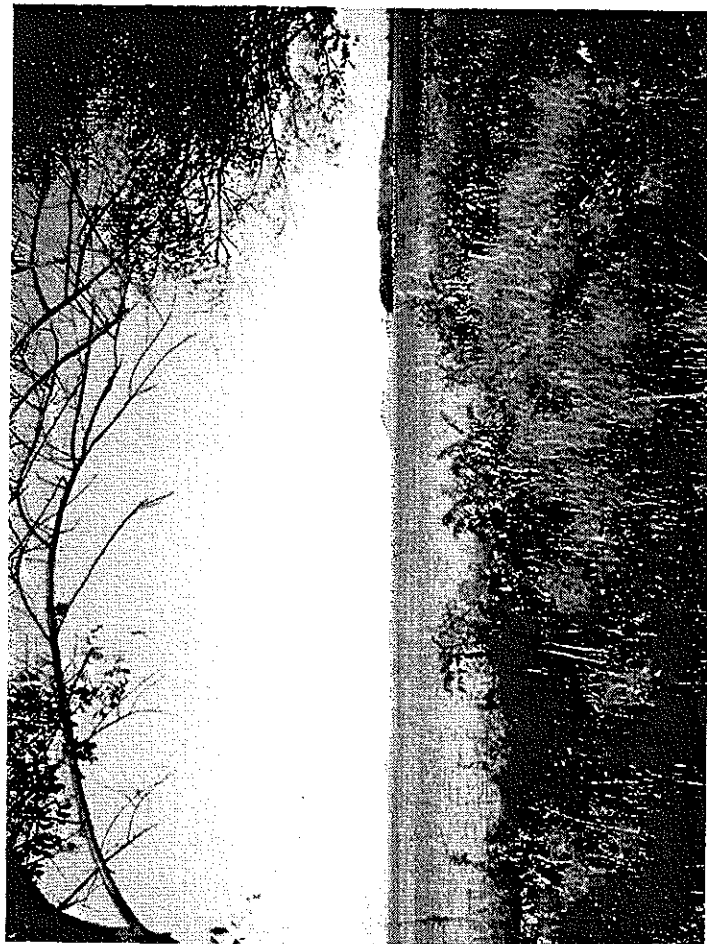
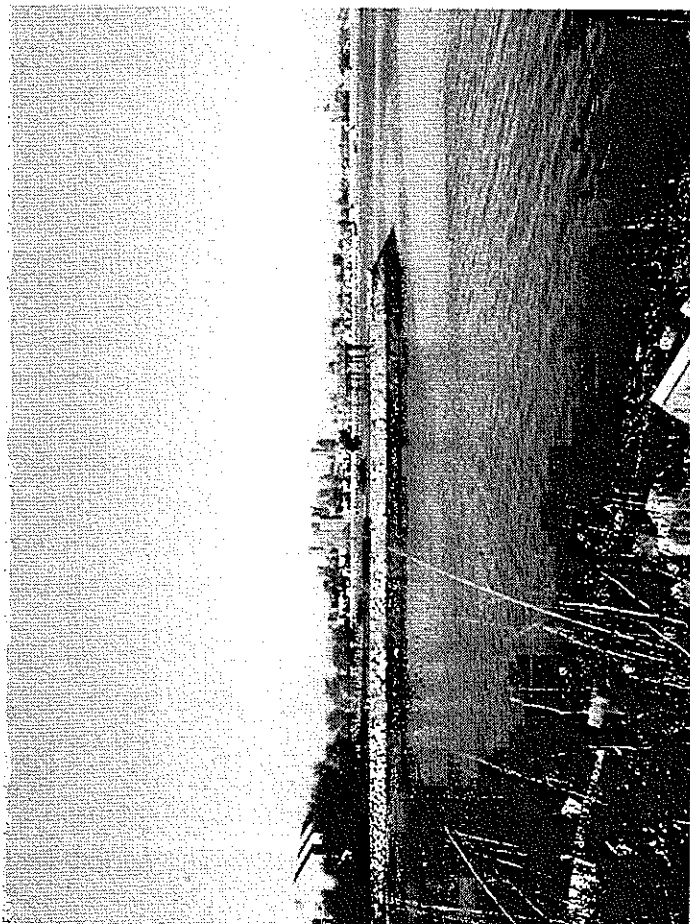
The site has nice views across South Bay towards South Boston and has views easterly toward Boston Harbor.

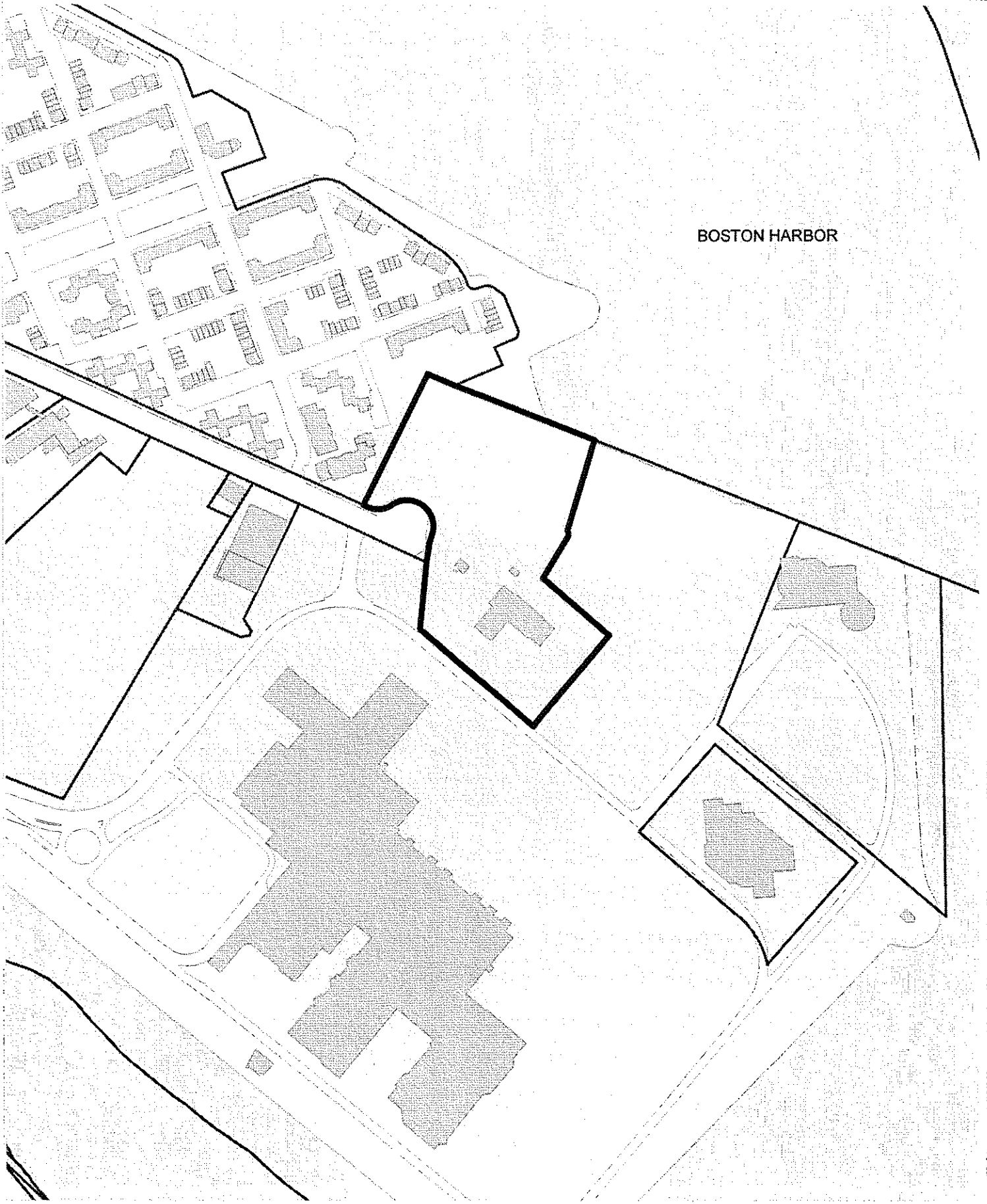
**Conclusion**

For further study by BankBoston Pavilion Corporation.

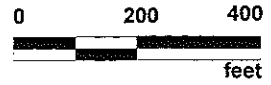


**SITE 12:  
CALF PASTURE**





BOSTON HARBOR





**APPENDIX F**

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**BANKBOSTON PAVILION TRAFFIC UPDATE**

**BankBoston Pavilion**  
**Transportation Plan Update: 1999 Season**  
**November 12, 1999**

**Introduction**

As per the MDEP's request, we are updating the original Transportation Plan for the BankBoston Pavilion after the first summer of operation. This update includes traffic and EDIC garage counts from three typical events as well as an assessment of traffic impacts during the summer of 1999. Two intersections were studied: Summer Street at Dry Dock Street and Northern Avenue at Massport Haul Road. The entrances and exits from the EDIC Parking Garage were also studied, along with parking counts from the garage itself. The results indicate minimal impact from the BankBoston Pavilion.

**Attendance**

Attendance figures for the 1999 season are presented in Table 1. While capacity for the pavilion is 5,000, the average attendance over all 37 events was 2,885. Table 2 shows the average attendance for events on weekends, weeknights, and Friday nights.

As can be seen, weeknights and Friday nights are above the overall average, while weekend nights are below average. Based on the conservative assumptions made in the original plan concerning mode split and vehicle occupancy, this should have resulted in an average of 1,346 vehicle trips per event, 673 in and 673 out. Weekends would have experienced an average total of 1,200 vehicle trips, weeknights 1,368, and Friday nights 1,392 vehicle trips. The maximum number of person trips is 10,000, and the expected number in the original report was 2,330 total trips per event (conservatively based on a sellout attendance). Therefore, actual traffic in the vicinity of the pavilion for the 1999 season would have been consistently lower than the projections, thus causing minimal interference with existing traffic.

Date	Act	Attendance	Date	Act	Attendance
7/12	Aretha	2381	8/13	R. Cray	1762
7/13	Neville Bros	1754	8/14	Duran Duran	4438
7/14	D. Summer	4251	8/15	D. Yoakam	1980
7/15	Temptations	1930	8/19	O.N. John	2578
7/16	W. Nelson	2378	8/20	T. Bennett	4156
7/17	V. Williams	1564	8/22	P. Labelle	2793
7/18	Jamiroquai	3593	8/24	Kenny G	3320
7/20	B. Setzer	2732	8/25	Unity Tour	1706
7/21	Beach Boys	3385	8/26	Jethro Tull	3531
7/22	Z. Marley	1648	8/27	B. Manilow	4615*
7/23	M.C. Carpenter	2652	8/28	B. Manilow	4615*
7/25	Chieftains	1304	8/29	Summer Session	1997
7/27	F. Hill	2460	8/30	Gipsy Kings	3094
7/31	L. Lovett	4412	8/31	Moody Blues	4347
8/1	Huey Lewis	2315	9/1	B. Spears	4704
8/6	Isley Bros.	2340	9/5	Mana	2132
8/7	Everlast	1163	9/14	Blues Fest	4489
8/8	N. Cole	1912	9/26	WBCN College Rave	4138
8/11	Blondie	2172			

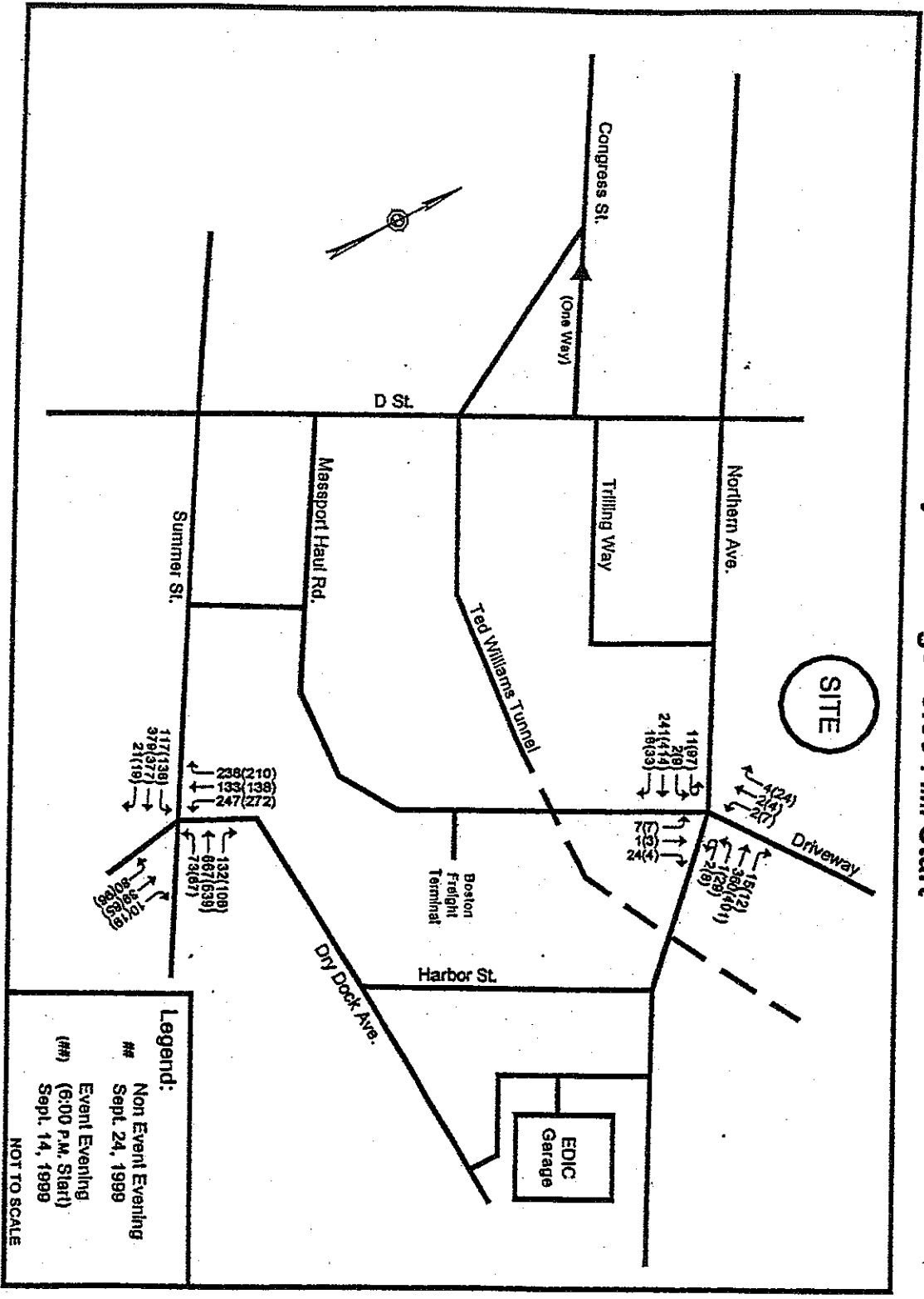
\*Averaged over 2 nights.

Day	Number of Events	Average Attendance
<i>Weekends</i>	14	2574
<i>Weeknights</i>	18	2933
<i>Fridays</i>	6	2984
<i>Total</i>	37	2885

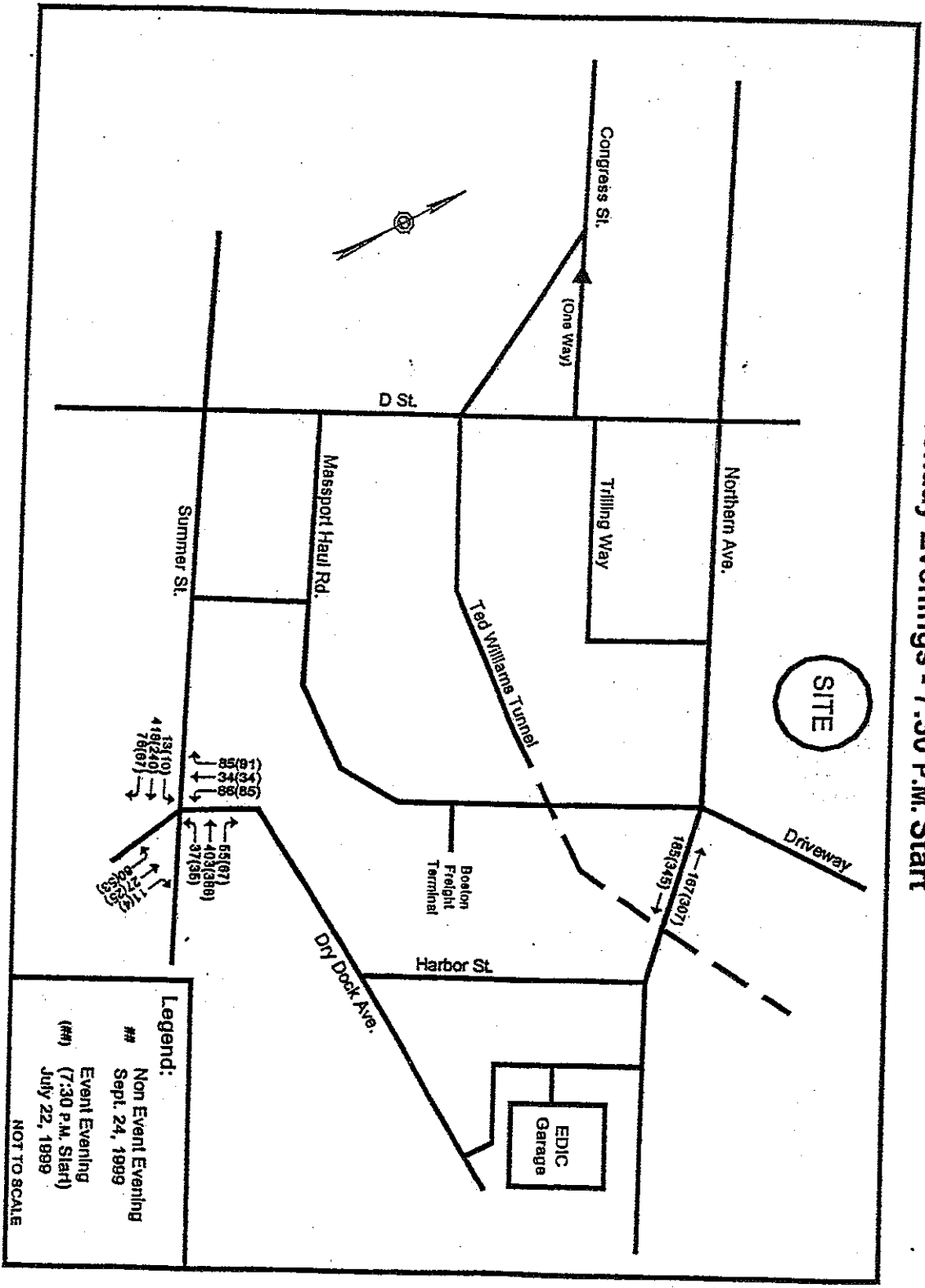
### Traffic and Turning Movement Counts

The turning movement diagrams show the difference in turning counts between Event and No-Event days. No-Event counts were taken on Friday, September 24, from 4:00-7:30 P.M. Event counts were taken on three different event days: Thursday, July 22; Tuesday, September 14; and Sunday, September 26. **Figure 1** shows the turning movements for the event day that had the highest traffic (Tuesday, September 14). The event took place at 6:00 P.M., and the diagram shows the counts for the hour from 5-6. **Figure 2** shows turning movements for the hour before the Thursday, July 22, 7:30 P.M. event, which was among the lowest attended. On this date, data was not available for the intersection immediately outside the pavilion; through-movements were estimated on

**Figure 1. BankBoston Pavilion Traffic Volumes (5:00 to 6:00 P.M.)  
On Event and Non-Event Weekday Evenings - 6:00 P.M. Start**



**Figure 2. BankBoston Pavilion Traffic Volumes (6:30 to 7:30 P.M.)  
On Event and Non-Event Weekday Evenings - 7:30 P.M. Start**



Northern Avenue from the next intersection east. Both cases use Friday, September 24 as a base for No-Event traffic.

The expected direction of travel for concertgoers at the intersection of Summer and Dry Dock is a left turn from eastbound Summer. This turn is actually lower for Event days. Increases in other turning movements at this intersection during the hour before the concerts are probably not related to the BankBoston Pavilion.

The second intersection, Northern Avenue at Massport Haul Road, experienced slightly more traffic on Event days. The direction of travel to increase most noticeably was the number of U-turns on westbound Northern, presumably from patrons dropping off passengers and returning to park at the EDIC garage. Through traffic also increased on eastbound Northern, though not to the amounts predicted in the original plan. Increases in westbound traffic on Northern are most likely not due to the Pavilion. In short, Figures 1 and 2 show that there has been minimal traffic impact from the BankBoston Pavilion on nearby intersections, particularly since one of the event days for which counts were taken was the event with the highest attendance of the summer.

### **EDIC Garage Counts**

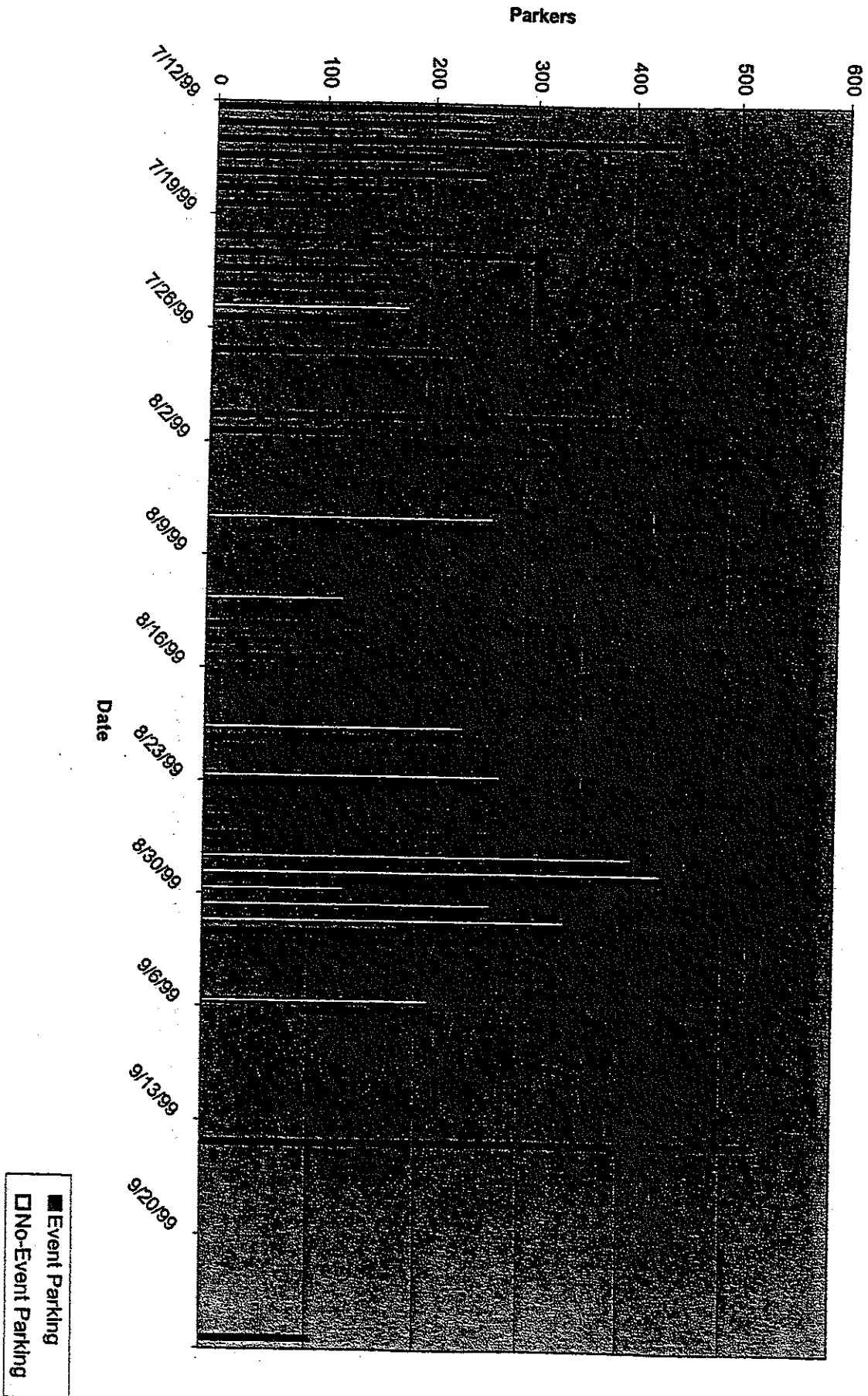
Turning movement counts for the entrances and exits to the EDIC garage were only available for July 22 and were taken from 5:30-7:30 P.M, the two hours before that night's event. For the other three days, occupancy counts from the garage itself were used. The garage charges a flat rate after 5:00 P.M. and thus counts all vehicles after that time in one figure, rather than breaking them down by smaller time periods. Because the garage counts start at 5:00, they are slightly larger than the figures obtained through the turning movement counts. Figure 3 shows the garage counts for the 1999 summer season. The highest count was 529 and the average count was 238, both well below the predicted average of 850. This difference is partly due to the lower attendance than predicted. In addition, the price of parking at the EDIC garage is not included in the ticket price as required by the Determination of Applicability. As a result, Pavilion patrons are more heavily using garages farther to the west rather than the EDIC garage, including the Seaport Hotel Garage and a new Massport public parking lot, which opened in the summer of 1999.

### **Transit and Water Transit**

The BankBoston Pavilion has joined the South Boston Seaport Transit Management Association in order to promote alternatives to automobile transportation. Information on these alternatives has been provided to patrons with their ticket mailings. One of these alternatives is a free shuttle bus between South Station and the Pavilion, an extension of the existing route to the World Trade Center. The shuttle operates before and after concerts and can accommodate both concertgoers and employees.

The MBTA provides bus service to the Pavilion via routes #4, #6, and #7, from Haymarket and South Station. However, none of these routes have service past 6:30

Figure 3: Event vs. No-Event Parking, EDIC Garage



P.M. (except for the #7 on Saturday nights, with service till 10:30 P.M.), and none of the routes have Sunday service. Lovejoy ferry service is available from North Station until 6:30 P.M. as well.

There are a number of local boat companies offering service from a variety of stops. Harbor Express offers round-trip service from Quincy before and after concerts. City Water Taxi provides round-trip service from several points along the Boston waterfront, including Long Wharf, North Station, and the Barking Crab restaurant. The Rowes Wharf/Airport Shuttle and Boston Harbor Cruises also offered water transportation from Rowes Wharf and Hingham, respectively.

### **Mitigation Measures**

In preparation for the Summer, 2000 season, BankBoston Pavilion will redouble its efforts in cooperation with the Seaport TMA to implement an aggressive program aimed at improving the promotion of public transportation and water transportation as alternative modes, both for visitors and employees. Now that construction is complete and the first season in the new location has passed, it will be easier to devote planning and promotional resources toward making new and repeat visitors aware of the various services available. Increasing MBTA bus service on concert nights is one specific goal, as is increased use of water transportation. The inclusion of transportation information with ticket mailings will be improved, and web site travel information will be enhanced in order to inform patrons more effectively of their transportation options.



**APPENDIX G**

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**RESPONSE TO COMMENTS**

## **RESPONSE TO COMMENTS ON MASTER PLAN UPDATE**

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The following section provides responses to the Certificate issued by the Secretary of the Executive Office of Environmental Affairs and to comments received on the Master Plan Update. Also included are responses to the Secretary's Certificate on the Environmental Notification Form for the Harborlights Pavilion.

**G.1 COMMENT LETTERS ON MASTER PLAN UPDATE**

- SC Executive Office of Environmental Affairs  
Certificate on Master Plan Update
- 1 Mr. Richard A. Doyle, Chairman and CEO and  
Mr. Daniel C. Kenary, President and COO  
Harpoon Brewery
  - 2 Ms. Christine Kirby and  
Mr. Gregory Carrafiello, Acting Program Chief, Waterways Regulation Program  
Department of Environmental Protection
  - 3 Ms. Patricia Malone, Acting Director and  
Ms. Andrea d'Amato, Chief of Environmental Services  
City of Boston – The Environment Department
  - 4 Ms. Laura Crosby, Vice President and General Manager  
Boston Design Center
  - 5 Mr. John P. Sullivan, Jr., P.E., Chief Engineer  
Boston Water and Sewer Commission
  - 6 Mr. Joseph Zanti, President  
Commercial Lobster Co., Inc.
  - 7 Mr. John Winston, President  
DLJ Harbor (Boston) Corporation
  - 8 Mr. Arthur Lane  
Peabody and Lane Corporation
  - 9 Sen. Stephen F. Lynch, First Suffolk District  
Massachusetts Senate
  - 10 Mr. Alfred E. Frizelle, Executive Director  
The Boston Shipping Association, Inc.
  - 11 Mr. Charles Doulos  
Jimmy's Harborside Restaurant
  - 12 Mr. Bruce and Ms. Estelle MacDonald  
MacDonald and Associates

- 13 Mr. Kenneth A. Sinkiewicz  
South Boston Resident
- 14 Mr. William J. Spence, President  
Massachusetts Bay Lines, Inc.
- 15 Mr. Patrick B. Moscaritolo  
Greater Boston Convention and Visitors Bureau
- 16 Ms. Beth Wynne, Manager  
Scola's Restaurant and Pub
- 17 Ms. Vivien Li, Executive Director  
The Boston Harbor Association
- 18 Mr. Steve Hollinger  
Seaport Alliance for Neighborhood Design
- 19 Ms. Margaret Brady, Director  
Massachusetts Office of Coastal Zone Management
- 20 Mr. Michael Leone, Port Director and  
Mr. David Forsberg, Director, Business Development  
Massachusetts Port Authority
- 21 Mr. Alan Perrault, Vice President  
Jay Cashman, Inc.
- HL Executive Office of Environmental Affairs  
Certificate on Harborlights Pavilion Environmental Notification Form

**SC EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS**

From: Trudy Cox, Secretary

Date: November 16, 1998



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*100 Cambridge Street, Boston, MA 02202*

ARGEO PAUL CELLUCCI  
GOVERNOR  
TRUDY COXE  
SECRETARY

Tel: (617) 727-9800  
Fax: (617) 727-2754  
<http://www.magnet.state.ma.us/envir>

November 16, 1998

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
MASTER PLAN UPDATE (INTERIM DOCUMENT)

PROJECT NAME : Boston Marine Industrial Park (BMIP)  
Master Plan  
PROJECT MUNICIPALITY : Boston (South Boston)  
PROJECT WATERSHED : Boston Harbor  
EOEA NUMBER : 8161  
PROJECT PROPONENT : Boston Redevelopment Authority/  
Boston Economic Development and  
Industrial Corporation  
DATE NOTICED IN MONITOR : August 26, 1998

The Secretary of Environmental Affairs hereby determines that the Master Plan Update (Interim Document) submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 C.M.R. 11.00).

The issuance of this Master Plan Update marks an important step in planning for the future of the Port of Boston and Boston's Seaport District. The City, state agencies, and other interested parties have worked together in an inclusive public planning process that should ensure the future of the BMIP for maritime and industrial uses. Once the Final Master Plan has been completed, a Master Chapter 91 License for the entire park will provide a streamlined regulatory framework that will expedite the permitting of future projects. I am confident that the City will

continue to work with all parties in the same cooperative spirit to resolve the remaining outstanding issues, including the preservation of transportation access to the park and the nature of the transitional zone at Wharf 8.

The land areas of the Port of Boston devoted to maritime industrial activities are a scarce and irreplaceable resource for the economy of the City, the region, and the entire Commonwealth. The Master Plan Update ensures that within the larger 1000 acres of the Seaport District, the 200 acres of BMIP will continue to provide a solid base for manufacturing and water-dependent industrial uses, consistent with state and city policies. As the Massachusetts Port Authority (Massport) and the Boston Redevelopment Authority (BRA) stated in the Port of Boston Economic Development Plan, issued jointly in 1995: "The South Boston Waterfront is the largest and most active maritime industrial area of the harbor. South Boston is unique in possessing all of the desirable qualities of a thriving seaport: deep water channels, direct access to the interstate highway system, large land areas, and compatibility with adjacent land uses." More recently, in June 1998 the South Boston Waterfront Committee appointed by Mayor Menino resolved that protection of the industrial port should be one of the key principles to guide the ongoing planning of the South Boston Seaport District.

The Master Plan Update has resolved several critical issues remaining from the review of the Draft Master Plan Environmental Impact Report, reviewed under MEPA in 1996. The proponent has decided upon a preferred regulatory framework to guide future development of the BMIP (as a Marine Industrial Park pursuant to Chapter 91 regulations), and has decided to retain single ownership of the BMIP. In addition, the proponent has decided against pursuing changes to the Designated Port Area (DPA) boundary; has decided against development of a hotel within the BMIP; and has developed a Master Plan that promises to largely preserve the maritime and industrial land use mix of the BMIP. I commend the proponent for the work done since 1996 with the state regulatory agencies and other interested parties.

The proponent may now proceed with the preparation of a Final Master Plan. The Final Master Plan should resolve the issues identified below and respond to the comments received. The Final Master Plan should consist of a stand-alone document that provides a definitive planning framework for the future of the BMIP. At a minimum, the proponent should circulate the Final Master Plan to those who commented on the Master Plan Update.

As future project proposals within the Seaport District are developed, I encourage them to take the same broad-based approach to community planning that the BMIP Master Plan Update reflects. I also anticipate that all such proposals will address potential conflicts, including land uses and traffic, between commercial developments and the working waterfront, in order to ensure the continued preservation of the maritime capacity of BMIP and the rest of the industrial port.

#### ZONING / MASTER CHAPTER 91 LICENSE / FUTURE MEPA REVIEW

As stated in my earlier certificate, the final step in this MEPA review process will be the submission of the Final Master Plan -- a document that is also intended to serve as the basis for an application to the Department of Environmental Protection (DEP) for a Master Chapter 91 License for the entirety of BMIP. (Depending upon the progress of the planning, the Final Master Plan may even contain a draft of DEP's license decision.) The Final Master Plan should clarify the relationship between the land use categories permissible under the proposed local zoning to those permissible under Chapter 91 regulations. The Final Master Plan should discuss any areas where local zoning and Chapter 91 regulations might allow different land uses, and should attempt to resolve any conflicts between state and local regulations. The Final Master plan should also detail how the proponent intends to use the proposed zoning changes to complement the requirements of Chapter 91 regulations with respect to prioritizing water-dependent industrial uses.

SC-1

The Master Plan Update (pp. 16-18) contains a proposed Chapter 91



review and approval process for future projects within the BMIP. Upon the completion of the Final Master Plan, I anticipate that an analogous procedure will govern the MEPA review of such projects. For example, an individual project that exceeds a MEPA review threshold might only require an informational filing, but no further MEPA review unless it also required a separate Chapter 91 license because of inconsistency with the Final Master Plan. I invite the proponent to respond to this suggestion in more detail in the Final Master Plan.

SC-2

#### TRANSITIONAL ZONE / WATERFRONT RETAIL DISTRICT

The principal issue left outstanding by the Master Plan Update centers around the proposed rezoning of a portion of the BMIP in the area of Wharf 8 from Maritime Economy Reserve to Waterfront Retail. Although there have been previous discussions that this area might be appropriate for uses that constitute a "transition" between the rest of BMIP and the more commercial portion of the Seaport District to the west, the comments on the Master Plan Update indicate that there is not yet a consensus regarding the definition of what would constitute acceptable transitional uses. In particular, the uses that the Master Plan Update would allow within the Waterfront Retail district include some that are currently barred within a Designated Port Area under the Waterways Regulations, and others (such as branch banks and post offices) that appear to be inconsistent with the notion of transitional uses. As many comments also noted, commercial development of Wharf 8 could also result in traffic impacts upon existing truck access routes (both inside and outside the park), alterations to existing drydock infrastructure facilities and implications for short-term and long-term use of those facilities, and the potential displacement of current water dependent uses. The Final Master Plan should contain an in-depth analysis of the impacts that might result from rezoning of Wharf 8, along with an analysis of alternatives and proposed mitigation measures. I urge the proponent to consult closely with state regulatory agencies and maritime and industrial interests during the continued development of this aspect of the Final Master

SC-2

Plan, in order to resolve these issues.

In addition, since the publication of the Master Plan Update, press reports indicate that the proponent intends to relocate Harborlights Pavilion, Inc. to Wharf 8. I note that this office has not yet received any formal submission regarding the Harborlights proposal, and my decision today on the Master Plan Update should in no way be read as a prejudgment of the Harborlights project. Prior to the submission of the Final Master Plan and the issuance of the Master Chapter 91 license, I anticipate that a non-water dependent use project of this scale would require notice in the Environmental Monitor and a process of public review and comment by both city and state agencies.

#### TRANSPORTATION ACCESS

Transportation access to the BMIP is a critical issue, both to ensure the economic viability of the BMIP for maritime industrial activity, and to ensure that the BMIP operates smoothly as part of a larger transportation system in the Seaport District. However, because of the ways in which transportation access to the BMIP is intertwined with the ongoing development of the rest of the Seaport District, the Master Plan has never been intended to contain a detailed "stand-alone" transportation analysis. The Final Master Plan should describe internal circulation patterns and parking facilities within the BMIP. It should also describe access routes to and from the BMIP for truck, auto, and rail, and the operational constraints governing those access routes.

SC-4

Moreover, I understand that the City, in coordination with Massport, has undertaken a broad transportation study for the entire Seaport District, updating the analysis provided in the Central Artery/Tunnel (CA/T) Project's "Green Book." The Final Master Plan should report on the status of this study, and confirm whether its trip generation and LOS predictions for the BMIP are consistent with those contained in the Green Book. The Final Master Plan should also respond to the comment letter from the Department of Environmental Protection Division of Air

SC-5

Quality (DAQ), to confirm that the air quality impacts of the Final Master Plan are consistent with the analysis previously conducted in connection with the CA/T Project.

#### ADDITIONAL ISSUES

The Final Master Plan should discuss stormwater management (at both existing and proposed developments) at the BMIP, and should discuss the consistency of the stormwater management system with the Department of Environmental Protection guidelines. The Final Master plan should also contain a description of the water supply and sewer infrastructure at the BMIP, and respond to the comments of the Boston Water and Sewer Commission. In addition, the Final Master Plan should respond to comments regarding waste recycling programs at the BMIP, and address opportunities for expansion and increased coordination of existing programs.

SC-6

SC-7

SC-8

The Master Plan Update has generated a number of detailed and thoughtful comments. The Final Master plan should respond to all substantive comments received. I recommend that the proponent adopt the same format used in the response to comments found in the Master Plan Update. The Final Master Plan should also contain draft Section 61 findings.

11/16/98  
DATE

Trudy Cox  
Trudy Cox

#### Comments received :

✓ 10/9/98 Harpoon Brewery  
 ✓ 10/9/98 Department of Environmental Protection DAQ (Boston)  
 ✓ 10/15/98 Boston Environment Department  
 ✓ 10/23/98 Boston Design Center  
 ✓ 10/27/98 Boston Water and Sewer Commission  
 ✓ 10/27/98 Boston Water and Sewer Commission  
 ✓ 10/27/98 Commercial Lobster Co., Inc.  
 ✓ 10/27/98 DLJ Harbor (Boston) Corporation  
 ✓ 10/28/98 Peabody & Lane Corporation

✓10/30/98 Senator Stephen Lynch  
✓11/3/98 The Boston Shipping Association, Inc.  
✓11/5/98 Jimmy's Harborside Restaurant  
✓11/5/98 MacDonald & Associates  
✓11/5/98 Kenneth A. Sinkiewicz  
✓11/6/98 Massachusetts Bay Lines, Inc.  
✓11/6/98 Greater Boston Convention & Visitors Bureau  
11/6/98 Beth Wynne  
✓11/9/98 The Boston Harbor Association  
✓11/9/98 The Seaport Alliance for a Neighborhood Design  
✓11/9/98 Coastal Zone Management  
11/9/98 Massachusetts Port Authority  
✓11/13/98 Jay Cashman Inc.

TC/ASP/asp

**SC Executive Office of Environmental Affairs**

SC-1 The relationship between the land use categories permissible under the proposed local zoning and those permissible under Chapter 91 is discussed Section 8.3.

SC-2 Suggested MEPA review procedures for future projects are discussed in Section 8.2.

SC-3 On December 9, 1998, the Secretary of Environmental Affairs issued a Certificate allowing the temporary relocation of Harborlights (now known as the BankBoston Pavilion) to Wharf 8. That Certificate required the BRA to address the long-term use of Wharf 8 and Dry Dock No. 4 and to identify a permanent home for the BankBoston Pavilion as part of this Master Plan for the Marine Industrial Park. The Secretary anticipated that the permanent zoning for this area would exclude permanent, major commercial, retail and entertainment uses, such as the BankBoston Pavilion.

As discussed in Section 3.3.4, the Final Master Plan now proposes that Wharf 8/Dry Dock No. 4 remain a maritime industrial site within the Maritime Economy Reserve (MER) district. Therefore, the Master Plan does not include an analysis of the permanent rezoning of Wharf 8, alternatives, or mitigation measures. The BankBoston Pavilion siting study is included as Appendix E, and an analysis of the short-term traffic impacts of the Pavilion's relocation to Wharf 8 and the effectiveness of the mitigation program is included as Appendix F.

SC-4 Internal circulation patterns and parking are discussed in Section 4.2.4. Access routes for trucks, autos and rail are also addressed in this section, as well as in Sections 4.2.3 and 4.2.6 and on Figure 4-1.

SC-5 A summary of the South Boston Transportation Study is provided in Section 4.2.6. A comparison of trip-generating land use projections and a discussion of air quality impacts are provided in Section 4.2.7 and discussed in the response to the DEP Division of Air Quality letter.

SC-6 Stormwater management, including consistency with DEP guidelines, is addressed in Section 5.2.

SC-7 Water and sewer infrastructure are described in Section 5.1.

SC-8 Waste recycling is addressed in Section 5.3.

**1 Harpoon Brewery**

From: Mr. Richard A. Doyle, Chairman and CEO and  
Mr. Daniel C. Kenary, President and COO

Date: October 28, 1998

# HARPOON BREWERY

RECEIVED  
OCT 9 1998  
MEPA

October 28, 1998

Ms. Trudy Coxé  
Secretary of Environmental Affairs  
Attention: MEPA Office  
EOEA No. 8161  
100 Cambridge Street, 20th Floor  
Boston, Ma. 02202

RE: Master Plan Update for the Boston Marine Industrial Park, EOEA #8161

Dear Ms. Coxé:

Mass. Bay Brewing Company has been a tenant in the Boston Marine Industrial Park (MIP) since 1987. We currently employ close to 50 people and have invested over \$4 million in our facility here in the MIP. The MIP works well because of its successful and compatible mix of maritime, industrial, and commercial tenants. I am writing to you to comment on the above-referenced Master Plan (the "Plan").

- We are pleased with the changes that have been made to the Master Plan since the original was written in 1996, especially the city's commitment to retain ownership of the park and the elimination of the planned hotel. The MIP needs to be maintained as an industrial park with easy access for trucks and other industrial-related operations which are not compatible with large-scale retail operations, tourism or pedestrian traffic.
- Despite the preceding comment, we are supportive of the Plan's new Waterfront Retail District on Wharf 8. This location should be viewed as a hinge area between the restaurants, offices and hotels on Northern Avenue and the maritime and industrial operations in the MIP. Existing tenants of the MIP should be given the first opportunity to locate retail or commercial operations within this District. For example, our commercial seafood neighbors may want to open retail stores or we may want to open a tap room or brewpub. This would truly be a win-win situation. 1.1
- Our main concern regarding both Wharf 8 and parcels A and Q-1 (to be zoned Waterfront Commercial) is the impact on traffic access into and out of the MIP. A dedicated truck route from the new I-90 extension into the MIP should be an essential component of any long-term traffic plan for the area. In addition, the new silver line transit system should come all the way into the MIP rather than turning back towards South Station short of the Park. 1.2  
1.3

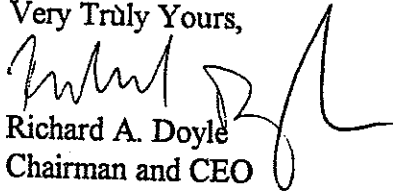
Mass. Bay Brewing Company, Inc.  
306 Northern Avenue, Boston, MA 02210  
Tel: (617) 574-9551 Fax: (617) 482-9361  
www.harpoonbrewery.com


- We lease approximately 20,000 square feet of space from the John Nagle Company, referred to as "Parcel S" in the MIP. We support the fact that the Plan calls for our building to be zoned as Waterfront Manufacturing. My reading of the description of this zoning classification is that it would allow for our brewing and distribution operations and related office uses. As an alternative, we would support our building being split between Nagle's area being zoned MER and the remainder of the building being zoned Waterfront Manufacturing.
- As a non-real estate attorney, I wish the Plan would explicitly state that the operations of all existing tenants of the MIP will be unaffected by the proposed changes in zoning classifications. After spending millions of dollars to build our business here, we do not want to be undercut by a zoning change.

1.4

We appreciate the opportunity to comment on the proposed Master Plan. This is a very important issue to our company. We look forward to attending the meeting on October 15th.

Very Truly Yours,

  
Richard A. Doyle  
Chairman and CEO

  
Daniel C. Kenary  
President and COO

cc: Congressman J. Joseph Moakley  
Senator Stephen Lynch  
Councilor Jim Kelly  
Representative John Hart  
Mr. Russell Nagle  
Mr. Tony Shaker  
Mr. Thomas O'Brien



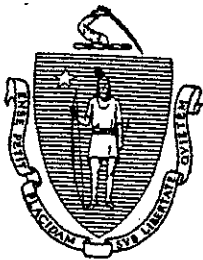
**1 Harpoon Brewery**

- 1.1 Please see response to comment SC-3.
- 1.2 Truck access is discussed in Section 4.2.4.
- 1.3 The final routes for the above-ground portions of the Transitway (silver line) have not yet been determined. The BRA supports routes directly serving the MIP. See Section 4.2.5.
- 1.4 The proposed zoning for the MIP supports and reinforces existing land use patterns. The new zoning will not create any non-conforming uses and no relocations will be required.

**2 Department of Environmental Protection**

From: Ms. Christina Kirby and  
Mr. Gregory Carrafiello, Acting Program Chief, Waterways Regulation Program

Date: October 8, 1998 and November 9, 1998



ARGEO PAUL CELLUCCI  
Governor

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

AP

RECEIVED

OCT 9 1998

MEPA

TRUDY COXE  
Secretary

DAVID B. STRUHS  
Commissioner

MEMORANDUM

TO: Secretary Coxe, Executive Office of Environmental Affairs  
ATTN: Arthur Pugsley, MEPA Unit  
FROM: Christine Kirby, DEP  
DATE: October 8, 1998  
SUBJECT: EOE A No. 8161- Review of the Draft Environmental Impact Report (DEIR) for the Marine Industrial Park Master Plan Update in Boston

The Department of Environmental Protection (DEP) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the Marine Industrial Park Master Plan Update in Boston. In exercising its responsibility to review projects for their traffic related air quality within the project area, the DEP offers the following comments. This update is intended to finalize land use plans for this property. The Marine Industrial Park (MIP), owned by the Boston Redevelopment Authority (BRA), will be located on a 191 acre site in the South Boston Seaport District on the site of the former Naval Annex. The proponent proposes the creation of three new zoning districts and to reconfigure a previously proposed district. The proponent also defined what uses are allowable within each district.

The four proposed zoning districts consist of: the Waterfront Manufacturing District, the Waterfront Commercial District, the Maritime Economy Reserve and the Waterfront Retail District. Each district has preliminary plans for development that include manufacturing, industrial office, and retail usage. Cumulatively, these projects have the potential to attract large volumes of traffic. Furthermore the MIP is located in close proximity to projects which will attract a large volume of traffic such as the entrance to the Ted Williams Tunnel and the sites of the Boston Convention Center and the South Station projects. Therefore, in order for this project to be consistent with the State Implementation Plan (SIP), it will be necessary for the project proponent to conduct a traffic study as well as an air quality analysis to be presented in a Draft Environmental Impact Report.

2.1

Massachusetts was designated as a serious non-attainment area for ozone under the Clean Air Act amendments of 1990. The City of Boston was previously designated as a carbon monoxide non-attainment area under the Clean Air Act Amendments of 1990, but has been redesignated to attainment based on both monitoring and modeling data. However, in order to maintain the CO standard in the Boston area, the review of indirect source projects meeting project review thresholds for a carbon monoxide microscale analysis will be required as part of the CO maintenance strategy. Therefore, both mesoscale and microscale analyses should be performed for this project. The following outlines the basis of an air quality analysis.

A proposed indirect source project may have impacts on area traffic characteristics, such as volume and speed of roadway segments. An area which includes all of the project impacted roadway segments is defined as the mesoscale area. The analysis area should include the area within an approximate 0.3 to 16 km radius and include the indirect source project; the exact geographical area depends on local conditions and the impact of a project on area travel patterns.

The area should be large enough to include all roadway links that will potentially experience an increase of 10% in traffic due to the project and currently operate at level of service (LOS) D or lower or will be degraded to LOS D or lower. A mesoscale analysis should be performed for volatile organic compounds (VOC). The total amount of the pollutant expected from each of the project alternatives, including "No Build" in the base and future years should be selected in consultation with the Massachusetts Environmental Policy Act (MEPA) staff and the DEP staff as well as the input parameters to the Mobile 5ah emissions factor model.

VOC emissions for the base case can be calculated using existing characteristics on the roadway segments. Emissions for the estimated time of completion can be calculated by changing the traffic characteristics on the roadway segments to those which are expected to occur when the indirect source project is completed. VOC emissions for the build and no build cases for future years can be similarly calculated.

Once the analysis has been completed it can be determined if the project will result in an increase or decrease in emissions of VOC. Emissions will increase or decrease based upon the effects of traffic volumes and on speeds on the roadway segments in the project area as a result of the indirect source project. If the project is shown to result in an emission increase, mitigation measures should be presented to offset the increase.

A microscale analysis ascertains carbon monoxide (CO) concentrations at sensitive receptors located within the project area. Sensitive receptors are defined as those areas where the public is likely to have frequent or prolonged access. Examples of sensitive receptors include parks, entrances to public buildings, residences, schools and hospitals.

The microscale analysis should estimate the ambient concentration of CO that will be found within the project area and should encompass the area adjacent to and within approximately 0.3 km of the proposed facility and existing roadways impacted by the new facility.

The accepted and recommended microscale predictive models are Mobile 5ah and CAL3QHC (Version 2). Analysis must be performed for all alternatives, including the "No Build" for existing and future conditions and for the one - hour and eight - hour time periods. The one - hour period should suggest "peak hour" traffic; the eight - hour period should reflect the one -

hour average of the highest traffic volumes occurring over eight continuous hours on the worst day inclusive of the peak hour.

The project proponent should determine the location of all sensitive receptors to be analyzed and should further consult with as to the selection criteria.

In addition to the requirements for an air quality analysis, every facility located on this site which employs 250 or more daytime employees at any time over the course of one year will be required to comply with DEP's Ridesharing Regulation (310 CMR 7.16).

Should you have any questions regarding this memorandum please contact Keith Grillo of the DEP at 292 -5773.



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

AP

ARGEO PAUL CELLUCCI  
Governor

TRUDY COXE  
Secretary  
DAVID B. STRUHS  
Commissioner

TO: Trudy Coxe, Secretary  
Executive Office of Environmental Affairs

FROM: *Sale* Gregory A. Carrafiello, Acting Program Chief  
Waterways Regulation Program

DATE: November 9, 1998

RE: Marine Industrial Park (MIP) - Master Plan Update  
Boston Harbor/Reserved Channel, Boston  
Interim Document  
EOEA #8161

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MEPA

The Department of Environmental Protection, Waterways Regulation Program, has reviewed the referenced Master Plan Update noticed in the Environmental Monitor on September 23, 1998. The Master Plan, prepared by the City of Boston's Economic Development and Industrial Corporation, is intended to affirm the MIP as a priority area for industrial use, predominantly water-dependent-industrial, with an incidental amount of commercial use. In doing so, the Master Plan establishes park-wide use limitations, priority areas for water-dependent industry, and seeks regulatory flexibility for future park-wide changes. The entire 191 acres of the MIP is located on filled Commonwealth tidelands and represents an extensive portion of South Boston's Designated Port Area (DPA). The project site is within the geographic jurisdiction of Chapter 91, and subject to regulatory review and licensing under 310 CMR 9.00.

In the MEPA Certificate on the DEIR, the Secretary suggested the proponent, their consultant, DEP and CZM coordinate to address a number of issues which were raised in our respective comment letters. Since then, a number of positive changes have occurred. Some of the major revisions were the City's commitment to retain ownership of the MIP; withdrawal of a previous proposal to modify the DPA boundary; removal of prior hotel and commercial development sites; and a greater commitment to the general industrial nature of the MIP and predominant water-dependent-industrial character. The Department is encouraged by these modifications and commends the City for the referenced plan improvements. A described below, certain additional information should be submitted as part of the City's waterways license application. The Department expects that the outstanding matters can be resolved through the forthcoming Chapter 91 public review process.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.magnet.state.ma.us/dep>

Printed on Recycled Paper

The Department offers the following additional comments:

Land Use Distribution and Matrix: In the Master Plan Update, the City has committed to the allowable use percentages within a Marine Industrial Park, as defined in 310 CMR 9.02. In addition, the Department and City have reached agreement regarding the methodology for calculating the multi-dimensional use of individual parcels. The methodology takes into consideration the gross distribution of uses within each building relative to the building footprint, and also accounts for use allocations outside the footprint of the building, which often do not adhere to the interior allocations. This methodology and its application within the MIP, has been reflected in the Land Use Matrix found in the Master Plan Update. The Department expects that through the subsequent Chapter 91 review process these numbers will be verified and refined. In addition to the current tenant list, the City should also provide a scaled plan of the MIP as a supplement to their Chapter 91 license application.

Use Definitions: One of the key issues identified in the Secretary's Certificate was the definition of a "Supporting DPA Use". Since the DEIR, however, the City has decided to seek regulatory approval as a Marine Industrial Park as defined by 310 CMR 9.00, instead of a DPA Master Plan. This alternative obviates the need to formally define a Supporting DPA Use. In a MIP, uses are categorized as either water-dependent-industrial, nonwater-dependent-industrial, or other uses, including commercial use, which must be incidental to and supportive of water-dependent-industrial use in the MIP. In the Master Plan Update, the City has identified a number of allowable uses under each of these categories. The Department will continue to work with the City to refine the allowable uses under each category. A few uses which do not clearly fall under the described categories, such as Research and Development, will need to be reviewed on a case by case basis to determine the appropriate designation.

Transition Zone: The City has identified the Wharf 8 parcel as a "Transition Zone". As originally presented by the BRA, this area was intended to incorporate water-dependent-industrial use along the edge, small scale retail and restaurant on the ground floor, such as a fish market, and upper floor commercial use. This collection of uses was intended to complement the working port and also provide an introduction and educational opportunity for those unfamiliar with the MIP and its role in the City and State economy. While the Department is willing to consider such a zone, the City should verify its compatibility with the overall industrial character and operational requirements of the MIP, and compliance with the regulatory standards of 310 CMR 9.35(4) and (5), particularly with respect to the proposed Cultural Use.

2.2

The City has recently proposed to temporarily locate Harborlights on the Wharf 8 parcel of the MIP. While the Department considers Harborlights a wonderful addition to Boston's waterfront, its location within a DPA raises a number of serious issues which the City agrees need to be addressed and requires further analysis of the potential impacts upon, and preemption of industrial use within the MIP. DPA's were so designated as a result of their physical attributes which include: deep channels and shoreline berthing facilities; upland characteristics which are conducive to industrial use; existing utility services which support maritime industry; and road and rail links to major transportation routes.

Prior to the authorization of such a use, the City should provide additional information regarding the following issues: compatibility of said use with the industrial character of a DPA; potential impacts upon truck movement within the MIP as a result of the additional vehicular and pedestrian traffic; displacement of an existing water-dependent use [see 310 CMR 9.36(4)]; and removal of structures/utilities which are functionally related to the contiguous drydock. As part of the review process associated with the Master Plan, or as a separate process specifically for Harborlights, the Department will seek review and comment from the public, and in particular, the existing maritime industries.

Anticipated Development Sites: In the Chapter 91 license application the City should identify, to the greatest extent possible, the potential build-out parameters and uses for those sites which are currently

vacant. The provision of this information will allow the Department, the City and the public to benefit from review and commentary, and enable the Department to establish conditions which could extend flexibility and detail future regulatory review. A recent example is the City's proposal to utilize portions of Subaru Pier for the relocation of the South Boston Rail Yard. If this option is under serious consideration, details should be available for review as part of this Master Plan. In addition, the Land Use Matrix should be revised accordingly, and the Plan should be augmented to include a discussion of the eligibility of such a use within the MER District.

Future Project Review Procedures: One of the major benefits of the Master Plan is the ability to provide flexibility in future regulatory review. This flexibility is exercised so long as any changes in use occur within approved categories and maintain the allowable park-wide use percentages, and structural modifications are within established parameters. The Department has worked with the City to set forth standards, identify categories of changes and corresponding review procedures. The City has included these procedures in the Master Plan Update. As part of the Chapter 91 review process the Department will accept public comment on these procedures and further refine them prior to actual license issuance.

The Department anticipates the receipt of a Chapter 91 license application which incorporates the information and analysis requested herein, and looks forward to the public review and subsequent approval of a Master Plan which ensures that the MIP preserves its long-standing maritime and general industrial character, while providing the City with flexibility in its management. If you have any questions regarding these comments, please call me at (617) 292-5686.

/gac

cc: T. O'Brien, BRA  
 L. Harr, BRA  
 B. Baldwin, BRA  
 J. Fay, Fort Point Associates, Inc.  
 P. Brady, CZM  
 J. Mead, CZM  
 D. Struhs, Commissioner, DEP  
 File



**2 Massachusetts Department of Environmental Protection**

- 2.1 The Secretary's Certificate recognized that this Master Plan was never intended to contain a detailed "stand-alone" transportation analysis, since extensive traffic analysis has already been prepared for the CA/T and for other proposed development projects in the area, including the Boston Convention and Exhibition Center. However, the Master Plan does compare its land use projections with those used by Central Artery/Tunnel Project, for which extensive air quality impact studies were performed. The forecast vehicle trips are significantly below those assumed by the CA/T project and therefore air quality impacts will be less than those analyzed and approved for the CA/T project. See Section 4.2.7.
- 2.2 Wharf 8 is no longer proposed as a transition zone. Please see response to comment SC-3.

**3 City of Boston Environment Department**

From: Ms. Patricia Malone, Acting Director and  
Ms. Andrea d'Amato, Chief of Environmental Services

Date: October 15, 1998



CITY OF BOSTON  
THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 805 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

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AP

MEPA

October 15, 1998

As 10/15

Trudy Coxe, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, MA 02202  
Attention: Arthur Pugsley, MEPA Unit

Re: EOE A #8161, Marine Industrial Park  
Master Plan Update

Dear Secretary Coxe:

The City of Boston Environment Department has reviewed the Master Plan Update (Update) for the Boston Marine Industrial Park (MIP) and hereby submits the following comments.

The Update, also referred to as an *Interim Report* or *Interim Document*, was required by the Secretary's November 21, 1996 Certificate on the *Draft Master Plan Environmental Impact Report*. It is designed to address the issues as scoped by the Secretary and provides a conceptual framework for future development at the MIP that is consistent with state and local regulations.

The MIP covers 191 acres in South Boston, all of which consist of filled and flowed tidelands. Currently, excluding vacant land, uses in the MIP are 72% maritime industrial, 25% industrial and 3% other.

The Update is consistent with the *Harborpark Plan* and the *Port of Boston Economic Development Plan*. It emphasizes the desirability of growth in maritime industries such as seafood processing/distribution, ship repair, ocean transport and materials movement/staging related to transportation infrastructure construction. It will provide a framework within which the City can attract to the MIP new and existing industries that will provide jobs for residents. This framework includes criteria for future projects, particularly those that are nonwater-dependent or non maritime-industrial, that is flexible enough to allow for a response to economic changes. The City will not, as previously planned, sell the MIP.

Staff of the Boston Redevelopment Authority (BRA) have met on numerous occasions with staff of the Commonwealth's Department of Environmental Protection and Coastal Zone Management to clarify the intent of each agency's regulations. The BRA then determined that the Master Plan (MP) would be submitted to EOE A as a *Marine Industrial Park Master Plan* under Chapter 91 regulations

(310 CMR 9.02). Such a filing requires the following:

- At least 2/3 of the MIP must be devoted to water-dependent industrial purposes as defined under Chapter 91. (The BRA, DEP and CZM have agreed upon a method for calculating building and land uses.)
- The remaining 1/3 can be allocated to uses that are primarily industrial in nature. Nonwater-dependent and non-industrial uses would be allowed provided that such uses are incidental to, and supportive of, the water-dependent industrial uses.
- Commercial and other uses, including residential and hotel facilities, would be allowed "in a manner that is incidental to and supportive of the water-dependent uses in the Park." However, the Update indicates that no residential or hotel facilities will be constructed in the MIP as they are uses incompatible with marine industrial and other maritime uses.
- New development or changes in use would be evaluated in terms of the overall effect on the MIP MP.

The above restrictions would be implemented through changes to the City's zoning code and through the initiation of a Chapter 91 Master License. The Update proposes that zoning include new "Waterfront Manufacturing District," new "Waterfront Commercial District," new "Waterfront Retail District," a reconfiguration of the existing "Maritime Economy Reserve" (MER) and elimination of the Industrial (I-2) district. Height limits would be restricted by Chapter 91 regulations except for water-dependent uses upon which there are no restrictions. Under some allowed uses, Chapter 91 will supersede local zoning where height is concerned.

The BRA and DEP have agreed that the BRA will submit a MIP-wide Chapter 91 license application. DEP would then issue a written determination and a Master Chapter 91 license for the entire MIP. The license would include a site plan showing existing and proposed building footprints and heights, piers, wharves and roadways. There would also be an MIP-usage spreadsheet documenting compliance with park-wide land use restrictions.

The DEP will use comments generated by this Update to determine if any changes must be made to the Final Master Plan. The Final would include and serve as the Chapter 91 license application. DEP would hold a public hearing, accept public comments and issue a written determination. The determination, a Master Chapter 91 License, would establish guidelines for uses and procedures for approval of MIP projects. Projects proposed after the Master License is granted would be reviewed under one of six categories as outlined in the Update.

This department has compiled, and attached to this letter, a set of guidelines for both the construction and operating periods of projects. These guidelines are designed to protect the environmental health of those who live and work in Boston over both the short and long term. We ask that these guidelines be incorporated into the MIP's discussions with tenants and implemented to the greatest extent possible.

Environmental/Resource Protection and Recycling

Neither the July, 1996 MP EIR or the Update address compliance with Stormwater Management Policy of the Massachusetts Department of Environmental Protection (DEP). Stormwater is not at all benign from an environmental perspective and improvement in stormwater quality is a City goal. The Final MP should contain a strategy for designing an MIP-wide stormwater management plan that will be implemented incrementally as development occurs. 3.1

The reduction, reuse and recycling of wastes is an important component of resource protection. Items accepted for recycling by most recyclers include glass containers, metal containers, cardboard, newsprint, white paper, milk cartons, juice boxes and plastic containers designated from 1 to 7 and they can be co-mingled. There is no reference in either document to recycling during the operation of the MIP. It is this department's strong position that any construction, rehabilitation or change of use project in the City of Boston should be designed with adequate sorting and storage space in anticipation of heightened rates of recycling over the operational life of the buildings. The recycling of pallets, light bulbs and ballasts should also be part of a comprehensive, long term environmental protection strategy. 3.2

A snow and ice control plan for the MIP should be a part of the Final MP. This plan should discuss the disposal of excess snow and the chemicals to be used for ice control (including alternatives to salt). 3.3

Vehicles in Massachusetts are not permitted to idle for more than five (5) minutes unless the engine is required to operate lifts or refrigeration units (MGL C. 90, Section 16A and 310 CMR 7.11) Idling is a significant contributor to degraded air quality and will need attention at the MIP. To advance compliance with the statutes, we ask that permanent signs be posted at all parking, loading and service areas on the property that state "No Idling." Language at the bottom of the sign should indicate that excess idling is a violation of MGL C. 90, Section 16A and 310 CMR 7.11 and is punishable by fines. Tenants coming into the MIP should be made aware of this requirement. 3.4

Transportation

As was evident in reading the July, 1996 MP EIR, the issue of minimizing the use of single occupant vehicles by employees at the MIP will be very challenging. Many water-dependent and marine industrial uses begin work well before public transit is up and running and businesses such as the International Cargo Port will operate 24-hours per day. Also, the location of the MIP in terms of public transit is not ideal and the MBTA has just cut service to bus #6, one of three bus routes that provided access to the MIP. The Final Master Plan should outline a series of Transportation Demand Management (TDM) strategies that will help to encourage commuting in high occupancy vehicles (HOVs). A MIP-wide Transportation Management Organization (TMO) should be seriously considered for car/vanpooling and ride-matching and for advocacy with the MBTA when it is creating its Annual Service Plan. A TMO should also be discussed in the Final MP. Lastly, in the interests of improved air quality, we ask that the BRA investigate contracting with a shuttle service that uses alternative fueled vehicles. 3.5

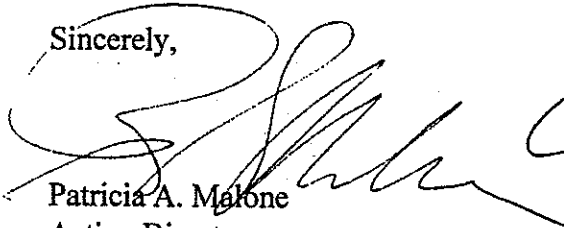
Zoning

This department strongly supports the proposed new "Waterfront Commercial District" zoning as it will allow for banking and postal uses, local retail business, restaurants and bars and a new "Waterfront Retail District" that will allow for cultural uses and a water transit terminal. We hope that both of these designations will be utilized to encourage the establishment of services for MIP employees that will reduce vehicle trips during work shifts - a place for a meal, to drop off dry cleaning, buy stamps, fill a prescription and other chores that can be accomplished on a lunch or dinner break.

3.6

Thank you for the opportunity to offer comment. We look forward to reviewing the Master Chapter 91 License application.

Sincerely,



Patricia A. Malone  
Acting Director



Andrea d'Amato  
Chief of Environmental Services

cc: Linda Haar, BRA Director of Planning and Zoning

Enc.



# CITY OF BOSTON

## THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 805 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

### CITY OF BOSTON ENVIRONMENT DEPARTMENT GUIDELINES FOR RESPONSIBLE AND SUSTAINABLE DEVELOPMENT

#### Construction

All construction management plans for Boston projects should address in detail issues including truck routes, truck scheduling and construction worker scheduling, transportation and parking. Truck drivers should be required by contract to use routes that minimize, to the greatest extent possible, the use of residential streets. Maps showing approved truck routes should be provided to all suppliers, contractors and sub-contractors.

Residential neighbors should be notified of the name and telephone number of a construction contact person for all Boston projects. Each project site should have signage identifying the project, General Contractor and a contact telephone number.

There should be no stockpiling of fill, equipment or materials, including pipe, overnight and on weekends on public property or public ways.

#### A. Air and Stormwater Quality

One of the primary goals of this department is to improve air quality. Reducing the number of single occupant vehicles entering and leaving the city is not related just to traffic impacts but is essential to air quality improvement. As such, we are concerned about the use of single occupant vehicles at any time of day, not just at peak traffic times. As part of an effort to discourage the use of single occupant vehicles, we strongly encourage the proponent to require as part of construction contracts that contractors offer **incentives** for workers who carpool or use public transit to reach the job. Car pooling, shuttles from remote parking, subsidies for MBTA passes and providing secured on-site storage for construction worker's tools and supplies (so they do not have to be transported each day) are effective strategies. We strongly urge that deliveries be scheduled for off-peak hours.

Vehicles in Massachusetts are not permitted to idle for more than five (5) minutes unless the engine is required to operate lifts or refrigeration units (MGL C. 90, Section 16A and 310 CMR 7.11). This law must be enforced during the construction period. Trucks removing materials or debris from the site must be covered to minimize the air quality impacts from fugitive dust (MGL C. 85, Section 36).

Connecting stationary noise producing equipment such as pumps and generators to the Boston Edison grid should be considered as a way to reduce emissions.

There are a number of ways to prevent dust originating at construction sites from being transmitted to adjacent sites and roadways and into storm drains:

- a wheel wash, with proper provisions for runoff, can be installed;

- in the absence of a wheel wash, the contractor should place and maintain one to two inches of gravel no less than ten (10) feet in length at truck entrances and egresses;
- all aggregate piles and excavated materials should be sprayed with Soil Cement or calcium chloride overnight and on weekends;
- a regular schedule of mechanical street sweeping can be instituted. We have found that vacuum sweepers are the most effective type of sweeper in areas where excavation work is being performed. They help to prevent excessive tracking and minimize the amount of material that enters storm drains; and
- erosion and sedimentation control is best approached on two levels. First, Best Management Practices (BMPs) prescribe that unconsolidated materials should be contained at their source. Catch basins should then be protected with the use of filter fabric and haybales to minimize the silt carried in runoff.

Any abrasive blasting or chemical cleaning at the project must be done in accordance with a permit issued by the Boston Air Pollution Control Commission (APCC) located in the Environment Department offices.

#### B. Geotechnical and Groundwater Impacts

1. The protection of existing buildings adjacent to and adjoining building sites must receive serious attention prior to and during construction. Groundwater levels in various areas of the city have been drawn down, requiring careful assessment and management of groundwater conditions.
2. For major construction projects, a monitoring program including monitoring wells must be established prior to excavation. A plan of the area should be developed so that wells are established permanently and can be used by other entities for groundwater monitoring. Establishing well locations must be coordinated with the Boston Water and Sewer Commission (BWSC).
3. During environmental review of proposed projects, an analysis of existing sub-soil conditions and groundwater levels should be conducted. Where groundwater levels are found to be below acceptable standards, adjacent structures and subsurface structures should be inventoried to identify conditions and foundation support systems. A number of foundation systems for proposed developments should then be conceptualized and evaluated for potential impact to the area. Excavation systems must also be identified and analyzed for impacts. The potential for ground movement and settlement during excavation and potential impacts on adjacent structures, transportation systems and utility systems should be identified as should a range of mitigation measures.
4. In areas where groundwater issues have been identified or where historic resources are adjoining or adjacent to project sites, a comprehensive monitoring program should be established for the construction period that will indicate if vibration, soil displacement or dewatering impacts to surrounding properties are resulting from construction activities. In addition, in such situations, replenishment of subsurface flow patterns must be considered.



C. Noise

1. In order to balance the need to construct and develop with the rights of residents to the quiet enjoyment of their homes, the City of Boston limits construction hours to 7:00 AM to 6:00 PM, Monday through Friday. The Regulations for the Control of Noise in the City of Boston limit to 75 dBA (L<sub>10</sub> level) daytime construction noise that affects residences.

2. Noise originating from construction sites can be moderated by adopting the following measures:

- decking on roadways should be secured so that there is no rattling when traffic passes over;
- back-up alarms on vehicles and equipment should be either ambient-sensitive type or manually adjustable;
- contracts should include language requiring contractors to properly maintain equipment;
- as small a hoe ram and/or jackhammer as possible should be used and only powered to the degree needed to perform the work. Hoe rams should be equipped with noise suppression enclosures (such as the Allied Hy-Ram);
- stationary noise producing equipment such as pumps and generators should be placed as far away as possible from residential receptor locations;
- engine housing panels on all equipment should be kept closed; and
- when not in use, equipment should be shut off.

D. Recycling and Reuse

1. Any asphalt removed from project sites should be reused on or off site or should be recycled. This should be a standard condition of construction contracts for all Boston projects.

2. Construction laydown areas should contain sufficient space for the segregation of construction waste and it should then be reprocessed, recycled or reused.

3. Some building materials not appropriate for recycling and some excess construction materials may be suitable for donation to the Building Materials Resource Center (100 Terrace Street, Roxbury, 02120, 617-442-8917). This non-profit center offers, for only a handling fee, new and used materials for low and middle income homeowners. Contractors can save disposal fees while supporting this unique organization.

4. Please see Section E.3. (Solid and Hazardous Waste and Recycling) under **Environmental Protection** for information on obtaining the Recycling Service Directory and Markets Guide for Massachusetts which provides information on resources for recycling wood, construction and demolition debris.

## Environmental Protection

### A. Air Quality

1. Permanent signs should be posted at all loading/delivery docks, service and drop-off areas on project sites advising vehicle operators of the five minute idle law and the proponent's expectation of compliance. This state law should then be enforced during operation of the project.
2. Vents from garages should be located so that they will not affect pedestrians and bicyclists.
3. Any abrasive blasting or chemical cleaning at the project must be done in accordance with a permit issued by the Boston Air Pollution Control Commission (APCC) located in the Environment Department offices.

### B. Noise

1. The Regulations for the Control of Noise in the City of Boston, administered by the Boston Air Pollution Control Commission (APCC) through this department, limit noise levels in the city. Noise affecting a residence, regardless of the zoning status of the noise source, cannot exceed 60dBA from 7:00 AM to 6:00 PM and cannot exceed 50 dBA from 6:00 PM to 7:00 AM. Noise generators subject to these limits include delivery and trash pick-up vehicles.
2. This department frequently receives complaints from citizens objecting to the level of noise disturbance from externally placed equipment, vents and emergency generators. Equipment should be properly sized to serve the proposed project but should not provide excess capacity. To minimize the noise impact of emergency generators during the operation of the projects, they should be tested the minimum number of times recommended by the manufacturer at times when ambient noise levels in the area are high. Acoustical enclosures should be considered to ensure compliance with noise regulations.
3. We recommend that loading/delivery areas be fully enclosed so that neighbors are not disturbed. If such areas are not to be enclosed, a plan for visual screening and noise attenuation should be developed.

### C. Water Quality and Conservation

1. The Boston Water and Sewer Commission (BWSC) spends more than \$300,000 annually for the disposal of materials removed from catch basins. This cost does not include labor and general operating and maintenance costs. In addition, the quality of stormwater is receiving increasing regulatory attention as it is a primary contributor to the condition of receiving water bodies. We hope that developers will find it appropriate to help educate the public and further improve the water quality of local water bodies by agreeing to the permanent installation of plaques at all storm drains that bear the warning "Don't Dump - Drains to Boston Harbor." Further information on obtaining these plaques is available from the Engineering Division at the BWSC (617-330-9400).

2. The disposal of snow and the storage of salt, sand and other deicing chemicals should be considered in project design. Snow removed from roadways and walkways cannot be discharged into Boston Harbor or other city waterbodies. Salt, sand and deicing chemicals should be stored so that they do not drift from the site and do not seep into groundwater.

3. We ask that all developers pay substantial attention to the issue of stormwater. The Stormwater Management Policy of the Massachusetts Department of Environmental Protection (DEP) seeks to improve the quality of stormwater when development projects occur and we strongly support this objective. A variety of methods are outlined by DEP, including the use of biofiltration landscaping. The process of biofiltration involves the creation of swales into which runoff from the site is channeled. Selected plants in the swales cleanse the runoff of pollutants, improving the quality of stormwater. We ask that developers examine a range of techniques for improving stormwater quality and make every effort to integrate stormwater management into landscaping plans.

4. An issue of particular concern for the City of Boston is the quality of stormwater originating on state roadways and then moving through the City's system. Given the increasingly stringent stormwater quality requirements of DEP and the EPA, the City has a substantial interest in ensuring that other governmental entities are addressing this issue. For state roadway projects, stormwater quality must be linked to specifications for construction, reconstruction, repair, operations and maintenance of those roadways.

5. The following water conservation measures should be implemented in new or renovation projects in Boston:

- plants varieties chosen for landscaping should be a combination of drought tolerant and those that do not require extensive irrigation;
- if a sprinkler system is to be installed it should include timers, tensionmeters (soil moisture indicators), and rainfall sensors;
- a backflow preventer must be installed at water sources for use at such sites as community gardens;
- for projects with large landscaped areas, in addition to the integration of stormwater management measures, a gray water system should be considered;
- sensor operated sinks and toilets should be installed in public restrooms; and
- if toilets are not to be replaced as part of a project, they should be retrofitted with toilet dams or other water-saving devices.

#### D. Energy Conservation and Pollution Prevention

1. New construction and rehabilitation projects provide an opportunity to protect the environment and minimize utility costs for future owners and occupants with the installation of energy and resource conserving devices. Choices should be made in accordance with the principle of sustainability and should include the installation of energy efficient appliances, lighting and heating systems. Low flow plumbing fixtures should include water conserving aerators.

2. The use of solar energy for all or part of projects should be investigated and results reported in environmental review documents.

3. The Federal Environmental Protection Agency (EPA) sponsors two voluntary programs that combine energy efficiency, pollution prevention and cost savings for participants.

The **Green Lights** program has, in six years, attracted 2,300 businesses and organizations that have found energy efficiency to make good business sense through cost savings. The program is designed to retrofit existing buildings with efficient lighting systems. Since 1991, Green Lights participants have prevented the release of almost 5 billion pounds of carbon dioxide and 17 million pounds of nitrogen oxides and have saved a total of \$254 million. Green Lights Allies, companies in the lighting and energy industry, can assist with new construction by recommending efficient technologies.

The **Energy Star Buildings** program is a five stage strategy that strives to reduce operating costs, properly size equipment, improve indoor air quality, maximize occupant comfort and decrease the costs associated with the phaseout of CFC refrigerants. Again, the program is aimed at existing structures but Energy Star Building Allies are an excellent resource for new construction.

The address for these programs is 401 M Street, SW, Washington, DC 20460. The Energy Star fax line system can be reached at 202-233-9659 and the Green Lights/Energy Star Hotline is available at 1-888-782-7937 (fax 202-775-6680). A free subscription to the Green Lights & Energy Star Buildings Update can be ordered through the toll-free hotline number. Related Websites are: <http://www.epa.gov/greenlights.html> and <http://www.epa.gov/appdstar/buildings/>. For online identification of companies providing products and services related to energy efficiency in buildings, we suggest the EPA's *Allie Services and Products (ASAP) Directory* at <http://www.epa.gov/asap>.

4. Exterior lighting plans for projects should be developed so that they meet security and operational needs while being sensitive to light pollution impacts. Metal halide lighting can be cost-effective and is less conspicuous off-site than mercury vapor. In any case, exterior lighting should be downward directed and/or shielded to reduce glare outside of project boundaries.

5. Pesticides are a source of pollution and can present a health hazard for some individuals. Integrated Pest Management (IPM) is a technique that involves two or more control strategies in suppressing pests. A major goal of IPM is to provide permanent solutions to pest problems by evaluating potential areas of harborage and infestation, eliminating accessibility and upgrading sanitation and maintenance facilities. It is safer, more cost-effective and more ecologically sound than the traditional use of pesticide. IPM can be used during construction so that the completed facility is less likely to provide areas of access and harborage. IPM programs will vary depending upon a number of factors such as site location and type of use. We encourage the investigation of the creation and implementation of IPM programs. Further information can be obtained from the New England Pest Control Association (781-899-5843).

6. A permit from the City of Boston Air Pollution Control Commission (APCC), located in this department, is required for any project that will include abrasive blasting or chemical cleaning of either interior or exterior areas.

**E. Solid and Hazardous Waste and Recycling**

1. One of the goals outlined in the City's Environmental Blueprint is to promote the reduction, reuse and recycling of wastes. Items accepted for recycling by most recyclers include glass containers, metal containers, cardboard, newsprint, white paper, milk cartons, juice boxes and plastic containers designated from 1 to 7 and they can be co-mingled. All projects in Boston, should be designed to include space for the separation of recyclable items from trash and for the storage and pick-up of items.

2. For projects that will be occupied by individuals or companies using hazardous materials, plans should include the means for proper storage and a plan for the disposal of such materials. This includes artists' residences where paints, solvents and other materials will be frequently used. We suggest that in condominium developments, the deeds to artists' units or the by-laws of the condominium association contain a provision that requires compliance with such a plan.

3. **WasteCap of Massachusetts**, with the Massachusetts Department of Environmental Protection (DEP), compiles and produces the Recycling Service Directory and Markets Guide for Massachusetts. This directory provides information on recycling service providers who accept, collect or purchase recyclable materials and other sources of recycling market information. Such materials include fluorescent lamps and ballasts, for example. The directory can be obtained by calling the DEP InfoLine at 617-338-2255 from the 617 area code or outside Massachusetts or at 800-462-0444 from other Massachusetts area codes.

**F. Wind, Shadow and Daylight Analysis**

These issues should be assessed, their potential impacts fully evaluated and mitigation measures identified.

**Transportation**

1. The issue of Transportation Demand Management (TDM) should be a critical area of focus for institutional, commercial and mixed use developments. TDM programs are designed to reduce the use of single occupant vehicles (SOV) and the assessment of TDM measures should include the following:

- for projects where parking exists or will be added, the actual cost of operating and maintaining parking and the amount charged to those who will park should be evaluated. The difference will provide information on whether or not parking is subsidized and to what extent;
- the subsidy of MBTA passes with a *pro rata* subsidy for part-time employees/students;
- incentives for employee carpooling/vanpooling such as providing geographic matching, parking fee discounts, preferential parking for ridesharers and an "emergency ride home" program;

- in order to ensure that CARAVAN vehicles can be accommodated in parking facilities, the clear height of those facilities must be no less than seven feet;
- bicycle racks in secure, well-lighted areas protected from the elements;
- shower and locker facilities for walkers and cyclists;
- designation of a transportation coordinator to distribute transportation information and sponsor transportation-related events; and
- joining or creating a Transportation Management Association.

We suggest examination of "Commuter Check," is tax-free employee benefit that reduces the cost of transit. Further information on this program may be obtained through **CARAVAN for Commuters, Inc. at 10 Park Plaza, Suite 2180, Boston, MA 02116** or at **1-888-4-COMMUTE (1-888-426-6883)**;

2. Flextime can help to reduce traffic congestion at peak times and we recommend it as part of a comprehensive strategy when it can be integrated into the structure of a business enterprise.

**3 City of Boston Environment Department**

- 3.1 Storm water management is discussed in Section 5.2.
- 3.2 This recommendation has been incorporated in Section 5.3.
- 3.3 Snow and ice removal are discussed in Section 5.2
- 3.4 BRA/EDIC will inform all existing and future tenants of the requirements of state law and regulation regarding idling and request the posting of appropriate signage.
- 3.5 Section 4.2.5 discusses current shuttle bus services and coordination efforts. The use of alternative fuel vehicles can be explored with the contract operators.
- 3.6 A Waterfront Commercial District has been proposed for Parcels A and Q-1. The previously proposed Waterfront Retail District has been eliminated. See Section 8.3 and the response to comment SC-3.

**4.0 Boston Design Center**

From: Ms. Laura Crosby, Vice President and General Manager

Date: October 23, 1998



AT

BOSTON  
DESIGN  
CENTER



RECEIVED  
OCT 28 1998  
MEPA

By Facsimile and Hand Delivery

October 23, 1998

Ms. Trudy Coxé  
Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, MA 02202  
Attn: MEPA Unit

Re: South Boston Marine Industrial Park ("BMIP")  
Master Plan Update (EOEA #8161)

Dear Secretary Coxé:

As Vice-President and General Manager of the Boston Design Center, which is located within Sections E and F of Building 114 in the BMIP, I would like to offer the following comments on the BMIP Master Plan Update. As a long-term tenant within the BMIP who has made a substantial investment in its physical facilities, the Boston Design Center is very interested in the BRA's Master Plan for the BMIP.

In October of 1996, we provided extensive comment on the Draft Master Plan for the BMIP during the period for public comment and review. We had been encouraged by the BRA's statement that it would consider an expansion of the uses allowed within the BMIP to allow for a greater mix of uses, including "back office uses." In our comment letter to you, we noted that Building 114 was specifically rezoned in 1983 from W-2, Waterfront Manufacturing, to I-2, General Industrial, to encourage development and allow for a wider range of uses. We stated that we would not support any changes which would restrict this flexibility.

We have reviewed the BMIP Master Plan Update as prepared by the BRA. We are concerned that our comments have not been considered. The BMIP Master Plan Updates states that "the zoning proposed for the MIP has changed since the Initial Master Plan was issued", and contemplates further restrictions on the uses allowed within Building 114, rather than providing the greater flexibility of uses which had previously been contemplated. Section 3.3.1 of the Master Plan Update proposes new

2

zoning districts for the BMIP, eliminating the I-2 Zoning District in which office uses are allowed as of right, and, undoing what had been done in 1983, rezoning Building 114 to "Waterfront Manufacturing", which zoning allows for "industrial supporting office uses" as an "accessory use." The BMIP Master Plan Update does not provide enough detail to analyze the impact of this zoning change on the existing tenants, does not seem to allow for the "back office" space previously identified, and does not fully define what is meant by the term "accessory".

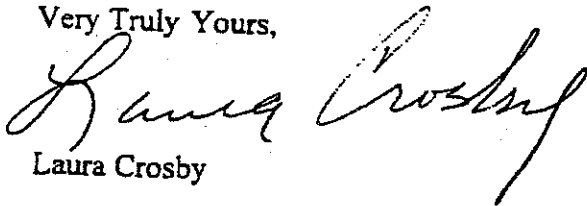
4.1

We are aware of the regulatory requirements imposed on non-maritime uses within the BMIP due to the provisions of the Chapter 91 Regulations, which regulations were enacted following the redevelopment of the BMIP and the Boston Design Center's tenancy. We are appreciative of the fact that your Office, DEP, CZM and the BRA allowed 2 1/2 floors of the Design Center to be utilized for office uses and that this office use will continue to be allowed as part of the Master Plan and Master License issued for the BMIP. The ability to utilize 2 1/2 floors of the Boston Design Center for office uses has enabled us to reduce the vacancy rate from 30% in 1995 to 3% currently. This improvement has allowed the Boston Design Center to maintain its financial stability and vitality and has provided substantial rental income to BRA. It is this income which supports the BMIP as a whole and provides the subsidies required to support the development of maritime-related uses in the BMIP. The changes proposed in the Master Plan Update, including the zoning changes proposed as part of the rezoning of Building 114 to Waterfront Manufacturing from I-2 Zoning, will limit the ability of your Office, CZM, DEP and the BRA to allow for the flexibility of uses which is required for the continued stability of the BMIP and its tenants, and does not make sense given the physical constraints of Building 114. We ask that the proposed limitations on the uses within the BMIP be reconsidered. Our experience has proven that a greater flexibility of uses is necessary to the continued and long-term viability and vitality of the BMIP.

4.2

We appreciate the opportunity to comment and look forward to reviewing the Master Plan for the BMIP.

Very Truly Yours,



Laura Crosby

cc: Jay Wickersham, Esq.  
Thomas N. O'Brien, Esq.  
Robert Baldwin

**4 Boston Design Center**

- 4.1 The proposed changes in zoning will not affect existing tenants; as these existing uses will be grandfathered, if they are not expressly allowed by right under the new zoning. The proposed Waterfront Manufacturing designation will allow industrial office uses.
- 4.2 As stated above, the stability of existing tenants will not be affected. The proposed zoning changes will provide sufficient flexibility on a park-wide basis to accommodate a range of uses, including those which provide economic support to the maritime industries.

**5 Boston Water and Sewer Commission**

From: John P. Sullivan, Jr., P.E., Chief Engineer

Date: October 26, 1998

**Boston Water and  
Sewer Commission**

425 Summer Street  
Boston, MA 02210-1700  
617-330-9400

RECEIVED  
OCT 27 1998  
MEPA



October 26, 1998

Secretary Trudy Coxé  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20<sup>th</sup> Floor  
Boston, MA 02202

Re: EOE A #8161, Marine Industrial Park Master Plan Update

Dear Secretary Coxé:

The Boston Water and Sewer Commission has reviewed the Master Plan Update (Update) for the Boston Marine Industrial Park (MIP). The Update was required by the Secretary's November 21, 1996 Certificate concerning the Master Plan Environmental Impact Report. Since the Certificate did not require the BRA/EDIC to specifically address water and sewer issues in the Update, the Commission requests that these matters be addressed in the Final Master Plan, as described in the Commission's comments below.

The water, sewer and drainage facilities within the limits of the MIP are owned by the Boston Redevelopment Authority/Economic Development Industrial Corporation (BRA/EDIC). Since the water and sewer facilities within the MIP connect to the Commission's systems on Summer Street and Northern Avenue, the Commission has a vested interest in ensuring that developments in the MIP do not negatively impact the water and sewer infrastructure.

Under Article 80 of the Boston Zoning Code, developers in Boston are required to submit project plans to BRA/EDIC for review and approval. The BRA/EDIC in turn must notify all of the City's public agencies of proposed projects and solicit their participation in developing a scope for a Project Impact Report to be prepared by the developer. Through this process the Commission has the opportunity to review project impacts and require developers to implement measures to mitigate, limit or minimize impacts on the water and sewer systems.

To assist in evaluating the impacts of future developments on the Commission's water and sewer systems, the Final Master Plan should include a discussion of existing water demand and sewer and storm drainage flows for the MIP as a whole, as compared to projected estimates to the year 2010. Future increases in wastewater discharged from the MIP are of particular concern of the Commission, since the Commission's Summer Street Pump Station, through which wastewater from the MIP is conveyed, has a fixed capacity.

The BRA/EDIC should require future MIP developers to design and construct water and sewer facilities in accordance with the Commission's Sewer Use and Water Distribution System Regulations. To ensure conformation with the regulations, the BRA/EDIC should require developers to submit a site plan and a General Service Application to the Commission for any new water, sewer or drainage service connection to the water or wastewater system. Site plans should identify the location of existing water mains, sanitary sewers and storm drains which serve the project site, as well as the location of proposed service connections. Project-specific estimates of water demand, and sewer and stormwater flows should be included with each site plan.

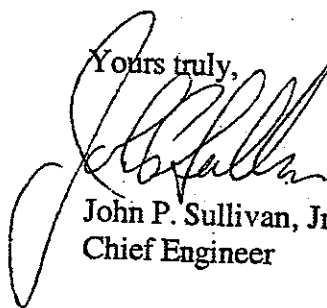
5.2

Most of the drainage from the MIP discharges to Boston Harbor or to the Reserved Channel. The master plan should include a strategy for designing a program to manage and improve the quality of stormwater discharged from the MIP. The program should include a plan for disposing of excess snow and for minimizing the use of deicing chemicals. At a minimum, and in accordance with the Commission's Sewer Use Regulations, the BRA/EDIC should require developers to install stormwater particle separators on drains serving new uncovered parking lots and paved areas within the MIP. Specifications for particle separators are provided in the Commission's Requirements for Site Plans. The Commission also requests that BRA/EDIC consider installing permanent signs (castings) stating: "Don't Dump: Drains to Boston Harbor" next to any new catch basin installed in the MIP in the future. The castings may be purchased from the Commission's Engineering Services Division.

5.3

Thank you for the opportunity to comment on the Update.

Yours truly,



John P. Sullivan, Jr., P.E.  
Chief Engineer

C: R. Baldwin, BRA  
R. Mertens, BRA  
M. Zlody, BED  
S. Shea, BWSC

**5 Boston Water and Sewer Commission**

- 5.1 Water demand and sanitary sewer flows for the MIP are addressed in Section 5.1. Stormwater issues are addressed in Section 5.2.
- 5.2 BRA/EDIC will require future MIP developers to design and construct water and sewer facilities in accordance with the Commission's regulations. See Section 5.
- 5.3 The strategy for managing and improving the quality of stormwater discharged from the MIP is discussed in Section 5.2.

**6 Commercial Lobster Co., Inc.**

From: Joseph Zanti, President

Date: October 20, 1998



# COMMERCIAL LOBSTER CO., INC.



AP

290 NORTHERN AVE — BOSTON MASSACHUSETTS 02210 — Telephone 617-227-8922 FAX 617-227-8924

October 20, 1998

Susan M. St. Pierre,  
Senior Associate  
Secretary of Environmental Affairs  
EOEA No. 8161  
100 Cambridge Street - 20th Floor  
Boston, MA 02202

RECEIVED

OCT 27 1998

MEPA

Dear Ms. St. Pierre,

I have reviewed the Master Plan Update and would like to raise my concerns about the rezoning of Wharf 8. I do not object to the idea of a transition zone with mixed uses, as long as there are some safeguards built into the plan for at least the water dependent businesses that presently occupy Wharf 8. This concession is warranted since the original intent was to reserve Wharf 8 for Maritime use.

6.1

History has shown that the Maritime industry always takes a back seat to all other interests in the city of Boston. Back in the late 70's Commercial Lobster, with many other fish companies were forced out of their locations on Atlantic Avenue for condominium speculators and relocated to Northern Avenue. After Commercial Lobster was relocated and operating on Wharf 8 along the water, the BRA decided to force us to move again to a site away from the water on Wharf 8.

Recent actions like the raising of the seafood center on Northern Avenue and the proposed illumination of the Fish Pier within the next five (5) years are all indications of encroachment on the industry.

In 1996, we started negotiations with the BRA to build a new facility on Wharf 8. We have spent the last two (2) years involved in long frustrating meetings and great out of pocket expense trying to get the BRA to approve our plans. Recently, we appeared to be close to agreeing on a site next to the water on Wharf 8.

Unfortunately, it appears all our efforts might have been wasted, because yesterday our greatest fears have been realized with the announcement by the city that Harborlights is moving to Wharf 8. Their plan is to move the Harborlights structure right on top of our plans and be ready to operate for Spring 1999. I was not notified in advance of these plans and to date have not been brought in to discuss Commercial Lobster's fate.

This is the sort of disregard for the Maritime industry the city of Boston has demonstrated in the past and present. This is why I believe safeguards must be instituted in the Master Plan to protect Maritime use from the city speculators.

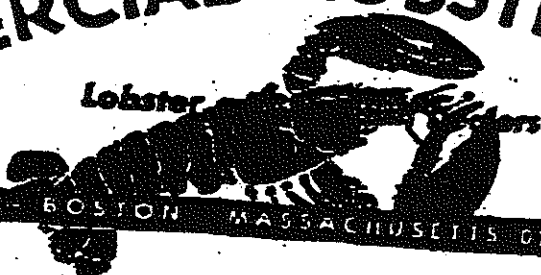
We are not advocating an encumbering process to impede progress and development in the city, but there should be a process that all powers to be must adhere to so that all parties affected are protected, informed, heard and made part of plans.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Zanti".

Joseph Zanti  
President

# COMMERCIAL LOBSTER



# CO., INC

F...  
cc Brady 20  
Reitz  
AD

240 NORTHERN AVE BOSTON MASSACHUSETTS 02210 Telephone 227-8922

October 6, 1996

Ms. Trudy Cox, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, MA 02202

OFF  
OF B...

RE: Sale of Marine Industrial Park

Dear Ms. Cox,

Commercial Lobster is a tenant in the Marine Industrial Park in Boston. It has been a tenant since 1980 and is in its 16th year of a 20 year lease. Commercial Lobster was established in 1950 and prior to 1980 was at 195 Commercial St. in Boston for 30 years. They were forced out of their Commercial Street location and relocated to the Industrial Park by BRA. At the time, they were told that even though the move was a hardship, the relocation would be to Commercial Lobster's best interest in the long run because the land was designated for permanent marine use. Therefore we would never have to worry about relocation again.

Now the Boston Mayor's office is proposing to sell the industrial park and to do so they are trying to change the zoning to make the Real Estate more attractive to Real Estate Speculators. This would rob the Marine industries of their last refuge on the Boston Waterfront. If the proposed master plan is realized whatever is left of the maritime industry in Boston will be gone in a few years.

20.

Commercial Lobster must have access to the sea water in order to exist. Our lobsters need a constant flow of fresh sea water to stay alive. Does it make any sense to relocate us away from the Waterfront in favor of a hotel or courthouse that could exist anywhere.

20.2

We ask you to please look into this matter and do whatever is in your power to protect marine interest and put a stop to the rezoning of this endangered resource, the Boston Marine Industrial Park.

Sincerely,

*Joseph Zanti*

Joseph Zanti

President

Marine Industrial Park Master Plan  
Master Plan Update

---

**20 COMMERCIAL LOBSTER CO.**

**From: Joseph Zanti**

**Date: 10/06/96**

**6 Commercial Lobster, Inc.**

- 6.1 While the Master Plan Update included Wharf 8 in a waterfront retail district, that designation is no longer proposed. Wharf 8 is will remain zoned MER. See response to comment SC-3 and Section 3.3.4.

**7 Boston Harbor Partners Limited Partnership**

From: John Winston, President, DLJ Harbor (Boston) Corporation

Date: October 22, 1998

# DLJ Harbor (Boston) Corporation

120 Broadway, New York, New York 10271 • (212) 312-4482

AP

October 22, 1998

Via Telefax and Mail

RECEIVED

OCT 24 1998

MEPA

Ms. Trudy Coxe  
Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, MA 02202

Re: South Boston Marine Industrial Park ("BMIP")  
Master Plan Update (EOEA #8161) ("MPU")

Dear Secretary Coxe:

On behalf of DLJ Harbor (Boston) Corporation, the General Partner of Boston Harbor Partners Limited Partnership ("BHPLP"), we would like to reiterate our comments on the BRA's Draft Master Plan set forth in our letter to you of October 11, 1996, a copy of which is attached to the MPU. Many of these comments have not been addressed by the BRA.

We also urge you to encourage the BRA to consider the comments provided by all of the tenants in the BMIP, not simply those who are involved in fish processing and maritime related uses.

Finally, we believe that the Master Plan for the BMIP should assess the present and the likely future market for industrial, office and manufacturing space within the BMIP so that its continued viability for the next century will be assured.

7.1

Sincerely,

Boston Harbor Partner Limited Partnership  
By: DLJ Harbor (Boston)  
Corporation, its General Partner

By: \_\_\_\_\_

John Winston, President

cc: Jay Wickersham, Esq.  
Thomas N. O'Brien

JW:hrp  
0043W



**7 Boston Harbor Partners Limited Partnership**

- 7.1 The proposed zoning changes provide sufficient flexibility on a park-wide basis to accommodate a wide range of uses, allowing the MIP to respond to changing market demands over time and assuring the economic viability of the MIP as a whole.

**8 Peabody & Lane Corporation**

From: Arthur Lane

Date: October 27, 1998

**PEABODY & LANE CORPORATION**  
**NEW ENGLAND STEAMSHIP AGENTS**  
**One Constitution Plaza, Boston, MA 02129-2025**  
Telephone (617) 241 3700  
Fax (617) 241 74073  
TWX (710) 321 0286 TELEX 940262  
Cable Address: PEALANE, BOSTON

10/27/98

Thomas O'Brian, Director  
Boston Redevelopment Authority  
City Hall  
Boston, MS 02201

Trudy Coxe, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge St. 20<sup>th</sup> Floor  
Boston, MA 02202

David Struhs, Commissioner  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

**RECEIVED**  
**NOV 10 1998**  
**MEPA**

Regarding : Harborlights Music Tent / Charlestown Navy Yard

There is nothing more important, or more vulnerable to the life of this port than the sole remaining container terminal at the Conley Terminal in South Boston.

The jugular vein of that container terminal isolated at the end of First Street, South Boston is the intermodal truck access from the main South / North Route 93, and now the Williams Tunnel to East Boston to the North.

At issue is the movement of the Harborlight summer music tent from the Pritzer Fan Pier area to the crowded South Boston area. All South Boston needs is more automobile traffic through its living neighborhood areas. Equally this move would be a choke hold on the truck/ship Conley Terminal in a time when the working seaport of Boston is hanging on by its finger tips in this savage competitive world shipping period.

8.1

Of course this is aside from the effects of the move on the General Ship dry dock, the access to the Boston Marine Industrial Park, the berths of the harbor cruise boats, the highly touted passenger cruise ships from the Black Falcon Terminal.

Such an ill judged mind is unnecessary. There is a far better alternative.

As you will note by the attached chart of the Charlestown Navy Yard (a 35 year old chart – the rail tracks, the multitude of small buildings are long gone) Berth 11 is a splendid 1000 foot open uncluttered berth alongside a large open area for parking. Gate 5 gives direct access to Berth 11 – coming off Chelsea Street – off Route 93. Berth 11 is well away from both any living neighborhoods and the Navy Yard Condos. It faces the harbor with a wide open view to seaward. It is accessible to the World Trade Center / North Station ferry services. Access would be free of the city roads. A Navy Yard parking garage is adjoining on 13<sup>th</sup> street.

8.2

The main point - go and see Berth 11, and then make your decision.

Best regards,

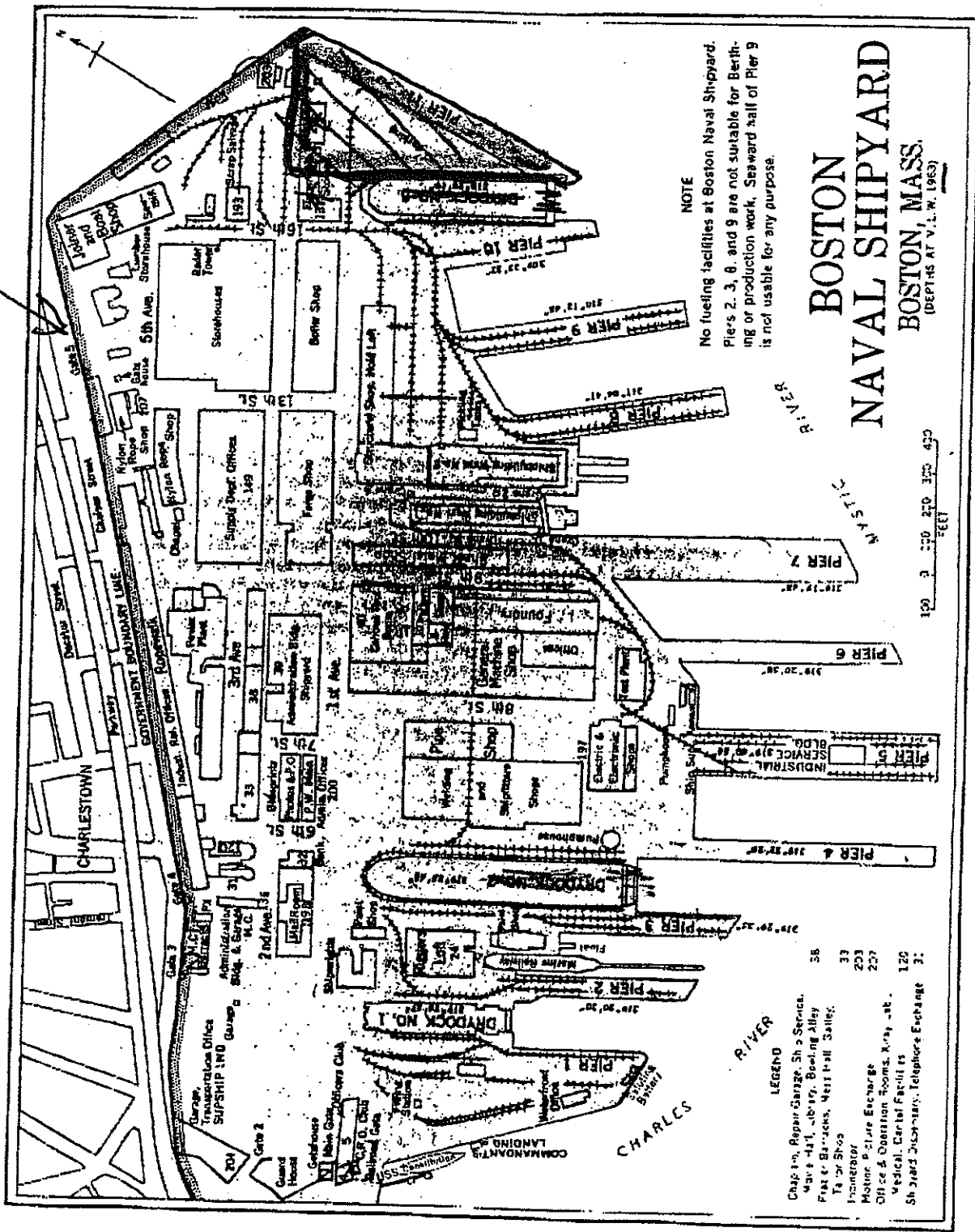
  
Arthur Lane

CC: The Boston Harbor Association  
Att: Ms. Vivien Li

CC: The Boston Shipping Association  
Mr. Ross Pope, President

CC: The Massachusetts Port Authority  
Mr. Michael Leone, Port Director

REPAIR



*A How. Mr. Lane*

Figure 8

*Note: Drydock between Pier 10 & Pier 11 - No longer exists - completely water-filled + open to the harbor.*

**8 Peabody & Lane Corporation**

8.1 See Appendix G, BankBoston Pavilion Traffic Update.

8.2 As discussed in response to SC-3 and Section 3.3.4, the siting of the BankBoston Pavilion on Wharf 8 is temporary. Two sites in Charlestown are being considered in the siting study for a permanent location, as discussed in Appendix E.

**9 Massachusetts Senate**

From: Sen. Stephen Lynch, First Suffolk District

Date: October 30, 1998



COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

RECEIVED  
OCT 30 1998

MEPA

SENATOR STEPHEN F. LYNCH  
FIRST SUFFOLK DISTRICT  
STATE HOUSE, ROOM 312D  
TEL. (617) 722-1150

COMMITTEES:  
COMMERCE AND LABOR  
(CHAIRMAN)  
  
PUBLIC SERVICE  
COUNTIES  
ETHICS

October 30, 1998

Secretary Trudy Coxe  
Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston, MA 02202

RE: MEPA Unit, EOE A 8161

Dear Secretary Coxe:

This letter is in regard to the Boston Marine Industrial Park (BMIP) Master Plan Update (EOEA 8161) (hereinafter "the Plan") submitted by the Boston Redevelopment Authority (BRA).

Your certificate of November 1996 makes specific requirements of the BRA in this process. Namely, the BRA must work with the community and agencies to resolve issues and define the regulatory process to be used for plan approval. Furthermore, the BRA is required to file an interim document which responds to public comments and sets forth a recommended regulatory approach. In this summary, there remain unworkable aspects of the plan that deeply concern the South Boston community regarding the future of the preferred marine industrial uses in the port area.

According to the EDIC and BMIP enabling legislation established under Chapter 1097 of the Acts of 1971, the BRA/EDIC has been directed by the Massachusetts Legislature to take such action, according to an economic development plan, which furthers two general objectives. Firstly, the economic plan must further the purpose of industrial and manufacturing development within the city by attracting new industries as well as retaining existing industries in need of expansion. ("Statement of Findings," Section 2, Chapter 1097, Acts of 1971) Secondly, but importantly, the BRA/EDIC economic plan must seek to reduce underemployment and unemployment in the local area by the retention and creation of better-paying jobs in the manufacturing and industrial sectors. (Id.) Chapter 1097 further provides that companies locating in the BMIP shall give preference in employment to residents of the City of Boston. (Id.)



Secretary Trudy Cox  
October 30, 1998  
Page 2

With this specific legislative mandate in mind, and based upon a plain reading of the Master Plan, there are some major problem areas in this document which would harm rather than enhance the unique maritime industrial, manufacturing, and port-related mission of the Boston Marine Industrial Park. Notably, there is no empirical support for the master Plan's underlying premise, that the requested zoning changes will further the EDIC's legislative mandate or enhance maritime uses in the Port. Indeed, the existing protective zoning configuration of the Designated Port Area, Maritime Economy Reserve, etc. have served their purpose well and should not be reduced.

9.1

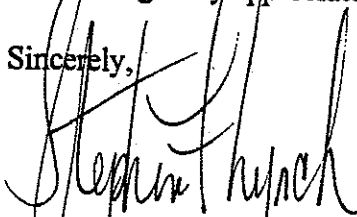
The plan's proposed waterfront retail and commercial zoning designations will serve to diminish the maritime/industrial nature of the port. There are many opportunities elsewhere in the waterfront area for potential retail uses. With the construction of the Ted Williams Tunnel, the BMIP remains the last major deepwater port facility in the City of Boston that can accommodate the newer, deep-draft, "Post Panamanian" ships. The deeper draft of these ships prevents them from crossing over the Ted Williams Tunnel. The deep-water accessibility of the BMIP is an invaluable asset to the maritime industry. The proposed rezoning of key parcels within the BMIP, I fear, will begin a trend of commercial encroachment upon the favored maritime industrial uses.

9.2

Simply put, we have abundant opportunities to foster commercial waterfront activity throughout the city. However, our opportunities to preserve industrial and maritime uses are limited to this last major reserve. We must think about our future. If we rezone these parcels, in my opinion, we turn our backs on the sea and forever foreclose meaningful maritime-related development opportunities. Please remember what makes Boston and the South Boston waterfront in particular, so special. Our port is a precious natural resource that belongs not only to us, but also to future generations. We should treat it as such.

In closing, I thank you on behalf of the South Boston community for the opportunity to offer comments on this important matter. If I can continue to be of any assistance in this matter, please do not hesitate to contact my office. Your careful consideration of these matters is greatly appreciated.

Sincerely,



**STEPHEN F. LYNCH**  
State Senator

**9 Massachusetts Senate**

- 9.1 The waterfront retail district is no longer proposed and the MER district will not be reduced, but increased slightly. At least two-thirds of the park will continue to be devoted to water-dependent industrial uses, as described in Section 8.1
- 9.2 The waterfront retail district is no longer proposed, and only two parcels totaling less than 47,000 square feet will be zoned waterfront commercial. As discussed in Section 8.1, a maximum of 5% of the MIP would be used for commercial uses incidental to and supportive of the water-dependent industrial uses.

**10 Boston Shipping Association, Inc.**

From: Alfred E. Frizelle, Executive Director

Date: November 2, 1998



The BOSTON SHIPPING ASSOCIATION, Inc.  
Charlestown Navy Yard, 197 8th St., Ste 775, Charlestown, MA 02129-4208  
Telephone (617) 242-3303, FAX (617) 242-4546

AP

November 2, 1998

Ms. Trudy Coxé, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, MA 02202

RECEIVED  
NOV - 3 1998  
MEPA

Attn: MEPA Unit  
Sylvia Hobbs

Re: Marine Industrial Park Master Plan Update  
EOEA #8161

Dear Secretary:

The Boston Shipping Association ("BSA") represents stevedores, terminal operators, steamship lines and agents engaged in the maritime industry in the Port of Boston.

We have had an opportunity to review the referenced Master Plan Update and desire to be recorded as opposed to the *Proposed Zoning Changes* set forth in section 3.3.1., particularly, the proposals to create a *Waterfront Retail District* and the *Reconfiguration of the MER District*.

The proposed *Waterfront Retail District* for a portion of Wharf 8 between Dry Dock 4 and Northern Avenue and the change of the MER zone for that site is unwarranted. The allowed uses for the proposal include "Cultural Uses" which is defined to include outdoor music space. It is well known that "Harborlights" is seeking a temporary location for their summer performances and has with some encouragement selected this site for its temporary location. The zoning change would allow this to become a permanent home.

10.1

Northern Avenue is a designated truck route for traffic exiting the Boston Marine Industrial Park. The "Harborlights" program without question creates traffic. Couple this activity with the convention traffic at the World Trade Center and the traffic situation in that locality becomes intolerable. Eloquent arguments will be made by Harborlights that the traffic is limited to the summer and after business hours. The fact is that there are twenty-four hour truck operations within the BMIP and a new intermodal cargo facility is under construction at this time that will operate twenty-four hours a day. This corridor must remain open to trucking.

10.2

The Black Falcon Cruise Terminal is within the MIP and is the center of cruise ship activity in the Port of Boston. Each year we have seen a growth in the number of vessels calling at the Port and increased activity is contemplated for next year. Each summer we have a weekly Sunday call of a passenger vessel bound for Bermuda. The discharging and boarding of passengers creates a large

Executive Office of Environmental Affairs

November 1, 1998

page 2

amount of traffic. Cars are parked at the EDIC parking garage. The consolidated Conley Container Terminal is also in South Boston, next to the MIP. Conley is an intermodal facility and depends upon trucks for the transportation of export and import container cargo through the South Boston area.

The only argument for the change of zoning is to allow redevelopment of this area as a transition zone between the South Boston Seaport Inner Harbor mixed use and the industrial port. There is already such a transition area with Jimmy's, Jimbos and other businesses located adjacent to this area.

The question to be asked and answered is what has changed since the original Marine Industrial Park Master Plan. The answer is that nothing has changed. Perhaps that can be expanded by stating that someone would like to locate a business at the site which is not allowed in a MER zone.

Section 1.1 of the Update on page 2 sets forth the "Purpose and Goals of the Master Plan". One sentence is quite appropriate as follows:

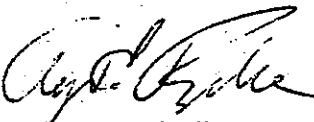
"...It recognizes the unique locational advantages and physical assets of the MIP for industry and places strong emphasis on encouraging the growth of maritime industries such as seafood processing/distribution, ship repair, ocean transport and materials movement/staging related to transportation infrastructure construction."

We submit that the proposed change of use is not within the stated "Purpose and Goals of the Master Plan". A *Waterfront Retail District* is not related to maritime industries. The proposed change is not warranted and we respectfully ask that such change not be allowed.

10.1

Sincerely,

THE BOSTON SHIPPING ASSOCIATION, INC.



Alfred E. Frizelle  
Executive Director

/jb

**10 The Boston Shipping Association, Inc.**

10.1 A Waterfront Retail District is no longer proposed. Please see the response to comment SC-3 and Section 3.3.4.

10.2 Please see Appendix F.

**11 Jimmy's Harborside Restaurant**

From: Charles Doulos

Date: November 5, 1998



AT

November 5, 1998

Trudy Coxe, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street  
20<sup>th</sup> Floor  
Boston, Massachusetts 02202

RE: Boston Marine Industrial Park EOEA #8161

RECEIVED  
NOV - 5 1998  
MEPA

Dear Ms. Coxe:

Jimmy's Harborside Restaurant has been a part of Boston's historic waterfront for over 75 years. During this time we have watched the Boston Fish Pier and surrounding areas develop into a unique blend of business and industry which today we call the Seaport District.

As a business owner and long-time tenant of the Boston Fish Pier, I am looking forward to having Harborlights as a neighbor. The high-quality entertainment that Harborlights provides to the public can only enhance the ambiance of the Seaport District.

11.1

Recent and planned improvements in public transportation and the continual upgrading of roadways in the area will not cause the area to become an inconvenience to all of us here, regardless if we have business or transients travelling through here.

Harborlights being added to the masterplan of the entire Seaport area will help make us second to none when compared to similar facilities in the country.

Sincerely,

*Charles J. Doulos*

Charles Doulos  
Jimmy's Harborside Restaurant, 242 Northern Avenue  
Jimbo's Fish Shanty, 245 Northern Avenue



**11 Jimmy's Harborside Restaurant**

- 11.1 The siting of the BankBoston Pavilion on Wharf 8 has been approved for a temporary five year period. Please see the response to comment SC-3 and Appendix E.

**12 MacDonald & Associates**

From: Bruce and Estelle MacDonald

Date: November 3, 1998

**M**acDonald & Associates  
Event Design and Production

21 Drydock Avenue, Box 90  
Boston, Mass. 02210  
(617) 695-1870  
Fax: 695-1758

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AP

November 3, 1998

Ms. Trudy Coxé  
Secretary  
Executive Office of  
Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, 02202

Ref.: EOE A #8161

Dear Ms. Coxé,

Please be advised that MacDonald & Associates welcomes and encourages the relocation and, thereby, the continuation of the Harborlights Pavilion concert venue.

This harborside activity has been terrific for the City of Boston, for helping to bring about a new appreciation of our maritime and Harbor assets, and for creating new interactive cultural and entertainment options for our citizens, tourists, and visitors.

12.1

Additionally, Harborlights has been a very good neighbor in the Seaport area and South Boston in general, creating audiences that also dine out in the area, and creating sound summer employment opportunities for many of our youth and adults. Because Harborlights is primarily a nighttime venue, its activity does not compete for parking and does not add to commuter traffic problems.

With respect to water access, we would suggest that many more people come to and appreciate the Harbor and waterways as a result of Harborlights than could ever be displaced by it. And, here again, the Harborlights operation has been extremely sensitive to access issues.

We have experienced the harbor and waterway developments of San Antonio, Baltimore, Seattle, Vancouver, BC, Montreal, and San Diego. Some succeed much more than others, largely because they include a (non-sports)

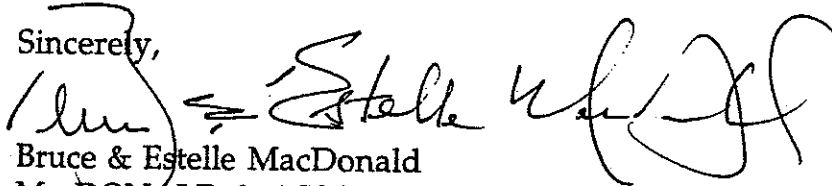
Page Two

entertainment venue.

Boston has for decades neglected its truly magnificent water assets, including the Harbor and Harbor Islands; only relatively recently have we begun to appreciate what we have, and this is largely due to the vision of those behind the Boston Harbor Hotel, the World Trade Center, Harborlights, and a very few other projects. We need a carefully developed Seaport District, and we need the kind of interactive magnet that Harborlights Pavilion provides-- along with the many other benefits we've mentioned.

As business neighbors and as regular patrons, we fully support the relocation and continuation of the Harborlights Pavilion.

Sincerely,

Handwritten signatures of Bruce and Estelle MacDonald. The signature on the left is 'Bruce' and the one on the right is 'Estelle'. They are written in cursive ink.

Bruce & Estelle MacDonald  
MacDONALD & ASSOCIATES

**12 MacDonald and Associates**

- 12.1 The siting of the BankBoston Pavilion on Wharf 8 has been approved for a temporary five year period. Please see the response to comment SC-3 and Appendix E.

**13 Kenneth A. Sinkiewicz**

Date: November 13, 1998

AP

**Kenneth A. Sinkiewicz**  
911 East Broadway  
South Boston, MA 02127

November 5, 1998

Ms. Trudy Coxe  
Secretary of Environmental Affairs  
The Commonwealth of Massachusetts  
Executive Office of Environmental Affairs  
100 Cambridge Street, Room 2000  
Boston, MA 02201

**RECEIVED**  
**NOV 13 1998**  
**MEPA**

**Re: Boston Marine Industrial Park EOE A #8161**

Dear Ms. Coxe:


I was recently privy to a presentation made by Harborlights relative to a temporary siting of their facility on "Wharf 8", on Boston's waterfront. To the immediate west of the site are primarily commercial activities (hotel, office, restaurant, retail, etc.) and to the immediate east primarily industrial activities (Manufacturing, fish processing, trucking, etc.).

The Boston Redevelopment Authority's Master Plan for the area calls for the site, Wharf 8, to be a transitional zone - an area that would recognize the importance of maritime industries to the economic health of the area and use this zone in a way that is sensitive to industrial uses.

The Harborlights siting on Wharf 8 is, in my opinion, an appropriate use for this transitional zone because:

- Harborlights is requesting a temporary (5 year) designation, and the City reserves the right to change the use in the future;
- The evening use operationally is compatible to the neighbors in terms of infrastructure demand (parking and road use);
- Harborlights attracts large numbers of people to the area and supports other economic activity;
- The Harborlights site plan allows year round public access to the Harborwalk and other amenities; and
- Harborlights employs over 100 South Boston residents in important seasonal jobs, many of which are union, thereby enhancing the economic health of our community.

Sincerely,

  
Kenneth A. Sinkiewicz  
South Boston resident  
K.S./ee

**13 Kenneth A. Sinkiewicz**

- 13.1 The siting of the BankBoston Pavilion on Wharf 8 has been approved for a temporary five year period. Please see the response to comment SC-3 and Appendix E.



**14 Massachusetts Bay Lines, Inc.**

From: William J. Spence, President

Date: November 5, 1998

*No response necessary*



MASSACHUSETTS BAY LINES, INC.

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NOV - 6 1998

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November 5, 1998

Ms. Trudy Coxe, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20<sup>th</sup> Floor  
Boston, MA 02202

Reference: BRA Master Plan Up Date for the Marine Industrial Park  
EOEA #8161

Dear Secretary Coxe:

I want to commend the Boston Redevelopment Authority for keeping in this plan the Marine Industrial Park as principally for maritime industrial uses. In my opinion, the trend line for maritime activities is definitely up and I feel it is important to continue the Chapter 91 concepts of preserving maritime areas for "fishing, fowling and navigation".

The plan supports the proper separation of different and possibly conflicting uses. This is important in the entire Seaport District. It is also very important that luxury items not be allowed to predominate the area. As you were not at the Executive Office of Environmental Affairs in the late 80's, I think it may be helpful to comment on what did take place as Rowes Wharf was redeveloped.

In their original plans, the developers of Rowes Wharf wanted Massachusetts Bay Lines to be relocated. A very limited amount of pier space was planned and it would be used for luxury yachts appropriate to the luxury condominiums at Rowes Wharf.

The Massachusetts Executive Office of Environmental Affairs and the Boston Redevelopment Authority were very helpful to us and made it possible for us to remain at Rowes Wharf on a reasonable economic basis. Major increases were made in the amount of pier space for commercial excursion and/or commuter boats. Also, the middle finger pier was changed from condominiums to office space.

*"We bring the best out of Boston."*

FREEDOM

NANTASCOT

NEW BOSTON

MASSACHUSETTS

PATRIOT

60 Rowes Wharf, Boston, MA 02110

Sailing from Rowes Wharf, Boston • World Trade Center, Boston • State Pier, Hingham  
617-542-8000 • Fax 617-951-0700

**15 Greater Boston Convention & Visitors Bureau**

From: Patrick B. Moscaritolo

Date: November 6, 1998

GREATER  
**BOSTON**  
CONVENTION  
& VISITORS  
BUREAU

AP

*America's Walking City*

November 6, 1998

Via Fax (727-2754) and First Class Mail

The Honorable Trudy Coxe, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20<sup>th</sup> Floor  
Boston, MA 02202

**RECEIVED**

NOV - 6 1998

**MEPA**

Dear Secretary Coxe:

RE: Boston Marine Industrial Park EOE #8161  
Boston Harborlights Relocation

On behalf of the Greater Boston Convention & Visitors Bureau and its 1,200 member companies, I am writing to support the new temporary site for Harborlights. The proposed location is known as Wharf 8, between an area occupied primarily by commercial users (hotel, office, restaurants, retail, etc.) and industrial users.

As you know, the Marine Industrial Park Master Plan submitted by the Boston Redevelopment Authority has designated Wharf 8 as a transitional zone which would permit a use such as Harborlights.

15.1

A number of reasons make Harborlights an appropriate entity for this transitional zone:

Harborlights' location at Wharf 8 is conceived as temporary, and the city has the option of changing the use of this site after five years.

Harborlights' evening hours of operation and seasonal schedule do not create need for new roads or parking facilities, and its operations will not interfere with the working use of the adjoining piers.

Harborlights brings large numbers of visitors, as well as metropolitan area residents, to the Boston waterfront.

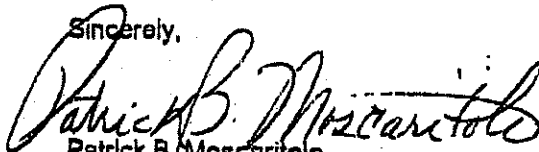
As part of the relocation, Harborlights will extend Boston's Harborwalk and provide significant public access to a park-like area and amenities on a year-round basis.

The Honorable Trudy Coxe, Secretary  
Page 2  
November 6, 1998

The Master Plan acknowledges the importance of maritime industries, and industry in general, to the economic health of the area and seeks uses for this transitional zone that will be sensitive to industrial users. Our visitor industry needs a facility such as Harborlights, and it also provides quality entertainment for the Boston area along our beautiful harbor.

Again, thank you for the opportunity to comment on this proposal for a temporary relocation of Harborlights to Wharf 8.

Sincerely,



Patrick B. Moscaritolo  
President and CEO

**15 Greater Boston Convention & Visitors Bureau**

- 15.1 The siting of the BankBoston Pavilion on Wharf 8 has been approved for a temporary five year period. Please see the response to comment SC-3 and Appendix E.

**16 Scola's Restaurant and Pub**

From: Beth Wynn, Manager

Date: November 4, 1998

AP

11/4/98

TO: TRUDY COXE - Secretary EXECUTIVE OFFICE of ENVIRONMENTAL AFFAIRS

IN Regards to Reference: BOSTON MARINE INDUSTRIAL PARK  
E OEA #8161

Dear Ms. Coxe,

I am writing in response to the proposal for the new Harbor lights location at Wharf 8. I believe by keeping Harbor lights in the Seaport District will only be beneficial to all concerned. It has the potential to bring in a substantial amount of business. With all of the time and money that has been spent to build up this area it would only make sense to keep such a lucrative business in the Seaport. Especially with the proposal to extend the season it could help all businesses year round as opposed to only seasonal visitors.

Thank you  
Beth Wyne  
Manager Scala's Restaurant & Pub  
265 Northern Ave  
Boston.  
617-338-5658

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NOV - 6 1998

MEPA



**16 Scola's Restaurant and Pub**

- 16.1 The siting of the BankBoston Pavilion on Wharf 8 has been approved for a temporary five year period. Please see the response to comment SC-3 and Appendix E.

**17 The Boston Harbor Association**

From: Vivien Li, Executive Director

Date: November 9, 1998



For a clean, alive and accessible Boston Harbor

9 November 1998

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**RECEIVED**  
**NOV - 9 1998**  
**MEPA**

Secretary Trudy Coxé  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, MA 02202  
ATT: MEPA Unit

RE: EOE A #8161  
Master Plan Update  
Marine Industrial Park  
Boston, MA

Dear Secretary Coxé:

The Boston Harbor Association (TBHA) is a non-profit, public interest organization founded in 1973 by the League of Women Voters and the Boston Shipping Association to promote a clean, alive, and accessible Boston Harbor. Since its inception 25 years ago, TBHA has worked to promote maritime industrial uses and water dependent uses along the waterfront.

In 1996, the Boston Redevelopment Authority/ Economic Development Industrial Corporation submitted an Initial Master Plan-EIR for the Boston Marine Industrial Park (BMIP). The Master Plan process, which was developed to ensure coordinated planning for Marine Industrial Park, allows for comprehensive review of properties both within and beyond the jurisdiction of Chapter 91. Numerous comments were submitted by the public, including TBHA, regarding the appropriateness of some of the proposed changes and the potential impacts of such changes upon the seaport economy.

The Boston Redevelopment Authority has thoughtfully considered the public comments, and incorporated significant modifications into their July, 1998 Master Plan Update (EOEA #8161) which are responsive to many of the public's comments. These modifications include the following: continued City ownership of the Marine Industrial Park; no hotel use in the Marine Industrial Park; and restrictions on general office use.

We highly commend the Boston Redevelopment Authority/ Economic Development Industrial Corporation for making these modifications, and for continuing to pursue and foster maritime industrial and related uses and users in the BMIP. Under the leadership of Mayor Tom Menino and BRA Director Tom O'Brien, the City has effectively worked with state officials and others to have the repair of the battleship Massachusetts occur in Dry Dock 3 by Boston Ship Repair beginning in the next few weeks for a six month period, as well as promoted the relocation of Legal Sea Foods and North Coast Seafoods to the Marine Industrial Park.

In an effort to insure that maritime industrial and related uses continue to receive priority in the BMIP, The Boston Harbor Association recommends the following for the Master Plan:

### Proposed Waterfront Retail District

The project proponent proposes that Wharf 8 between Dry Dock 4 and Northern Avenue be taken out of the MER zone and classified as a "Waterfront Retail District."

According to the BMIP Master Plan Update, this area would be considered a transition zone between the Marine Industrial Park and the Seaport District with the majority of the site re-zoned as "waterfront retail district" while the piers and dry dock would remain in the MER zone (the plan does not specifically define the area or size of the pier and dry dock which would remain in the MER zone). The project proponent proposes that allowable uses now include banking and postal uses, cultural uses, and restaurant and bar uses, among others.

Wharf 8 is a key parcel of the industrial Working Port, with significant potential for maritime industrial uses due to the deep water berth. It is one of the few remaining sites available for temporary ship repair and maintenance activities, as well as for related marine construction and related industrial activities.

The March, 1996 Port of Boston: Economic Development Plan prepared by the Boston Redevelopment Authority and Massport devoted a section to port industries, including ship repair. The report indicated that "if managed well, the two drydocks and the berthing space alongside could serve several vessels simultaneously" (page 5.6-14 of the report, referring to the current status of DryDock No. 3 and No. 4).

The report further states: "Dry Dock No. 3 and Dry Dock No. 4, with minor capital investment and continued maintenance, can remain operational. Longer term reliability can be improved by additional capital investment and

continued maintenance efforts. Additional investment could upgrade and modernize these facilities, making them more cost competitive and efficient.

"To provide long term viability of these drydock facilities, land adjacent to the facilities should be set aside as integral parts of the ship repair facilities." (page 5.6-20 of Port of Boston: Economic Development Plan. Clearly, as the BRA/Massport report indicates, Wharf 8 is a crucial element in the maintenance of activities at Dry Dock No. 4. Without laydown space, shop space, steam plant, crane, electric power, and so on, Wharf 8, Dry Dock No. 4 becomes inoperable.

Moreover, Wharf 8 is at the entrance to the Boston Marine Industrial Park and is one of the major truck routes leading in and out of the BMIP. EDIC plans to use Dry Dock Avenue and Summer Street for additional truck access. TBHA and Massport are currently hosting a 'truck routes' working group to ensure that adequate truck access to Marine Industrial Park is maintained.

Given this parcel's significance to the Working Port as well as to maritime industrial uses, it is unclear why uses such as a bank branch, local post office branch, restaurant, bar, or cultural facility need to be on this site and why such non-water dependent, non-maritime industrial uses can not be located on other parcels, including parcels west of D Street where new commercial and residential development will be concentrated.

TBHA believes that additional information is needed to evaluate the removal of Wharf 8 from the MER Zone. The transitional uses proposed for Wharf 8 should be carefully considered for their impact on maritime industrial uses at that site and throughout the BMIP.

17.1

#### Proposed Waterfront Commercial District

The project proponent also proposes to establish a Waterfront Commercial District for office and commercial uses at Summer Street entrance to the Park (this entrance is limited to automobiles because of the limited turning radii for trucks on Harbor Street immediately past the guard shack and because the roadway immediately narrows to one lane in each direction once one passes the guard shack). Additional data needs to be provided as to potential traffic conflicts between truck, automobile, and pedestrian uses at this location with these proposed uses.

17.2

If the Waterfront Commercial District is permitted, TBHA urges that the properties be leased, not sold. The project proponent states on page 12 of the Master Plan Update that "this district is intended to provide new development opportunities for office and commercial uses in a limited area of the MIP in order to generate revenues for re-investment into the Park." In order to insure this re-investment into the park, TBHA urges that the leases for the two parcels in this District require linkage of commercial activities to

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specific water-dependent industrial uses (as is currently required of commercial and nonwater-dependent uses in the Boston Design Center Building).

Consistent with this, TBHA urges that the project proponent provide an update on maritime-related investments made to date as required under the Chapter 91 license for the Boston Design Center (W95-4381N) issued on 6 December 1995, and that a list of other maritime-related improvements to be linked to the Waterfront Commercial District be developed for inclusion in the approval process.

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17.6

### Regulatory Clarifications

The Boston Redevelopment Authority proposes to submit the Master Plan as a Marine Industrial Park Master Plan under Chapter 91 regulations. Other options include submitting the Plan as a DPA Master Plan under the Harbor Planning regulations or keeping the majority of the Park within the Designated Port Area and having no special Master Plan designation (the latter is currently what is in effect today).

Under the existing scenario, the current Park-wide allocation of land use (excluding vacant land) is 72% maritime industrial, 25% industrial, and 3% all other uses. Currently, without a special Master Plan designation, no more than 25% of an individual project site may be used for nonwater-dependent uses (thus, no less than 75% of an individual site must be used for water-dependent industrial uses), and there must be a direct operational or economic benefit linkage to water-dependent industrial uses. In addition, nonwater-dependent industrial uses, parking, and transportation uses are limited to a temporary 10-year license. Currently, both Park-wide and on each individual parcel, maritime industrial uses range from 72-75%.

Under the proposed Marine Industrial Park Master Plan, up to 1/3 or 33% of the BMIP could be devoted to nonwater-dependent and non-industrial uses provided such uses are incidental to and supportive of water-dependent industrial uses. Thus, the proposed regulatory scenario could potentially allow less maritime industrial uses (66% maritime-industrial versus 72-75% under the no designation scenario) and more nonwater-dependent and non-industrial uses.

Within the Master Plan Update (page 10), the project proponent notes: "In accordance with the Master Plan, up to one third (33%) of the Marine Industrial Park could be in nonwater-dependent uses, primarily for general industrial purposes. Commercial and other uses, not including hotel or residential use, may occur "in a manner that is incidental to and supportive of the water-dependent industrial uses in the Park."

The project proponent indicates that a Marine Industrial Park Master Plan designation allows for greater flexibility in land uses. It appears that a Marine Industrial Park Master Plan designation has the potential of having more nonwater-dependent and non-industrial uses in the BMIP than presently permitted, including significantly more commercial and other nonwater-dependent development in the Park.

17.7

### Environmental Assessment

The EOEA Secretary's Draft Master Plan EIR Certificate dated 21 November 1996 stated the following regarding the Interim Document: "Since the Draft Master Plan does not include a preferred regulatory framework (and associated environmental analysis), it is premature to comment on the adequacy of the Master Plan to guide the BMIP under a specific framework" (page 4 of Certificate).

The Master Plan Update does provide a preferred regulatory framework, but still lacks an associated environmental analysis. No environmental or traffic analyses have been provided to support the new zoning districts (new waterfront commercial district and new waterfront retail district). The Plan does not provide any information about the impact of the proposed changes on truck access to and from the working port. We urge that these analyses, as required in the Secretary's Certificate, be completed as soon as possible so that public comment can be received on the environmental impacts of the project proponent's proposal.

17.8

### DPA Boundaries

In our 15 November 1996 letter on the initial BMIP Master Plan, The Boston Harbor Association asked for the inclusion of The International Cargo Center of New England into the Designated Port Area. As stated then, the International Cargo Center, an existing maritime industry with lease options of at least twenty years, has requested that it be added into the DPA in order to be protected from encroachment by commercial and office uses.

Page 6 of the EOEA Secretary's 21 November 1996 Draft EIR Certificate specifically states: "The Interim Document should also discuss the feasibility of expanding the DPA to include the parcel which houses the International Cargo Center of New England." The Interim Document does not discuss the feasibility of such an expansion, and we urge that this evaluation be provided as soon as possible so that public comment can be received.

17.9

### Master Chapter 91 License

The EOEA Secretary's Draft EIR Certificate states that the "Interim Document" should detail what land uses the Master License would allow, where the Master License would allow the uses, and what level of project-specific DEP review would be required for various land uses" (page 7 of Certificate).

As stated by the project proponent, "The intent of the MIP Master Plan and the Master Chapter 91 License is to pre-permit projects proposed in the Park which are consistent with the Master Plan" (page 16). Given the limited public review following approval of a Master Chapter 91 License, TBHA believes that the information in the Interim Document does not provide the level of detail required by the Secretary in the Draft EIR Certificate. For example, it is difficult to determine from the figures provided which parcels are in which zone, or where the Master License would allow various land uses.

17.10

It appears that Chart I on page 16 of the Master Plan Update does not accurately reflect "MIP Parkwide Allowed Uses" as it appears to contradict the text on page 15.

### Location of Harbor Lights on Wharf 8

17.11

Subsequent to the issuance of the BMIP Master Plan Update for public comment, press reports indicate that Harborlights Pavilion, Inc., is proposing to relocate to Wharf 8 (which comprises 2 % of BMIP land area) for a five year period, with an option for an additional five years. No written documentation or analysis has been filed as of 6 November 1998 regarding these plans, and we are thus responding to information available solely from press reports and some general informational briefings.

More than any other organization, The Boston Harbor Association has been one of the strongest and consistent supporters of Harborlights since its inception in 1994. We have consistently described Harborlights as "a wonderful addition to Boston's waterfront and have enlivened the Fan Pier and Fort Point Channel area during the summer months" and we have strongly supported its continuance (see TBHA's letters of 11 May 1994, 28 April 1995, 26 July 1996, 8 August 1997, enclosed ).

The Boston Harbor Association supports the continuation of Harborlights on Boston's waterfront, as long as there are no conflicts with existing maritime industrial or related industrial activities.

Numerous concerns, however, arise with the potential siting of Harborlights on Wharf 8. As indicated above, the Boston Redevelopment Authority/ Massport's 1996 Port of Boston: Economic Development Plan identified Dry



Dock No. 4 as a key element of the Working Port (see pages 5.6-10 to 5.6-22). In order to accommodate the new Harborlights tent which will remain on the site year-round, several buildings which provide support for Dry Dock No. 4 will have to be demolished. Without these buildings which would accommodate the shop, office space, electric and pumping facilities, and without laydown space, the Dry Dock is inoperable and can not function.

Second, Commercial Lobster Company, a water-dependent business located on Wharf 8 for the past 18 years, will be displaced by Harborlights. In a letter to the editor published in the 29 October 1998 Boston Herald, the President of Commercial Lobster urged that the impact of Harborlights on a water-dependent industry be considered. TBHA urges that additional information be provided regarding this displacement.

17.12

Third, numerous questions have been raised regarding the potential conflict between truck, automobile, and pedestrian uses at this location. To date, no traffic information has been provided, including the impact of automobiles and pedestrians generated by Harborlights on truck access to and from the BMIP, Designated Port Area, and the working port. Information needs also to be provided on pedestrian circulation to and from the EDIC parking garage and the Harborlight tent, and on potential conflicts at all curb cuts between the garage and the tent and how maritime industrial and related trucking activities will have priority at these curb cuts and on the trucking routes to and from the Marine Industrial Park. At a recent TBHA Harbor Use Committee, representatives of Harborlights indicated that a study to evaluate the vehicular and pedestrian impact of traffic associated with locating Harborlights at Wharf 8 is underway.

Fourth, to date, there has not been any information provided by Harborlights Pavilion, Inc., or by the project proponent as to the permitting procedure or timetable for this proposed project. Under City zoning, Harborlights can not be accommodated in a MER zone, and under the state Designated Port Area regulations, a major entertainment facility such as Harborlights is prohibited.

Related to this, the project proponent should provide additional information as to whether the public notification and review process for Harborlights at Wharf 8 to date will be the same process used in the future if the project proponent receives a Master Chapter 91 License for the BMIP.

Fifth, information on potential other users of Wharf 8, particularly maritime industrial, marine, and/or related industrial users, should be provided as city and state officials evaluate the possible re-zoning of the MER area.

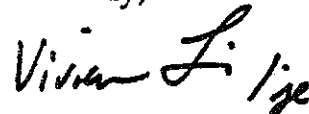
In closing, it is clear that the Boston Redevelopment Authority/ Economic Development Industrial Corporation have made numerous changes to the Draft Master Plan which will help support maritime industrial activities. At

the same time, however, significant questions remain regarding the potential relocation of Harborlights to Wharf 8, with likely significant impact on the long-term viability of maritime industrial uses in the Marine Industrial Park.

We look forward to working with all parties to resolve the remaining issues as the City moves towards completion of the planning process for the Boston Marine Industrial Park.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Vivien Li". The signature is written in a cursive style with a large, stylized "L" and a small "je" at the end.

Vivien Li  
Executive Director

VL: pr  
Enclosures

8 August 1997

Mr. Jeffrey R. Martin  
Acting Program Chief  
DEP  
Waterways Regulation Program  
One Winter Street, 8th Floor  
Boston, MA 02108

RE: JD97-0022  
Harborlights Pavilion

Dear Mr. Martin:

The Boston Harbor Association, a non-profit, public interest organization founded in 1973 to promote a clean, alive, and accessible Boston Harbor, has reviewed the recent request to renew a Determination of Applicability issued to Harborlights Pavilion at the Fan Pier, Boston.

Harborlights Pavilion has operated for the past three seasons on the Fan Pier, and it has been a much-welcomed addition to Boston's waterfront. The Pavilion and concert series have helped to enliven the Fort Point Channel area, and is an appropriate public use. We strongly support its continuance.

The following are more detailed comments:

Positive Determination of Applicability- The Boston Harbor Association believes that the Harborlights Pavilion, Inc., should receive a Positive Determination of Applicability, and that the area in question is subject to 310 CMR 9.00.

Chapter 91 License- The Boston Harbor Association supports a time-constrained Chapter 91 license for this project, with public benefits commensurate with the limited duration of this activity.

Harborlights Pavilion is in its fourth year of a five year lease (subject to annual renewal by the landlord) at this site. Because of the uncertainty regarding continued use in subsequent years, only minimal conditions were imposed in the first three years. It is our belief that the longer the use, particularly multi-year usage, the greater the need for public amenities on Commonwealth tidelands. At the same time, it is important to recognize that this is a temporary use set to expire no later than next year and that temporary amenities, different than those required for a permanent facility, are more appropriate.

The following are recommended for incorporation into the temporary Chapter 91 license:

Public Walkway- For the past three years, Harborlights Pavilion has maintained a public walkway around the Pavilion. We recommend its continued maintenance, with public access at all times, consistent with Harborpark guidelines. The walkway should be a minimum of 12 feet clear, and should link up with walkways on adjacent properties, particularly the new walkway under construction in front of the new Federal Courthouse on the Fan Pier.

Given some of the maintenance problems along the Harborwalk in the past, we urge continued routine maintenance to insure that the activities of Harborlights Pavilion users do not adversely affect the viability of the Harborwalk.

Public Restrooms- we understand that during daylight, non-concert hours, the management of Harborlights Pavilion, Inc., has allowed the public to use Harborlights restrooms upon request. We applaud Harborlights management for making their restrooms available to the general public.

Public Signage- we urge that the applicant pursue the possibility of signage indicating that the 12-foot walkway is a public walkway. This would tie in with other signage erected by the Central Artery Project and the Children's Museum directing the public to the open walkways on nearby parcels, as well as help orient the public and users of Harborlights to the walkway at a time of significant construction activity in South Boston. We understand that erection of

signage requires the concurrence of the landlord, per the lease agreement.

Touch and Go Ferry Stop- the Harborlights Pavilion is located on prime waterfront property. No doubt, many Harborlights guests would welcome the opportunity to get to the site by boat. We urge that a provision be included to allow for the placement of a landing for a touch and go water ferry stop.

Such a landing can either be provided by the applicant, or if that is not feasible, to allow others to provide such a landing. Alternatively, the applicant should work with the General Services Administration, which operates the new Federal Courthouse site, in promoting the new dock at the Courthouse to be completed by next spring.

Additional Amenities- in addition to the temporary improvements listed above, we ask that the applicant consider providing temporary seating for the public's use. This will enliven the site during non-concert periods and provide the type of amenity appropriate for a waterfront site.

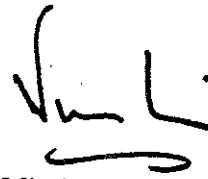
The applicant should also be aware that safety would improve and better pedestrian access would occur from a well-maintained public sidewalk along the Northern Avenue side of the property. Many visitors to Harborlights eat at nearby restaurants, including the Barking Crab, Anthony's Pier 4, No Name Restaurant, and Jimmy's Harborside, and improved safety would be of benefit to all.

Annual Review- TBHA supports annual review of this project, given all the changes occurring in the Fort Point Channel area and the on-going planning activities related to the South Boston Master Plan.

In closing, The Boston Harbor Association strongly supports the continued use of this site for Harborlights concerts, and believes that the project proponent has greatly enhanced the waterfront as a result of the improvements to date. We believe that the recommended improvements suggested above will help to bring additional visitors to Harborlights, thereby making it even more successful in future months.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vivien Li'. The signature is stylized with a large 'V' and 'L'.

Vivien Li  
Executive Director

VL: pr

26 July 1996

Mr. John Simpson  
DEP  
Waterways Regulation Program  
One Winter Street, 8th Floor  
Boston, MA 02108

RE: JD96-0025  
Harborlights Pavilion

Dear Mr. Simpson:

The Boston Harbor Association, a non-profit, public interest organization founded in 1973 to promote a clean, alive, and accessible Boston Harbor, has reviewed the request to renew a Determination of Applicability issued to Harborlights Pavilion at the Fan Pier, Boston.

Experience of the last two years indicates that the Harborlights Pavilion and concert series are wonderful additions to Boston's waterfront and have enlivened the Fan Pier and Fort Point Channel area during the summer months. The Harborlights Pavilion is an appropriate public use, and we strongly support its continuance.

Having reviewed the specifics of the project, we offer the following comments:

Positive Determination of Applicability- The Boston Harbor Association believes that the Harborlights Pavilion, Inc., should receive a Positive Determination of Applicability, and that the area in question is subject to 310 CMR 9.00.

Chapter 91 License- as stated in our 11 May 1994 and 28 April 1995 letters, in the event that the Harborlights Pavilion, a temporary activity, becomes recurring in future years, we believe that a time-constrained Chapter 91 license, with public benefits commensurate

with the limited time of this activity, is necessary. As you know, projects within the geographic area of jurisdiction are subject to Chapter 91 license, and that would include this project.

This activity is in its third year of a five year lease (subject to annual renewal by the landlord). Because of the uncertainty regarding continued use in subsequent years, only minimal conditions were imposed in the first two years. It is our belief that the longer the use, particularly multi-year usage, the greater the need for more public amenities on Commonwealth tidelands. At the same time, it is important to recognize that this is a temporary use set to expire no later than 1998 and that temporary amenities, different than those required for a permanent facility, are more appropriate.

We recommend that the following be incorporated into the temporary Chapter 91 license:

Public Walkway- TBHA recommends the continued maintenance of the walkway constructed by the project proponent along Boston Harbor, with public access at all times, consistent with Harborpark guidelines. The walkway should be a minimum of 12 feet clear, and should link up with walkways on adjacent properties.

A recent inspection of the walkway by The Boston Harbor Association indicated a need for continued maintenance of the existing walkway. First, debris and litter (including cocktail napkins, plates, gum and candy wrappers, and cigarette butts) generated by Harborlights guests and others were evident along the existing walkway nearest the reception areas. Two garbage receptacles are located inside the fence in the reception areas, and litter may be blowing from these receptacles. At a minimum, the applicant should move these receptacles or empty them on a more frequent basis as well as provide regular maintenance along the Harborwalk nearest the reception areas to prevent litter and debris generated by Harborlights guests.

In addition, the Harborwalk on that side of the property facing the World Trade Center has fallen into disrepair in certain sections. Five to eight linear yards of the Harborwalk along the fence on the side facing the World Trade Center have become muddy and lack grass cover. In one location, the sod is missing, leaving a hole, which could



pose a safety hazard to those walking on the Harborwalk.

These infractions, while minor in nature, should be addressed and moreover, highlight the need for continued routine maintenance to insure that the activities of the users of the Harborlights Pavilion as well as others do not adversely affect the viability of the Harborwalk.

Public Signage- we urge that the applicant pursue the possibility of signage indicating that the 12-foot walkway is a public walkway. This would tie in with other signage erected by the Central Artery Project and the Children's Museum directing the public to the open walkways on nearby parcels, as well as help orient the public and users of Harborlights to the walkway at a time of significant construction activity in the area. We understand that such a condition will require the concurrence of the landlord.

Touch-and-Go Ferry Stop- the Harborlights Pavilion is located on a prime waterfront site. Many Harborlights guests would no doubt welcome the opportunity to get to the site by boat. Accordingly, we ask that a provision be included to allow for the placement of a landing for a touch-and-go water ferry stop.

Such a landing can either be provided by the operator or, if that is not feasible, to allow others to provide such a landing. In the last year, the number of inner Harbor water transit services have increased, and include City Water Taxi, Inc., Boston by Boat, and a new service about to begin which will link Quincy to Logan Airport run by Water Transportation Alternatives, Inc.

TBHA recommends that the license incorporate a goal of a touch-and-go landing for water ferries at this site, and that nothing should preclude the applicant or any other established entity or company from putting in such a landing.

Additional Amenities- in addition to the temporary improvements made the last two years, we ask that the applicant consider additional amenities, such as temporary seating for the public to use during the day time. This will help enliven the site during non-

concert periods and provide the type of amenity appropriate for a waterfront site.

Public Sidewalk- Safety would improve and better pedestrian access would occur from a well-maintained public sidewalk along Northern Avenue which would link to Anthony's Pier 4 Restaurant. Many visitors to Harborlights eat at nearby restaurants, including Anthony's Pier 4, No Name Restaurant, Jimmy's Harborside, and other local restaurants, and improved safety would be of benefit to all.

Annual Review- TBHA recommends annual review of this project, given the great number of changes occurring in the Fort Point Channel area and in recognition of the work being undertaken as part of the Boston Redevelopment Authority's Fort Point Public Realm Planning Process and the South Boston Waterfront Committee Review Process. This will afford all parties an opportunity to insure that this project is consistent with development occurring in the immediate area.

In closing, The Boston Harbor Association wants to again voice strong support for this use and believes that the project proponent has greatly enhanced the waterfront as a result of the improvements made to date. We believe that the recommendations outlined above will further help to bring additional visitors to Harborlights, thereby making it even more successful in the coming months.

Thank you for your consideration.

Sincerely,



Vivien Li  
Executive Director

VL: pr

28 April 1995

Mr. John A. Simpson  
Section Chief  
Department of Environmental Protection  
Waterways Regulation Program  
One Winter Street, 8th Floor  
Boston, MA 02108

RE: JD 95-0012

Dear Mr. Simpson:

The Boston Harbor Association, a non-profit, public interest organization founded in 1973 to promote a clean, alive, and accessible Boston Harbor, has reviewed the information for the Determination of Applicability issued to Donald Law to install a seasonal performing arts facility at the Fan Pier known as Harborlights. We offer the following comments:

Based on last year's experience, the Harborlights Pavilion and concert series is a wonderful addition to Boston's waterfront and has helped to enliven the Fan Pier and the Fort Point Channel area during the summer. It is an appropriate public use for the site, and we strongly support its continuance.

After some initial misunderstandings with its contractor, the project applicant did install a public walkway along the waterfront, and, in the process, helped to develop another link of the Harborwalk. The walkway was heavily used, and was an outstanding improvement over what had been there before. We commend the project applicant for this significant improvement.

Positive Determination of Applicability- The Boston Harbor Association believes that the Harborlights Pavilion, Inc., proposed by Donald Law, should receive a Positive Determination of Applicability, and that the area in question is subject to 310 CMR 9.00.

Chapter 91 License- as stated in our 11 May 1994 letter (a copy of which is attached), because the project last year was a one-time, four month seasonal use, and given the uncertainty regarding the use in future years, we did not consider a Chapter 91 license necessary for the four-month period last year.

As our letter indicated, however, in the event that this temporary activity is recurring in future years, we believe that a time-constrained Chapter 91 license, with public benefits commensurate with the limited time of this activity, is necessary. As you well know, projects within the geographic area of jurisdiction are subject to Chapter 91 license, and that would include this project.

At the time of review of the Determination of Applicability for this project last year, it was stated that this use was proposed for up to five years. Because of the uncertainty regarding the continued use in subsequent years, only minimal conditions were imposed for the first four-month season. It is our belief that the longer the use, particularly multi-year usage, the greater the need for more public amenities on Commonwealth tidelands. At the same time, we appreciate the fact that this is a temporary use set to expire no later than 1998 and that temporary amenities, different than those required for a permanent facility, are more appropriate.

The following are conditions which we recommend be incorporated into the temporary Chapter 91 license:

Touch-and-go Ferry Stop- on the water side, we ask that a provision be provided to allow for the placement of a landing for a touch-and-go water ferry stop at Harborlights. For many visitors, the opportunity to get to Harborlights by boat would be part of the "entertainment", as well as a much welcomed relief from the traffic congestion created by the Central Artery project and by the bridge improvement projects beginning this year in earnest in the Fort Point Channel area and by Rowes Wharf.

Such a landing can either be provided by the operator or, if that is not feasible, to allow others to provide such a landing. City Water Taxi, Inc., for example, will shortly be expanding its operations to include a touch-and-go ferry system from North Station. It has indicated that it would welcome the opportunity to bring visitors from North Station and other locations in the Harbor to a landing by Harborlights. City Water Taxi, Inc., installed the landing at North Station and is in the process of attempting to secure direct access from the trains to the North Station landing.

TBHA recommends that the license incorporate a goal of a touch-and-go landing for water ferries at this site, and that nothing should preclude the applicant or any other established entity or company from putting in such a landing.

Public walkway- Similar to last year, TBHA recommends the installation and maintenance of a walkway along the Harbor on the entire property, with public access at all times. No gates shall be erected along the walkway. The walkway should be a minimum of 12-foot clear, consistent with Harborpark guidelines. The walkway should link up with the walkways at adjacent properties, including the walkway at the new Federal Courthouse.

In addition to the temporary improvements made last year, we ask that the applicant consider additional amenities, such as temporary seating for the public to use during the day time. This will help enliven the site during non-concert periods and provide the type of amenity appropriate for a waterfront site.

We urge that the applicant pursue the possibility of signage indicating that the 12-foot walkway is a public walkway. This would tie in with signage erected last summer by the Central Artery Project and the Children's Museum directing the public to the open walkways on nearby parcels, as well as help orient the public and users of Harborlights to the walkway, given the significant amount of construction in the neighborhood. We understand that such a condition will require the concurrence of the land owner.

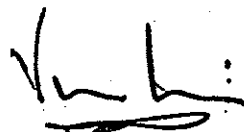
Public sidewalk- experience from last year indicates that safety would improve and better pedestrian access would occur from a well-maintained public sidewalk along Northern Avenue which would link to Anthony's Pier 4 Restaurant. Many visitors to Harborlights eat at nearby restaurants, including Anthony's Pier 4, No Name Restaurant, and other local restaurants, and improved safety would be of benefit to all.

Annual review- TBHA recommends annual review of this project, given the great number of changes on the rest of the Fan Pier and in the immediate area, as well as the planning process which the Boston Redevelopment Authority is currently conducting (Fort Point Public Realm Process). This will allow all parties an opportunity to be sure that this project is consistent with development occurring in the immediate area (e.g., how dock and public walkway at the Federal Courthouse will link with Harborlights).

In closing, we want to again voice strong support for this use and believe that the recommendations we have advanced will help to bring additional visitors to Harborlights, thereby making it even more successful in its second year.

Thank you for your consideration.

Sincerely,



Vivien Li  
Executive Director

VL: pr  
Enclosure

11 May 1994

Mr. John A. Simpson  
Section Chief  
DEP Waterways Regulation Program  
One Winter Street, 8th Floor  
Boston, MA 02108

RE: JD 94-0020

Dear Mr. Simpson:

The Boston Harbor Association, a non-profit, public interest organization founded in 1973 to promote a clean, alive, and accessible Boston Harbor, has reviewed the proposal by Harborlights Pavilion, Inc., to install a seasonal performing arts facility at the Fan Pier this year.

TBHA believes that the proposed project will help enliven the waterfront, and is an appropriate public use for the site. Moreover, the applicant's willingness to provide public access along the waterfront by completing the Harborwalk along the property is to be highly commended.

It is our understanding that the facility will be erected in June, and will be removed in September, 1994 at which point the site will then be used for parking by the Fan Pier Land Trust, the property owner. The project proponent has indicated that it would return to the site next year only upon agreement with the landlord, a review of economic viability data from the 1994 season, assessment of the impact of aircraft noise, and a review of traffic considerations.

On 26 April, TBHA toured the project site with the project proponent and a member of your office. The applicant agreed to the following:

a.) A minimum of a 12-foot clear walkway along the Harbor on the entire property, with public access at all times. No gates would be erected. TBHA hopes that this walkway will link up with the walkways at adjacent properties.

b.) Pursue the possibility of signage indicating that the 12-foot walkway is a public walkway. We understand that this condition will require the concurrence of the land owner.

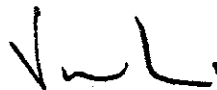
c.) Stabilize a portion of the rip rap for public safety and access.

Given the uncertainty regarding this use in future years, as well as the applicant's voluntary agreement to provide public access along the Harbor, The Boston Harbor Association considers this one-time, four month use to be a seasonal use, and does not consider a Chapter 91 license necessary for this season.

In the event that this activity is recurring in future years, we believe that a Chapter 91 license would be necessary, and a water-dependent use, such as a dock, should be incorporated into the plan.

Thank you for your consideration.

Sincerely,



Vivien Li  
Executive Director

VL: pr



**17 The Boston Harbor Association**

- 17.1 Wharf 8 is no longer proposed to be removed from the MER zone. See response to comment SC-3.
- 17.2 As discussed in the Secretary's Certificate, the Master Plan is not intended to contain a detailed "stand-alone" transportation analysis. Please see Section 4.2.4 and 4.2.5 for discussions of roadway infrastructure and pedestrian access.
- 17.3 As previously stated in the Master Plan Update, the MIP will not be sold to developers.
- 17.4 Except as required by the Chapter 91 authorizations for the BankBoston Pavilion and the Design Center, EDIC does not link revenues from specific leases to specific expenditures. Lease revenues accrue to EDIC's overall budget, which supports management of and improvements to the MIP as a whole, of which at least two-thirds is for water-dependent uses.
- 17.5 In the first three years since the Boston Design Center was granted a Chapter 91 license allowing it to lease two and one half floors for office use, EDIC received approximately \$695,000 in revenue that can be directly attributed to the office tenants. During the same time period, EDIC invested approximately \$960,000 in improvements to Dry Dock #3, site preparation for the New Boston Seafood Center, and removal of a sunken barge off Wharf 8.
- 17.6 See response to comment 17.4.
- 17.7 In general, the existing mix of uses within the MIP is not expected to change significantly. At a minimum and in accordance with Chapter 91 requirements, two thirds of the MIP will be for water dependent industrial uses, ensuring continuing support for the maritime economy
- 17.8 Please see the response to comment 17.2.
- 17.9 This Master Plan does not propose any changes to the DPA.
- 17.10 The figures have been revised to show parcel boundaries.
- 17.11 Please see the response to comment SC-3, Appendix F (BankBoston Pavilion Traffic Update), and Appendix G-2 (Response to Comments on Harborlights/BankBoston Pavilion).

17.12 Commercial Lobster has voluntarily moved to a temporary location pending development and construction of a permanent, state-of-the-art facility on Wharf 8, adjacent to their former location.

**18 Seaport Alliance for a Neighborhood Design**

From: Steve Hollinger

Date: November 9, 1998

*The Seaport Alliance for a Neighborhood Design (SAND)*

300 Summer Street Boston MA 02210 617-423-4299

AP

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MEPA

November 9, 1998

Ms Trudy Coxé, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston MA, 02202  
Attention: MEPA Unit

Re: EOE A #8161 - Master Plan Update - Boston Marine Industrial Park

Dear Secretary Coxé:

The Seaport Alliance for a Neighborhood Design is a community group based in the Fort Point Channel neighborhood. Our members, including many Boston-area residents and business owners, have facilitated the planning of a "neighborhood" in the Seaport District, rather than strictly a hotel/office/retail district.

Although SAND has been focused on the planning of a new Seaport District community, we included as part of our charter a mandate to recognize and include the concerns of existing Seaport District constituents. We have advocated for the protection of the Marine Industrial Park and have opposed conversion of this area for uses that might compromise future expansion of shipping, seafood processing and other maritime businesses. To use a shopworn metaphor, we drew a line in the SAND at the Marine Industrial Park.

Unfortunately, as the market value for waterfront property has escalated, the Marine Industrial Port has become endangered. Massport and the BRA have proven a case for office towers and retail complexes to exist in the MIP, as these types of projects promise better jobs, profits and revenue for the City. Many of these decisions are responsive to immediate demands (i.e. Convention Center, Seaport District facelift), but have not adequately considered the long-term effect of the shrinking Marine Industrial Park.

SAND opposes zoning changes in the MIP from "maritime industrial" to "maritime retail" for the following reasons:

- Zoning changes from maritime industrial to "waterfront retail" on Wharf 8 will eliminate the possibility of future use or expansion of the deep water berth on the working port. A zoning change on Wharf 8, justified by the promise of increased short-term revenue (10-20 years), may have absolute consequences on the vitality of Boston's ability to compete long-term (50-100 years) with other Eastern seaboard ports.

- Zoning changes within the MIP from maritime industrial to “waterfront retail” will negatively impact blue-collar jobs that are vital to the health of many Boston communities. The maritime/industrial jobs currently available in the MIP would be displaced by office/retail sector jobs. Of the 30,000 - 50,000 jobs already projected to develop in the Seaport District, most are white collar (office) and service (retail/hotel) jobs with little or no room for Boston’s blue-collar base. 18.1
- All of the uses planned for the “waterfront retail district” including bank/restaurant/bar are already being planned in the Seaport District, sited within one to three blocks of the MIP. A number of property owners, including Anthony Athanas (with mall developer Stephen Karp), the Pritzker family (with Urban Strategies) and Massport (with private developers) are moving forward with retail projects. None of the retail proposals on Wharf 8 would be vital to the success of the MIP, the Convention Center, or of the Seaport District. 18.2
- Protections for truck traffic from the MIP to greater Boston are weakened by the change on Wharf 8 to “waterfront retail”. A BRA/EDIC parking garage at the edge of the MIP has become an invitation for passenger vehicles into the MIP area, and a waterfront/retail complex on Wharf 8 would invite pedestrians into an area that already has truck congestion concerns. 18.3
- Adequate mitigation has not been provided by the proponent. Linkage funds may be an important component of mitigation, but current linkage legislation will not mandate re-development of projects that are dependant on maritime property and, therefore, will not serve the port appropriately. The classification of “water dependent” uses for linkage is vague and may arbitrarily catalyse projects that conflict with the industrial use of the port system. 18.4
- Harborlights, relocated by Mayor Menino and the BRA on Wharf 8, was sited on this public land (owned by the BRA/EDIC) without the benefit of a single public hearing. Although SAND has not opposed the relocation of Harborlights on Wharf 8, many Seaport District constituents have not been able to register their concerns, ranging from year round plans for activation of the site, relocation of existing businesses, etc. We also have questioned the BRA/EDIC on its decision to embed a hidden BRA/EDIC parking fee in the Harborlights ticket price instead of requiring a shuttle service — certainly an unreasonable invitation for car traffic at the edge of the MIP. 18.5  
18.6
- If Harborlights is permitted to move forward on Wharf 8, we request that your office consider issuing a *temporary* zoning change of up to five years, rather than a permanent zoning change. We would also ask your office to monitor the relocation effort of existing businesses on Wharf 8. 18.7

One would expect Massport — a quasi-public agency with a charter to strengthen and expand the Massachusetts port system, to support our effort regarding EOE #8161 in order to preserve the MIP's zoning protections as a *marine industrial park*.

Unfortunately, protection of the industrial port system and property has largely been left to community activists and harbor advocacy groups. Massport, in its determination to enter the lucrative real-estate business, has continued to convert its irreplaceable resources on the waterfront into hotel, office and retail projects — projects that we have argued could be sited in many other areas of the Seaport District. And maritime business tenants on Massport property, beholden to their landlord, may now be unable to present arguments in support of their own maritime-industrial future.

Because Massport has its own near-term gains at stake, we do not believe this Authority is in a position to adequately address the long-term impact of real-estate speculation on Boston's future, *vis-a-vis* the social and economic consequences of a transition from a City once dependant on maritime economy to one that serves as a retail mecca. The problem is that once this valuable Marine Industrial Park is parceled off to address immediate market demands, it will be difficult or impossible to return it from *retail with a water view* to *manufacturing with a water dependancy*.

Massport, ready to embark on a hotel project on its own Parcel F, is not likely to defend the use of the MIP for strict maritime-industrial use. And so, we must look to your office for zoned protection of this public trust.

Thank you;



Steve Hollinger  
50 Melcher Street, Boston, MA, 02210 617-338-2222

On behalf of:

The Seaport Alliance for a Neighborhood Design (SAND)  
c/o FPAC, 300 Summer Street, Boston, MA, 02210, 617-423-4299  
[www.bostonseaport.com](http://www.bostonseaport.com)

cc: SAND Membership  
City of Boston Officials

**18 Seaport Alliance for Neighborhood Design**

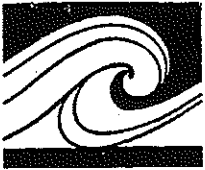
- 18.1 The waterfront retail zoning has been eliminated. The proposed zoning is similar to the existing zoning and land uses are not expected to change significantly.
- 18.2 Please see previous response.
- 18.3 Please see previous response.
- 18.4 Mitigation is not required for the zoning changes proposed.
- 18.5 DEP and MEPA held several public meetings on the siting of Harborlights and the Boston Conservation Commission held a public hearing.
- 18.6 Parking will no longer be included in the price of admission. Please see also Appendix F, BankBoston Pavilion Traffic Update
- 18.7 The BankBoston Pavilion will be located on Wharf 8 temporarily. See Response to SC-3.

**19 Massachusetts Office of Coastal Zone Management**

From: Margaret M. Brady, Director

Date: November 9, 1998





THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
100 CAMBRIDGE STREET, BOSTON, MA 02202  
(617) 727-9530 FAX: (617) 727-2754

AT  
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NOV - 9 1998

MEPA

MEMORANDUM

To: Trudy Coxe, Secretary, EOE  
Attn: Arthur Pugsley, Project Reviewer, MEPA and DE  
From: Margaret M. Brady, Director, MCZM  
Date: November 9, 1998  
Re: EOE # 8161: Marine Industrial Park Master Plan (South Boston)

-----  
The Massachusetts Coastal Zone Management (MCZM) Office has completed its review of the Master Plan Update for the Boston Marine Industrial Park (BMIP), noticed in the Environmental Monitor dated August 26, 1998. The BMIP is a 191-acre site owned by the City of Boston and located almost entirely within the South Boston Designated Port Area.

MCZM commends the BRA/EDIC for the progress that has been made in setting the stage for the Final EIR by clarifying key c. 91 regulatory issues. In this regard, we fully support the City's decisions to retain ownership of the BMIP, to abandon proposals to modify the existing DPA boundary, and to commit to preserving nearly exclusively the maritime and industrial use pattern that now characterizes the BMIP. Based on these decisions, it is now apparent that the BMIP will be eligible for licensing as a marine industrial park as defined in the waterways regulations at 310 CMR 9.02; therefore, provided all other c. 91 licensing standards are met, DEP authorization for BMIP structures and uses can be obtained in the absence of an approved municipal harbor plan covering the area in question. Upon completion of MEPA review of the BMIP Master Plan and subsequent issuance of a DEP "master license", the City will enjoy substantial flexibility in pursuing future development opportunities within a streamlined regulatory environment.

Insofar as the update document contains further information relative to the evolving content of the Master Plan, MCZM offers the following additional comments to be addressed in the Final EIR.

Clarification of Allowed and Prohibited Uses

To ensure consistency of interpretation between state and local regulatory terminology, Table 2 of the Update attempts to



relate the allowable uses under proposed zoning to the broad c. 91 categories of water-dependent industrial, nonwater-dependent industrial, and commercial. This analysis needs to be expanded and clarified to address the following issues:

- \* the list of zoning terms omits "restricted industrial use", and no definition of this term is provided elsewhere in the document; also, any uses otherwise allowed by applicable zoning (e.g. by special permit) should be defined and included on the list; and 19.1
- \* it is inappropriate to categorize industrial office, which is elsewhere defined as an accessory use, as a principal use in the nonwater-dependent industrial category; also, it is important to clarify the relationship between the c. 91 definition of accessory and that which appears in city zoning. 19.2
- 19.3

A related observation is that the waterways regulations and MCZM Ports Policy No. 3 generally do not attempt to define specific nonwater-dependent uses as to whether they are industrial, commercial, institutional, or otherwise. As it becomes necessary to make such distinctions, MCZM customarily refers to uniform classification schemes such as the Guidelines for Classification and Taxation of Property According to Use published by the state Department of Revenue (DOR). Accordingly, the Final EIR should use the general definition of industrial use as set forth in the DOR publication as the guide for relating Boston zoning definitions to the terminology that is operative for tidelands policy and regulation purposes at the state level.<sup>1</sup> 19.4

Also for purposes of ensuring consistency with Massachusetts' coastal policies, the list of prohibited nonwater-dependent uses in the BMIP Master Plan should be modified to reflect the fact that MCZM Ports Policy #3 expressly does not allow new or expanded development of certain commercial uses in a DPA. These are: transient group quarters such as hotels/motels, nursing homes, and hospitals; recreational boating facilities; amusement parks and other major entertainment or sports complexes; and new buildings devoted predominantly to office use. To the extent that any of 19.5

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<sup>1</sup> According to the DOR Codes as of April, 1991, Industrial means: "All real property used or held for manufacturing, milling, converting, producing, processing, or fabricating materials unserviceable in their natural state to create commercial products or materials; the mechanical, chemical, or electronic transformation of property into new products and any use that is identical to or an integral part of such use, whether for profit or non-profit purposes; and property used or held for uses of the storage, transmitting, and generating of utilities regulated by the Department of Public Utilities."

these uses may be construed to be allowable under the zoning proposed for BMIP, it should be made clear that the more restrictive c. 91-related use limitations will govern. In this regard, it should also be made clear that the Master License cannot be construed to authorize any uses which obtain a zoning variance or similar form of exception from the roster of allowable uses expressly set forth in the BMIP Master Plan.

Finally, the Update states on page 4 that Industrial Office uses are allowed on all parcels in the park, which seems to contradict the assertion made elsewhere that MER parcels are restricted to water-dependent industry. The FEIR should resolve this apparent inconsistency.

19.6

#### Extent and Location of Commercial Use

To serve as a framework for the allocation of space among allowable uses, the Update includes a tabulation of overall land usage in the BMIP (Table 1). This tabulation gives rise to certain ambiguities that should be clarified in the FEIR. To begin with, there may be some question as to the accuracy of the figures regarding usage of the Bronstein Industrial Center (Building I, reported as being devoted exclusively to general industry). Additional information would be helpful regarding the nature of the individual tenants occupying this and other portions of Building 114.

19.7

Of greater consequence is the fact that the tabular analysis treats vacant land as a separate category and does not identify which vacant parcels (or portions thereof) are open to commercial development and which are reserved for general and/or maritime industry. As a result, Table 1 does not present a satisfactorily accurate computation of the proposed distribution of space across the respective categories of principal land use. This is particularly significant with respect to parcels W and V, which together comprise the waterfront property containing Drydock #4 (also known as Wharf 8). These parcels occupy nearly 700,000 sf of land area, of which it appears that nearly one-third (or approximately 200,000 sf) is proposed to be rezoned from MER to Waterfront Retail. If this new district were to be wholly devoted to cultural, restaurant, and retail business uses -- as allowable under the proposed zoning -- the amount of nonwater-dependent commercial use located in this 5-acre district would be more than twice what currently exists throughout all the remaining 185 acres of the BMIP. Put another way, all but one percent of the proposed 5% park-wide cap on commercial uses could be developed in this single location!

MCZM takes the position that such a concentration of nonwater-dependent commercial use is inappropriate generally and particularly so at Wharf 8. This is true for a number of reasons,

19.8

foremost among them being that Wharf 8 is one of only three remaining sites on the Boston waterfront with a working drydock and as such is clearly among the most suitable in the harbor for vessel servicing purposes. Drydock 4 remains in a state of basic readiness, with pumpout of infiltrated seawater occurring every week, and was in fact in operation for a 6-week period last year. Although the facility is underutilized at present, it represents non-renewable capacity to accommodate future growth in ship repair, which is widely predicted to occur in conjunction with significant expansion in the water transportation sector. Thus, it would be short-sighted in the extreme -- and a clear violation of the waterways regulations at 9.36(5)(b)(2) -- to allow structural alterations or use changes at Wharf 8 that might diminish its utility for prospective marine construction industry, even on a short-term basis.<sup>2</sup>

A second major problem with the proposed Waterfront Retail District is that it represents significant potential for the introduction of uses that are incompatible with existing activities in this section of the DPA. The proposed district is immediately adjacent to the Boston Fish Pier, where fresh fish and bait are handled on a daily basis, and is bounded on the landward side by Northern Avenue which serves as the principal truck route to the nearby International Cargo Center (operating on a 7-day, 24-hour basis). To allow such uses as outdoor music or theatrical performance facilities at this location is to invite serious user conflicts over noise, odors, and traffic, to an extent that would add greatly to the stress already felt along this working waterfront as a result of the high-density mixed use development that is well underway immediately landward of Northern Avenue. The Update characterizes the proposed retail district as a "transition" area, but in MCZM's view it would have quite the opposite effect of driving a wedge of industry-intolerant activity into the midst of this most vulnerable segment of the DPA.<sup>3</sup> A meaningful buffer is

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<sup>2</sup> The same regulatory provision, it should be noted, categorically prohibits new structures for any nonwater-dependent use in the water-dependent use zone, which on Wharf 8 appears to be the maximum of 100 feet deep. Thus, over a significant portion of the proposed Waterfront Retail district the uses allowable under City zoning would directly conflict with the use limitations of the waterways regulations. A marine industrial park plan containing such a conflict cannot be authorized in a Master License under c. 91.

<sup>3</sup>It should be noted that Wharf 8 does not lie on the lateral (i.e. alongshore) periphery of the DPA, which is at the western apron of Commonwealth Pier. The World Trade Center development on this pier, with its mix of office/convention uses in the interior and passenger vessel operations on the exterior, already provides an effective transition into the South Boston working waterfront.

sorely needed at this gateway locale, to be sure, but it is inappropriate to sacrifice a prime and scarce waterfront property to serve this function. The buffer between heavy industrial and dense non-industrial activities should be established just outside the DPA boundary rather than within it.

For all these reasons, MCZM is of the opinion that the proposed allowance of cultural and retail uses at Wharf 8 cannot be considered to be "incidental to and supportive of water-dependent industrial use", which is the only basis on which commercial uses are licensable within a marine industrial park. Accordingly, we call upon the FEIR to present an alternative use proposal for this area, preferably one that retains the MER designation in order to preserve the site exclusively for water-dependent industrial use.

#### Spaces Reserved for Maritime Industry

The Update states that only parcels located directly on the water should be reserved for marine industrial use, via inclusion in the MER zone. As suggested in previous comment letters, MCZM disagrees with this position especially as it relates to certain parcels that are adjacent to Drydock 3 (Parcels L-1, L-2, N, O and P) as well as to the presently vacant area abutting the rail line along Drydock Avenue (Parcels B and F-1, both of which have legal access to the Reserved Channel). These are all prime port properties by virtue of their close proximity to infrastructure that is of growing importance to the seaport. This is evidenced by the recent arrival of the battleship *Massachusetts* for overhaul in the drydock, and by recent reports that the City itself is seeking to expand the rail line to serve a new rail yard immediately to the north of Fid Kennedy Avenue (just across the road from the drydock parcels). The attractiveness of these strategically-located parcels for water-dependent industry is also manifest in the fact that Parcel N has recently accommodated a concrete batching plant and Parcel B will soon be under development for seafood processing and distribution.

Based on such considerations, MCZM believes that either more restrictive zoning or other arrangements should be made to prevent commitments that would significantly discourage future water-dependent industrial activity on these parcels. In this regard it should be noted that the waterways regulations, at 310 CMR 9.36(5)(b)(4), state as follows:

"within a marine industrial park, conditions governing the duration of tenancy or other mechanisms must be established to ensure that nonwater-dependent activity occurs in a manner

---

that preserves adequate flexibility over time for the park to accommodate water-dependent industrial uses; at a minimum, reasonable steps shall be taken to assign priority for said uses to occupy spaces or facilities as they become available in the future".

The Update document is silent on these matters, as was the Draft EIR, and we therefore can only repeat our prior request that the FEIR contain a specific description of how BRA/EDIC proposes to fulfill the above-referenced requirement, through lease mechanisms or other property management controls if not through MER zoning. In the case of the parcels surrounding Drydock 3, it is particularly important for this discussion to be accompanied by an analysis of the spaces and facilities that have attributes that are necessary to maintain its utility for ship-building and repair purposes. 19.9

#### Authorization of Subsequent Use and Structural Changes

19.10

The Update contains a series of proposals regarding c. 91 review procedures subsequent to the issuance of a Master License, which appear to be in need of some modification. MCZM has a number of concerns in this regard, among them being the abbreviated nature of public comment periods, the lack of a direct role for MCZM in the review of many changes, and the suggestion that unanticipated projects not consistent with the master plan might be licensed outside the framework of standards governing the original master license. These and related issues should be explored in further consultations between MCZM, DEP, and BRA/EDIC, and the tentative proposal that is mutually agreed upon should be reported in the FEIR.

In closing, please be advised that MCZM hereby issues notice of its intent to participate in the license proceedings associated with the BMIP Master Plan, in accordance with the waterways regulations at 310 CMR 9.13(2).

MMB/DD

cc: Gregory Carrafiello, Acting Program Chief,  
Waterways Regulation Program, Massachusetts DEP  
James Sprague, Section Chief,  
Northeast Regional Office, Massachusetts DEP  
Elizabeth Grob,  
MCZM Boston Harbor Regional Coordinator  
Michael Leone, Port Director,  
Massport

**19 Massachusetts Office of Coastal Zone Management**

19.1 Restricted Industrial Use is defined in the City of Boston zoning code as "a heavy manufacturing use typically having substantial impacts on the environment in which articles are usually mass produced from raw materials. A restricted use includes any use which is objectionable or offensive because of special danger or hazard, or because of cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot. Examples of restricted industrial uses include, but are not limited to:

- Batching or casting of concrete, including handling and/or storage of cement, lime, sand, stone, or other aggregates.
- Blending of disinfectants, exterminating agents, fungicides, or insecticides.
- Curing, dyeing, or finishing of fur or leather.
- Curing, drying or smoking of fish, meat or poultry.
- Disposal, handling, or storage of radioactive waste.
- Energy production facilities.
- Incineration or reduction of garbage or organic waste.
- Manufacture or refining of
  - Asphalt or asphalt products.
  - Fossil fuel products.
  - Fertilizers.
  - Gases in amounts exceeding two thousand (2,000) cubic feet a day.
  - Rubber (natural or synthetic) including tires, tubes, or similar products.
  - Soaps or detergents, including fat rendering
  - Toxic chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soap, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, industrial alcohol, potash, plastic materials or synthetic rosins, or hydrochloric, picric, or sulphuric acids or derivatives.
- Reduction, refining, or smelting of metal or metal ores.
- Removal of gravel, loam, sand, or stone except for reuse on the same lot or incidental to the erection of a building on such a lot.
- Sewage disposal plant.
- Storage of gases in amounts exceeding ten thousand (10,000) cubic feet.
- Storage and processing of salvage materials.

Performance standards, as defined in this Article, are applicable to all restricted industrial uses."

19.2 Table 2 in the Master Plan Update, which now appears as Table 8-2, is not attempting to distinguish between principal and accessory uses.

- 19.3 Industrial office, which could be water dependent depending on its specific use, must be accessory to the listed industrial uses, even though it could be the principal use on a particular parcel. In an industrial park, it is appropriate to allow for the range of uses which serve and support a wide variety of allowed industrial and water dependent industrial uses.
- 19.4 The definition of "industrial use" comes from the City of Boston zoning code. Table 8-2 has been provided to compare and contrast definitions under City zoning and Chapter 91.
- 19.5 Please see the Coastal Zone Management Consistency Statement in Appendix D. The proposed zoning is consistent with CZM Ports Policy #3 and does not allow the restricted uses.
- 19.6 Please see Section 8.3.
- 19.7 Table 1 from the Update has been revised and now appears as Table 3-3; Table 3-4 shows future build-out.
- 19.8 The Waterfront Retail District is no longer proposed. Please see also the response to comment SC-3.
- 19.9 The BRA/EDIC believes the proposed Master Plan meets the requirements of DEP under section 310CMR9.36(5)(b)(4) by committing two thirds of the MIP to water dependent industrial uses, by providing more restrictive conditions than DEP within the designated MER zones to allow only water dependent industrial uses, by the opportunities provided for new uses over time through the turnover of leases, by the proposed capital investments in support of maritime infrastructure and by the more than two decades of operating experience of the BRA/EDIC in accommodating the needs of the full range of maritime industries found in the MIP.
- 19.10 MCZM concerns have been discussed in a series of joint meetings with DEP, CZM, MEPA and the BRA. Please see Section 8.1.



**20 Massachusetts Port Authority**

From: Michael Leone, Port Director and  
David Forsberg, Director, Business Development

Date: November 9, 1998



Maritime Division  
Massachusetts Port Authority  
One Harborside Drive, Suite 200S  
East Boston MA 02128-2909  
TEL (617) 946-4413 FAX (617) 946-4422  
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AP

November 9, 1998

Trudy Coxe, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 20th Floor  
Boston, Massachusetts 02202

RECEIVED  
NOV 12 1998  
MEPA

Attention: MEPA Unit/Arthur Pugsley

Re: Marine Industrial Park Master Plan Update, EOE A #8161

Dear Secretary Coxe:

The Massachusetts Port Authority (Massport) has reviewed the above referenced Marine Industrial Park (MIP) Master Plan Update and hereby submits the following comments.

In general, Massport strongly supports all of the changes summarized in Section 2.1 of the Master Plan Update. We feel the plan is much improved and welcome its focus on protection of maritime industrial uses. The decision to prohibit hotel uses at Parcel A and limit non-industrial office uses are especially welcome. Reserving a right-of-way for a possible rail link to the Conley Terminal is also welcome and should be reserved regardless of current financial feasibility.

#### Wharf 8

20.1

Massport supports the City's initiative to create an active transition zone between commercial and industrial activities on Wharf 8. The 1996 joint Massport/BRA Port of Boston Economic Development Plan identified Wharf 8, along with the Fish Pier and Jimmy's building, as an appropriate transition zone along the waterfront. We look forward to working with the City to explore maritime uses of Drydock 4 and its backlands that can coexist with and benefit from new uses on Wharf 8. Since Wharf 8 is in the Designated Port Area (DPA), the proposed Waterfront Retail uses must not displace or adversely impact maritime industrial activities. Any non-water dependent industrial (non-WDI) development proposals in this zone should be subject to a public review process that evaluates and provides mitigation commitments related to the following concerns:

- compatibility of proposed development with adjacent existing and potential future maritime industrial uses;
- direct and indirect impacts on nearby maritime industrial activities; and
- short-term and long-term displacement of maritime industrial uses.

It is unclear from the Plan document what level of review is being proposed for potential development at Wharf 8. We believe the approval process proposed in the Master Plan for uses which include commercial activities (i.e., Notification and DEP Finding of Consistency) should be expanded to allow public review and comment on non-WDI uses in the Waterfront Retail Zone.

### **Harborlights**

20.2

Massport is highly supportive of the Harborlights summer concert series as well as the City's efforts to retain Harborlights along Boston's waterfront. Consistent with our comments in the preceding section, we believe the proposed temporary Harborlights could work at Wharf 8 with careful planning to ensure that maritime uses on and adjacent to the site are not displaced and that event pedestrian and automobile traffic will not conflict with truck traffic to maritime-related uses in and near the MIP. As the Harborlights proposal goes forward for this location, the City and the Harborlight proponents should commit to the following:

- Prior to any 1999 events, a comprehensive traffic, parking, and pedestrian management plan should be prepared. The City and project proponent should commit to implement an approved plan. This plan should include a mechanism for identifying and resolving conflicts that may develop between Harborlight activities and MIP businesses. This plan should be updated as needed prior to the start of each Harborlights season.
- The main entrance to MIP should be open to truck traffic before, during, and after all Harborlights events so that trucks have an alternative route to and from MIP businesses.
- The permitting process for the Harborlights use in the DPA should be subject to public review as a non-WDI use in the "Waterfront Retail District" as identified above.

### **Access**

We look forward to continued work with the City regarding access improvements. While the Master Plan's response to our comments suggests that existing uses on the North Jetty/Massport Marine Terminal are adequately served by Tide Street, the Artery Project has created a temporary access road linking the Northern Avenue/Massport Haul Road intersection with FID Kennedy Avenue. As this area is more intensively developed, permanent new connections will need to be made to Northern Avenue from FID Kennedy Avenue. Recently, Massport and the Boston Harbor Association convened a Truck Routes Working Group, with City representation, to look at future trucking needs and identify possible improvements to the existing truck route system. One possibility discussed is improved truck access between Drydock Avenue, the Massport Haul Road, and/or Summer Street. Massport would be pleased to participate in discussions with the City and the federal government regarding land ownership adjustments necessary to make this possible.

20.3

At a minimum, Massport requests that the City allow trucks to use the main entrance to MIP during the time that Summer Street is under construction and trucks are precluded from left turn movements at the intersection of D Street with the Haul Road.

### Property Lines

It is important to note that Massport property, including the Black Falcon Cruise Terminal and Buildings 117 and 118 are shown in the Vicinity Map, Existing Zoning, Proposed Zoning (Figures 1-3), and Proposed Building Height Limits (Figure 5) as being part of the City of Boston owned Marine Industrial Park. Massport requests that these figures be adjusted to properly show the correct property lines.

20.4

### Height Restrictions

Massport is concerned that the proposed MER District height restrictions, shown in Figure 5, may unnecessarily preclude certain maritime industrial uses. We urge the City to revise these restrictions so that they do not apply to water dependent uses, which would be consistent with the Chapter 91 regulations.

20.5

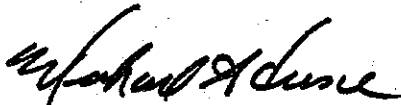
### Additional Comments

Please note that Massport's Marine Terminal Optimization Program is still incorrectly referenced as "Berth Optimization," e.g., on p. 3. On page 16, Chart 1 it is our understanding that Water Dependent Industrial should be 67% (Minimum) and Industrial should be 28%. This is the opposite of what is shown.

Thank you for the opportunity to offer comment.

Sincerely

MASSACHUSETTS PORT AUTHORITY



Michael A. Leone  
Port Director



David Forsberg  
Director, Business Development

cc: Robert Baldwin, BRA      Richard Henderson  
Robert Reyes                  Juan Loveluck  
Deborah Hadden                Ken Schwartz

**20 Massachusetts Port Authority**

- 20.1 The Waterfront Retail zoning is no longer proposed; Wharf 8 will remain MER.
- 20.2 Please see the response to comment SC-3 and Appendix E.
- 20.3 Please see 4.2.4 and 4.2.6
- 20.4 The property lines on all relevant figures have been corrected.
- 20.5 The comment is correct that height restrictions do not apply to water dependent uses. This is discussed in Section 8.3.

**21 Jay Cashman, Inc.**

From: Alan D. Perrault, Vice President

Date: November 13, 1998



**JAY CASHMAN INC**  
MARINE AND CIVIL CONTRACTING

November 13, 1998

Secretary Trudy Cox  
Executive Office of Environmental Affairs  
MEPA Unit  
100 Cambridge Street/20<sup>th</sup> floor  
Boston, MA. 02202

RE: EOE #8161  
Marine Industrial Park Master Plan Update

Dear Secretary Cox:

As a marine contractor familiar with construction around the Harbor and utilizing industrial waterfront facilities, we were interested in reviewing the Master Plan Update for the Marine Industrial Park proposed by the Boston Redevelopment Authority/Economic Development Industrial Corporation.

We were encouraged to note that the BRA/EDIC intends to maintain the focus on this facility, as one promoting maritime industrial uses consistent with the area's predominant MER zoning. One concern, however, is the proposal to take Wharf 8 between Drydock 4 and Northern Ave. out of the MER zone and place it in a "Waterfront Retail District". As a contractor who has hauled bulk material into the "Subaru Pier" facility for the Central Artery Project and as owners of barges/marine equipment that could be serviced at the adjacent drydock, we feel such a rezoning is inappropriate. With Summer Street under reconstruction due to the approach to the Ted Williams Tunnel, it is critical to minimize pedestrian and vehicular conflict with trucks entering/exiting the Northern Avenue Marine Industrial Park access, especially while the CA/T Project and the MBTA "Silver Line" Project are yet to be completed.

21.1

We commend the BRA/EDIC for continuing their commitment to the Marine Industrial Park as a location to promote maritime industrial uses, but respectfully request that your office question the possible conflicts created in taking Wharf 8 out of the MER zone and allowing non-industrial/non-maritime activities there.

Sincerely,  
JAY CASHMAN, INC.

Alan D. Perrault  
Vice President

**21 Jay Cashman, Inc.**

21.1 The Waterfront Retail zoning is no longer proposed; Wharf 8 will remain MER.



**RESPONSE TO COMMENTS ON THE HARBORLIGHTS PAVILION CERTIFICATE  
EOEA #11816**

**SC2 Secretary's Certificate**

From: Bob Durand, Secretary

Date: January 15, 1999



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*100 Cambridge Street, Boston, MA 02202*

MARGO PAUL CELLUCCI  
GOVERNOR

JANE SWIFT  
LIEUTENANT GOVERNOR

BOB DURAND  
SECRETARY

January 15, 1999

Tel. (617) 727-9800  
Fax (617) 727-2754

<http://www.magnet.state.ma.us/envir>

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Harborlights Pavilion  
PROJECT MUNICIPALITY : Boston  
PROJECT WATERSHED : Boston Harbor  
EOEA NUMBER : 11816  
PROJECT PROPONENT : Harborlights Pavilion  
DATE NOTICED IN MONITOR : December 9, 1998

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 C.M.R. 11.00), I hereby determine that this project does not require the preparation of an Environmental Impact Report.

For the past five summers, the Harborlights Pavilion has enlivened the South Boston waterfront. Each season, over 100,000 concert goers have listened to music in a setting that highlights Boston Harbor, and its potential for public access and enjoyment. It is in the interest of the long-term revitalization of Boston's waterfront that Harborlights find a permanent home. But until that home has been identified, Harborlights needs an interim site. I acknowledge that a short-term relocation of Harborlights to Wharf 8 in the Boston Marine Industrial Park (BMIP) poses a range of impacts upon neighboring maritime industrial uses that argue against this as a permanent location. Nevertheless, for the reasons stated in this Certificate, I am confident that the

short-term impacts from operation at Wharf 8 can be successfully mitigated during the DEP review process. In addition, I am also requiring in this Certificate that the Boston Redevelopment Authority (BRA) address the long-term use of Wharf 8, and that it identify a permanent home for Harborlights, both as part of the BMIP Master Plan that is already undergoing MEPA review. For these reasons, I am not requiring further MEPA review of the Harborlights project at this time.

According to the Environmental Notification Form (ENF), the project involves the relocation of an existing 5,000 seat outdoor music facility and supporting amenities to Wharf 8 in the Boston Marine Industrial Park for a period of up to five years, pending identification and development of a permanent location. The proponent has initiated MEPA review of the project because it involves the non-water dependent use of tidelands. DEP has confirmed that the site and proposed project are subject to the state Waterways Regulations. To determine the precise commitments required to allow short-term use, DEP has invited the proponent and other parties to participate in an intensive consultation process. I am confident that this review can be concluded in a timely manner that will not interfere with the scheduling of the 1999 concert season.

#### SHORT TERM IMPACTS AND MITIGATION

As noted in the comment letters, the short-term use of the site raises different issues from those posed by the long-term use. Currently, a portion of the site is used by water-dependent users: A.C. Cruise Lines, and two lobster boats. The project will not displace these users. The BRA has committed to finding an alternate location within the BMIP for the other current user, the Commercial Lobster Company. In the long term the site might provide lay-down space for the adjacent Dry Dock No. 4. However, some of the potential lay-down space is leased to the Central Artery/Tunnel Project through the year 2002, and thus will not be available for water-dependent use until the CA/T lease expires, after which date the area will be fully available for maritime

industrial use.

The ENF and the comment letters have particularly focused on the need to mitigate transportation impacts on industrial tenants at the BMIP, who rely upon 24-hour truck access to their businesses. The project is projected to add over 1,000 vehicle trips daily during the two-hour period (5:30 to 7:30 PM) before each concert. Concert-goers will park at the BMIP garage and walk to the site, crossing truck routes and access driveways. In the ENF, the proponent has committed to a traffic management and mitigation plan. Commenters have suggested further mitigation measures, which will be addressed in the DEP review. Upon the conclusion of DEP review and at least two months before the start of the concert season, I am requiring the proponent to submit a detailed Transportation Access Plan (TAP) to the MEPA Office. A notice of availability of the TAP will be published in the Environmental Monitor, and copies will be distributed to all commenters.

The proponent has made a number of other mitigation commitments in the ENF. The Harborwalk will be extended around the entire perimeter of the site, ranging in width from twenty to twenty-five feet. This will provide improved public access to this section of the waterfront, and it will benefit A.C. Cruise Lines, one of the current users. Proposed capital investments and site improvements include the installation of utilities (water, sewer, and electrical), new electrical service to Dry Dock No. 4, and improvements to the existing bulkhead. Also, the BRA has committed to reinvesting rental incomes from the lease of the property into upgrades of the port infrastructure.

In addition, commenters have suggested the need for additional mitigation measures, including provisions for navigational safety, the dedication of project revenues to improvements at Dry Dock No. 4, and the need for annual updates that monitor impacts and the effectiveness of mitigation measures. I anticipate that DEP, at the conclusion of its pending review, will incorporate the ENF commitments and impose additional enforceable conditions to address the issues discussed above.

## LONG TERM PLANNING REQUIREMENTS

The review of this project has also raised important and unresolved harbor planning issues. The principal reason that I am not requiring further MEPA review of the Harborlights project at this time is because the appropriate forum in which to address these issues is the ongoing MEPA review of the BMIP Master Plan. In effect, I am treating the ENF for this project as a Notice of Project Change to the BMIP Master Plan, for which the Boston Redevelopment Authority (BRA) is currently preparing a Final Master Plan document. The BMIP master planning effort offers a public process analogous to a municipal harbor plan, through which the City defines appropriate standards and restrictions, based upon local conditions and needs and consistent with state environmental policy goals. As noted in the November 1998 Certificate on the Draft BMIP Master Plan, the BRA has done an excellent job to date of planning for the future of the BMIP: in fact, the only significant issue left outstanding was the future use of Wharf 8. I pledge EOEA's continued cooperation and support to the City, so that we can jointly bring to fruition the necessary planning for this area and for all of Boston Harbor.

Given the concerns raised by the Harborlights proposal, the future of Wharf 8 needs to be resolved sooner rather than later. The BMIP Final Master Plan should thoroughly address the long-term future of Wharf 8/ Dry Dock No. 4, and include the city's plans for encouraging maritime industrial use of this area, as described in the BRA's letter to DEP dated December 30, 1998. I anticipate that the permanent zoning for this area, and the terms of the Master Chapter 91 License for BMIP that will result from the Master Plan, will exclude permanent major commercial, retail, and entertainment uses, such as Harborlights. In addition, the Final Master Plan should include additional analysis of the short term impacts of the Harborlights relocation to Wharf 8 on traffic in the BMIP, and discuss the effectiveness of the mitigation program. If the BRA has not filed the BMIP Final Master Plan, including the analysis of the Harborlights project, by December

January 15, 1999

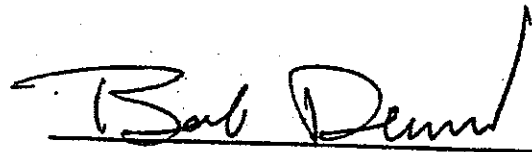
31, 1999, I will treat the absence of such a document as a Notice of Project Change for both BMIP and this project.

The relocation of Harborlights to Wharf 8 offers only a temporary solution. The proponent and the BRA should therefore begin immediately to search for a permanent location for the Harborlights Pavilion outside of any Designated Port Areas. I am hereby modifying the scope for the BMIP Final Master Plan to include a requirement for an alternatives analysis for a alternate permanent location for the Harborlights Pavilion. The analysis should include the Yard's End site within the Charlestown Navy Yard that was identified in the ENF, and any other feasible sites on the Boston waterfront or harbor islands. However, approval of the Final BMIP Master Plan could occur, subject to the foregoing, prior to the completion of environmental review for an alternative site. HL-2

The Final BMIP Master Plan should include copies of all comment letters on this project and a response to comments, and copies of the Final Master Plan should be distributed to all commenters on this project. The Draft Section 61 Findings should incorporate all mitigation commitments for the Harborlights project. HL-3

1/15/99

DATE

  
Robert Durand

Comments received :

12/16/98 Boston Harbor Cruises  
 12/17/98 Legal Sea Foods, Inc.  
 12/22/98 The Seaport Alliance for a Neighborhood Design  
 12/23/98 Boston Redevelopment Authority  
 12/29/98 Massachusetts Turnpike Authority  
 12/29/98 Senator Stephen Lynch  
 12/29/98 The Boston Shipping Association, Inc.

12/29/98 Save the Harbor/Save the Bay (to DEP)  
12/30/98 Conservation Law Foundation  
12/30/98 Coastal Zone Management Office  
12/30/98 The Boston Harbor Association  
12/30/98 Councilor James Kelly  
12/30/98 Boston Environment Department  
12/30/98 Department of Environmental Protection Boston  
12/30/98 A.C. Cruise Line  
12/30/98 Harpoon Brewery  
12/30/98 Boston Redevelopment Authority (to DEP)  
12/31/98 Massachusetts Port Authority  
12/31/98 Jay Cashman Inc.  
12/31/98 Boston Water and Sewer Commission  
1/4/99 Boston Transportation Department  
1/4/99 Greater Boston Convention & Visitors Bureau  
1/4/99 John Nagle Co.  
1/4/99 Boston Pilots  
1/6/99 Massachusetts Historical Commission

TC/ASP/asp

**HL Executive Office of Environmental Affairs**

HL-1 The long term future of Wharf 8 is described in the Master Plan, in particular in Section 3.3.4 and in Chapter 6.0. The current MER zoning for the area is to remain as is and the future use of the area will be for water-dependent industrial use. Short term traffic impacts from BankBoston Pavilion have been addressed and an analysis may be found in Appendix F.

HL-2 The Alternatives Analysis Siting Study for the BankBoston Pavilion may be found in Appendix E.

Comment letters on the above-referenced Certificate are included herein for informational purposes. Because the comment letters generally do not address the long-term, post-BankBoston Pavilion use of Wharf 8, no specific responses to the comments are provided. The comment letters were written prior to issuance of the DEP Determination of Applicability (DOA) on the project. The DOA contains 14 conditions that were developed in consultation with several of the commenters. The conditions were designed to address the issues outlined in the comment letters including the following:

1. Requires the Master Chapter 91 License issued for the MIP Master Plan to specifically identify the license term for the BankBoston Pavilion on Wharf 8 as 5 years from the date of the DOA (2/11/99).
2. Requires the preparation of Operations and Maintenance Plan and a Marketing Plan for Drydock No. 4. These plans were completed and submitted by the BRA/EDIC to MEPA.
3. Requires integration of Commercial Lobster into the site plan for Wharf 8 and the provision of a permanent facility. A temporary facility was provided and construction of the permanent facility in the former General Ship maintenance building is underway.
4. Requires maintenance of existing berthing facilities for A.C. Cruise Lines and two lobstermen with 24-hour access to 8 parking spaces. This has and continues to be accomplished.
5. Requires the preparation of Transportation Plan to protect and promote truck priority access and pedestrian safety. This plan was done, filed with MEPA and updated in November of this year (see Appendix F).
6. Requires BankBoston Pavilion to provide \$200,000 in capital infrastructure expenditures to the Wharf 8 and Dry dock No. 4 site targeted for specific improvements. This work has been done.
7. Requires development of a Reactivation Plan to support water-dependent industrial uses in the MIP. This plan is found in Chapter 6.0 of the Master Plan. Also requires the dedication of 100% of the gross rent revenues from BankBoston Pavilion (\$250,000 per year) to be reinvested into the MIP and requires that said funds be



- deposited into a dedicated account. The account has been created as indicated in the letter sent by the BRA/EDIC to MEPA and DEP dated 11/1/99.
8. Requires the BRA/EDIC to retain the existing MER zoning of Wharf 8 for at least 10 years. The BRA/EDIC has agreed to this as indicated in the Master Plan in Chapters 3.0 and 8.0.
  9. Requires the provision of a public walkway and expanded public open space along the waterfront of Wharf 8. Also requires the public restrooms to be open to the public from dawn to dusk from April 15, to November 15, of each year. These conditions have and will continue to be met.
  10. Requires the preparation a Navigational Safety Plan designed to ensure commercial vessel access through the main shipping channel of Boston Inner Harbor. Also requires review of said plan by the Port Operators Group. This has been done.
  11. Requires the maximization of water-based access to the project site. A water transit dock was installed and extensive coordination with passenger vessel operators was undertaken which resulted in encouraging water transportation to the site. This will continue for the remaining seasons.
  12. Requires the BRA/EDIC and DLC Corp. to continue to seek an appropriate permanent location for the facility outside of any DPA or MER zone. Requires a list of sites to be included in the Final MIP Master Plan. A siting study has been conducted by the BRA/EDIC and a final list of 6 sites has been forwarded to Bank Boston for their review (see Appendix E).
  13. Restricts performance hours during weekdays to the evenings. This has and will continue to be complied with.
  14. Requires all annual reports and plans to be noticed in the Environmental Monitor and distributed to all commenters an interested parties subject to a 30-day review period. This has and will continue to be complied with.



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MEPA

Mr. Jay Wickersham  
MEPA Office  
100 Cambridge Street  
20<sup>th</sup> Floor  
Boston, MA 02202

December 15, 1998

Dear Mr. Wickersham:

Please accept this letter as a formal expression of support for the relocation of Harborlights Pavilion to Wharf Eight at 290 Northern Avenue, South Boston.

Boston Harbor Cruises operates a fleet of twenty three excursion/commuter vessels on Boston Harbor and carries 1.6 million passengers annually. We are familiar with the new site, having been a tenant at the current AC Cruise Lines location for six years during the 1980's.

The Harborlights Pavilion at its previous location on Fan Pier represented a major asset to Boston's downtown waterfront. It provided thousands of people with a first rate venue at which to view national recording artists. It transformed a bland and almost blighted section of Boston's historic waterfront into a vibrant activity center within our city. In addition to providing Bostonians and visitors with wonderful entertainment, the architectural form of the pavilion added much to the waterfront and skyline.

It is our opinion that the proposed relocation of Harborlights to Wharf Eight will create the same improvements to a portion of Boston's waterfront which has gone under used for more than two decades. Furthermore, as a maritime dependant user on the Boston waterfront with a broad understanding of the existing and future economic condition of our seaport, it is my opinion that the relocation of Harborlights to Wharf Eight will create no negative impact on the working waterfront.

It is my understanding that the Harborlights proponents have provided the existing maritime dependent users at the site with adequate assurances of their future existence here, and are providing many necessary infrastructure improvements to the location which will ultimately benefit and improve these business. Our support of this project is conditioned on eventual confirmation by the existing water dependent users that they are satisfied with the design, and eventual operational plan for the site which accommodates their needs and allows their businesses to continue to prosper.

One Long Wharf, Boston, Massachusetts 02110

tel: (617) 227-4321 fax: (617) 723-2011

To further support the position that this form of activity is compatible with water dependant uses, I would like to confirm that we have had several recent discussions with the proponents toward implementing some form of water transportation to the site on concert dates. We feel reasonably confident that by dovetailing some of our existing water shuttle services we can develop a program which will meet the transportation demands of at least a portion of each concerts attendees.

In closing, I would like to applaud the proponent for their commitment towards maintaining this valuable asset within our city, and along our waterfront.

Thank you for your consideration of this letter and if you have any question, please contact me at (617) 227- 4321.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick L. Nolan III", written in a cursive style.

Frederick L. Nolan III  
Managing Partner

L E G A L S E A F O O D S , I N C .



Roger Berkowitz

President

Chief Executive Officer

December 15, 1998

Corporate Offices and  
Quality Control Center

33 Everett Street  
Boston, MA 02134  
617 783 8084 tel  
617 254 5573 fax

Mr. Greg Carrafiello  
Acting Program Chief  
Waterways Regulation Program  
One Winter Street  
Boston, MA 02108

Dear Mr. Carrafiello:

RE: WRDA No. 98-0009

I am writing to express my support of the Fort Point Association and their proposal to temporarily relocate Harborlights Pavilion to Wharf 8 in the Boston Marine Industrial Park.

As you may know, we have been working on the development of a site for Legal Sea Foods in the Marine Industrial Park. I am very familiar with the area and the various projects that have been proposed for the waterfront. We believe Harborlights provides good economic usage, on an interim basis, of what appears to be a mostly vacant site today.

Harborlights is an extremely popular cultural part of Boston's waterfront. This successful entertainment venue has become a Boston institution. Given the development and implementation of a traffic management plan, truck traffic and pedestrians should not be a concern.

In closing, I would like to emphasize my endorsement of relocating the Harborlights Pavilion. It will bring energy, excitement and vibrancy to the waterfront.

Thank you for your time and attention. If you have any questions, please feel free to give me a call.

Yours sincerely,

Roger S. Berkowitz

RSB:sb

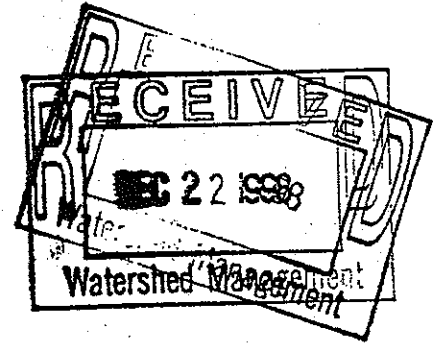
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*The Seaport Alliance for a Neighborhood Design (SAND)*

300 Summer Street Boston MA 02210 617-423-4299

December 17, 1998

Mr. Greg Carrafiello  
Acting Program Chief  
Waterways Regulation Program  
DEP  
One Winter Street  
Boston, MA 02108



Re: ENF/PNF/WRDA for Harborlights Pavilion

Dear Mr. Carrafiello:

The Seaport Alliance for a Neighborhood Design is a community group based in the Fort Point Channel neighborhood of South Boston. Our members, including many Boston-area residents and business owners, have facilitated the planning of a "neighborhood" in the Seaport District rather than strictly a commercial district. We have also advocated for protection of the Marine Industrial Park (MIP) from encroachment by Seaport District development. A chronicle of our work on behalf of our constituents is well documented on our website at [www.bostonseaport.com](http://www.bostonseaport.com).

SAND has informed the proponent of our concerns regarding the conversion of irreplaceable maritime resources within the MIP for hotel, office and retail projects. The proponent is also aware of other concerns, notably the press announcement of Harborlights's relocation to Wharf 8 by Mayor Menino and the BRA without notice or benefit of a hearing by the site's occupants and neighboring communities.

Because we view the occupancy of Harborlights on Wharf 8 as temporary and because we understand that the proponent is working to preserve and improve the maritime capabilities on the site, SAND would support a 5-year siting of Harborlights on Wharf 8 if the reasonable requests outlined in this document were addressed.

*Regarding the use of Public Resources*

Harborlights has become an important and valuable Boston destination. It should not, however, be construed as a "public" venue on City-owned property. Ticket prices (\$25 - \$50) do not enable the general public to regularly attend events. Any improvements to the property or public amenities provided by the proponent are of significant importance to neighboring communities.

### *Regarding Siting on Wharf 8*

Discrepancies exist between statements made regarding the short-term and longer-term or potential permanent occupancy of Harborlights. Terms of the lease agreement negotiated between the proponent and Boston Redevelopment Authority have not been publicly disclosed upon repeated request. Whereas the ENF states that "the facility will be removed after 5 years" (ENF Schedules P 2) and returned with improvements, it has been disclosed that the lease agreement includes a renewal option.

Therefore:

- We ask that the proponent fully disclose the terms of the Wharf 8 lease agreement and address any discrepancies between this agreement and the ENF, PNF and WRDA filings.
- A lease renewal after 5 years should require *new* ENF, PNF and WRDA reviews to reflect and thoroughly address environmental conditions at that time.
- Any rezoning or permits required to accommodate Harborlights on Wharf 8 should be temporary to reflect a 5-year occupancy.
- Satisfactory relocation of existing Wharf 8 tenants must be a first priority.

### *Regarding Public Amenities*

A number of "public" amenities are proposed in conjunction with this private venture, yet the proponent unreasonably regulates the public access to all of these amenities. For example, public restrooms are available to pedestrians along the Harborwalk, yet the proponent restricts access to the Harborwalk (and access to the restrooms) during event hours.

We would ask that each public amenity as listed on the following page — having already been announced to the community and dedicated by the Harborlights organization for public benefit — must accommodate the public during the *entire* term of the operating season, during event hours and off-hours.

- Public access to Harborwalk must not be restricted. The proponent states that "due to the need to provide emergency egress from a place of public assembly, the general public will be precluded from utilizing the Harborwalk area" (WRDA P 2). This statement is unsubstantiated. The Harborwalk is an important element of the public benefit plan — especially for members of the public who wish to enjoy a summer walk but can not attend a Harborlights event.

Harborwalk is also an important focus of the ongoing Seaport District master planning effort, long in progress and slated for completion within the term of Harborlights's occupancy. The proponent must make the Harborwalk accessible at all times, providing an alternate emergency egress for patrons if so required. Public access to outlying edges and to the Harborwalk pathway at the rear of Harborlights' former Fan Pier location during its first 2 years of operation served as an excellent example of public accommodation.

If the proponent wishes to limit *visibility* of the concert venue by pedestrians on Harborwalk, or increase security for performers, or provide egress to patrons, appropriate construction may be permitted within the confines of the concert site. Furthermore, the proponent must not be allowed to use private security guards to selectively enforce restrictions on Harborwalk and pathways outside the venue, as was the case during the last 2 seasons of Harborlights on Fan Pier.

- Public restrooms should be maintained and accessible during event hours and during a reasonable number of daily off-hours (i.e. dawn to dusk) during the entire season. The proponent has offered public restrooms as a public benefit yet does not state hours of operation and may intend to limit public access during event hours or during off-hours.
- Access to ferry service (if arranged for access to events) must be available to the general public and not limited to ticketholders. Existing area attractions, including restaurants and hotels, would be well-served by the addition of a ferry service.
- Use of the water and docking facilities for Harborlights-related commercial enterprises (i.e. ferry service or party boats) should not preclude access to this area by other ferries, private and/or commercial boats or other types of water-based activity.

### *Regarding Transportation*

To its credit, the proponent indicates an interest in providing shuttle service to and from South Station. Furthermore, by offering free parking to ticketholders, the proponent avoids potential problems caused by the use of South Boston residential parking by eventgoers.

Considering the proximity of Wharf 8 to residential South Boston and to the MIP, the proponent has not provided adequate support of public transportation. Whereas the proponent embeds parking costs in the ticket price as a marketing tool, no similar accommodation is made to provide and encourage free shuttle service between South Station and the venue.

Changing conditions within the Seaport District, especially considering construction schedules for completion of the Convention Center, MBTA Silver Line and Massport parcels will affect traffic on a 24-hour basis. For example, starting January 14, 1999, the MBTA construction will require New Northern Avenue to be a one-way from East Service to Sleeper, requiring a signaled right turn from Sleeper (near the Barking Crab) onto New Northern Avenue for all traffic attempting to approach the Moakley bridge. The proponent has not, and can not accurately predict traffic patterns in this district based on existing conditions.

The number of idling passenger vehicles *must* be minimized because South Boston residents continue to experience a well-documented, serious decline in health conditions due to traffic exhaust.

- To discourage passenger vehicles, the proponent should be *required* to provide free shuttle service to and from South Station, and perhaps to offer a discount or coupon for those arriving by shuttle.

Although the proponent states that the EDIC garage is "a convenient 1500' walk" (Transportation Sec. 4 II-D P14), this is actually a fairly long walk (over 1/4 mile) to the facility entrance. Eventgoers in private vehicles will likely use the passenger drop-off at the foot of the facility.

- The proponent should provide shuttle service between the garage(s) and the drop-off area, and should restrict passenger vehicles from entering the drop-off area.



*Regarding Sound Mitigation*

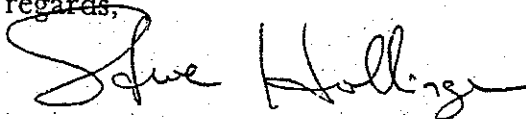
Harborlights, as it existed on Fan Pier, was a welcome neighbor of many SAND members. The noise level from Fan Pier to the residential community of the Fort Point Channel was tolerable and often an enjoyable addition to our eclectic neighborhood. With the Federal Courthouse completed as the last season of Harborlights began, the sound level increased within the residential district due to the amplification or redirection of sound waves off the new courthouse side-wall. Even so, the sound was still tolerable in this community — one familiar with urban noise, bagpipers at the Fire Museum, horses and occasional airplanes.

That said, the proponent has not adequately prepared for effects of amplified music on the neighboring South Boston residential community. Based on our experience with music from Fan Pier traveling through the Fort Point Channel neighborhood, it is likely that music will be audible within South Boston. A level of planning, mitigation and enforcement should be provided.

- The proponent should be required to adjust sound levels upon notice of disturbance by a reasonable body of residents.

We appreciate your consideration of this matter and look forward to working with your office as we move forward with this project.

Best regards,



Steve Hollinger  
50 Melcher Street, Boston, MA, 02210 617-338-2222

On behalf of:

The Seaport Alliance for a Neighborhood Design (SAND)  
c/o FPAC, 300 Summer Street, Boston, MA, 02210, 617-423-4299  
[www.bostonseaport.com](http://www.bostonseaport.com)

cc: SAND Membership

# Boston Redevelopment Authority

Boston's Planning & Economic  
Development Office

Thomas M. Menino, Mayor  
Clarence J. Jones, Chairman  
Thomas N. O'Brien, Director

One City Hall Square  
Boston, MA 02201-1007  
Tel 617-727-4300  
Fax 617-367-5916

December 30, 1998

Mr. Gregg Carrafiello  
Acting Program Chief  
Waterways Regulations Program  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Re: Request for Determination of Applicability  
Jurisdictional Determination No. 98-0009  
DLC Corporation, Boston Harbor, Boston

Dear Mr. Carrafiello:

I appreciate this opportunity to comment on DLC Corporation's proposal to locate its Harborlights Pavilion at 290 Northern Avenue (Wharf 8) on an interim basis. Please consider this letter to represent the views and commitments of the Boston Redevelopment Authority (BRA) as the City's planning agency and the Economic Development and Industrial Corporation (EDIC) as the owner of the Marine Industrial Park (MIP), which includes the proposed Harborlights site. A number of issues raised in the Waterways Request for Determination of Applicability (WRDA) submitted by DLC Corporation are best addressed by the BRA and EDIC. I intend to clarify our commitments towards these issues in this letter.

In our roles as waterfront planners committed to an active working port and stewards for over 150 acres of critical maritime industrial land housing over 200 businesses with 3,000 employees, we are particularly sensitive to the needs of the working port. The content of our recently submitted Marine Industrial Park Master Plan Update serves to reconfirm our commitment to the working port. Our tenants' commercial success and the economic viability of the MIP depend upon a well functioning industrial park. While we certainly view such popular waterfront attractions as Harborlights as great benefits to the city of Boston, we also have a unique perspective for understanding the potentially negative impacts.

Given this perspective, we believe that the interim siting of Harborlights at Wharf 8 presents an opportunity to greatly improve Boston's working port. In order to realize this opportunity, the proposed use must meet two tests:

- I. During the time period Harborlights occupies the site, its on and off site impacts must not unduly hinder operations of its industrial neighbors and the working port as a whole; and
- II. As a guest in the industrial port, it must justify its presence by causing substantial long term improvement to the working port.

### I. ON AND OFF SITE IMPACTS

The first test is critical. If the industrial port cannot coexist effectively with Harborlights on an interim basis at Wharf 8, the project should not proceed and there is no second test. The traffic analysis and other information contained in the Environmental Notification Form submitted to M.E.P.A and the Project Notification Form submitted to the BRA provide a thorough base of data.

The BRA and the M.E.P.A. offices will ensure that the information is accurate and adequate, but whether or not Harborlights will actually hinder the ability of working port businesses located in the area to function effectively is best judged by those businesses. Along with DEP and MEPA, we look forward to receiving, reviewing and responding to comments received from those industrial businesses.

It is appropriate that the EDIC comment on several direct impacts:

#### Vehicular And Pedestrian Traffic Management in the MIP

While the traffic analysis indicates that all intersections will continue to function at acceptable levels of service during Harborlights performances, the MIP location adds a second level of assurance that traffic will continue to flow. The Operations Staff at the MIP has extensive experience actively managing both pedestrian and vehicular traffic for large special events held within the MIP. These events, including the Big Apple Circus, Cirque du Soleil, Harpoon Brew Fests, and Tall Ships, have proven that the MIP has the infrastructure and its staff has the expertise to manage high levels of traffic. The protection of well functioning truck routes is a priority of the MIP and we are committed to maintaining the highest level of active traffic management to ensure their unimpeded access. To ensure the highest level of accessibility to our industrial tenants, we will also reopen the Drydock Avenue entrance to truck traffic.

#### Relocation Of On-Site Tenants

While the Wharf 8 site is predominantly vacant, there are two land based occupants which must relocate if Harborlights is to be accommodated. Siting decisions have not yet been finalized by these businesses, but we are optimistic that both will relocate to improved facilities within the MIP.

- **Commercial Lobster Co.** is a water dependent lobster and crab wholesaler which has been located on Wharf 8 since 1980. In the event that a suitable location on Wharf 8 cannot be identified, EDIC has offered to lease Commercial Lobster a prime development site on the Reserved Channel in the MIP. The site, a portion of Parcel C2, is ready for development and will be large enough to construct a modern facility that will double Commercial Lobster's capacity. Commercial Lobster and EDIC are in active negotiations.
- **The Massachusetts Highway Department** occupies approximately 35,000 square feet of building space for a combination of office and storage. An agreement in principle has been reached to relocate the Highway Department operations to the second floor a building leased by Boston Freight Terminals and operated as the International Cargo Center.

#### Protection Of Working Berth And Water Based Tenants

As stated in the WRDA, the Harborlights Pavilion will not require the relocation of any water based tenants at Wharf 8. Harborlights is committed to coordinating their operations and site improvements with AC Cruise Lines and the two lobstermen currently leasing berth space at Wharf 8. Through its license with DLC Corporation, EDIC will ensure that the rights of access, security and seasonal landside storage needs of these water based tenants are fully satisfied.

#### Enforcement Of Public Access

The BRA views DLC's commitment to improve Harborwalk and create a 10,000 square foot public area as critical public benefits of this project. Through its license agreement, EDIC will ensure that the improvements to the public spaces, the hours of public accessibility, the maintenance of the space, and the services offered to the public fully satisfy the public's conception of a waterfront park.

#### Water Transportation

In order to reduce land based traffic to Harborlights events and to enhance the overall water transportation system in Boston Harbor, DLC has committed to work with water transportation operators to add a stop at Wharf 8. EDIC will make available the appropriate berthing area proximate to the Harborlights licensed area to facilitate this important initiative.

#### Impact on Adjacent Dry Dock and Berthing Facilities

Wharf 8 directly abuts an approximately 12 acre maritime industrial facility comprised primarily of a 693' dry dock and two deep water berths of 900' each. The last time this facility (the "dry dock") was regularly used was in 1994 by the General Ship Corporation for ship repair. The Harborlights proposal would require the removal of an electrical substation which was designed to serve this facility. The WRDA describes in some detail the current deteriorated condition of the dry dock, the estimated costs to renovate it, and the plans for maintaining its operability throughout the period that Harborlights proposes to occupy Wharf 8.

As owner of the property, EDIC will ensure that DLC replaces and upgrades the 440v electricity service and maintains clear transportation access to the dry dock. In addition, EDIC will arrange for the availability of the required portable motors, pumps or generators necessary to de-water the actual dry dock if an operator desires the facility for ship repair.

## II. LONG TERM IMPROVEMENT TO WORKING PORT

The city agrees with the key Chapter 91 program principle that non-water dependent uses in a Designated Port Area should serve to financially support the working port. The extraordinarily high cost to construct, repair and maintain maritime assets such as bulkheads, piers, berths and dry docks cannot be economically supported from usage fees charged to maritime industrial operators. Revenue from private sector uses that are enhanced by a temporary waterfront location should be used to leverage public funds that are reinvested into the maritime industrial facilities.

A recent example of this economically supporting use concept is the February, 1996 Chapter 91 License granting the Boston Design Center permission to lease two and one half floors for office use. In the three years since that license was issued, EDIC has received approximately \$695,000 in revenue that can be directly attributed to the office tenants. During that same period of time, EDIC has invested approximately \$960,000 in improvements to dry dock #3, site preparation for the New Boston Seafood Center, and sunken barge removal off Wharf 8. These investment would not have been possible without the Design Center revenue.

Therefore, from the strictly maritime industrial perspective, it is not enough that the proposed Harborlights occupancy do no harm to the working port and its businesses. As a guest in the Designated Port Area, it must make a significant contribution to the long term improvement of the port. In particular, the Harborlights occupancy will contribute towards two major capital projects:

1. Reactivation Plan: detailed use planning, fund raising, substantial capital improvement and marketing of the dry dock facility for maritime industrial use, and
2. Truck Access: planning, design and construction of new truck routes into the MIP.

As owner of Wharf 8, the adjacent berth and dry dock properties, and the entire MIP, EDIC is the appropriate party to plan and implement these long term improvements. EDIC is committed to investing 100% of the net revenue from Harborlights into improvement of the maritime facilities and truck access.

Following is the scope of a Reactivation Plan which describes how EDIC proposes to leverage the Harborlights occupancy into a planning and investment program for the long

term benefit of the port. EDIC will complete the planning within one year and implement the reactivation over the following five years.

### Site Description

The Reactivation Plan will target the site (Site) which is currently comprised of Wharf 8, Dry Dock 4, Piers 5 & 6, and the property occupied by the Massachusetts Highway Department. The Site contains approximately 16 acres of land and 3,000 linear feet of waterfront. Exhibit A illustrates the approximate Site boundaries.

As noted in the WRDA, the Site is largely underutilized. There are no long term occupancies on the land. Commercial Lobster intends to construct a new facility possibly along the Reserved Channel and the MHD is scheduled to vacate the site within four years. The dry dock is in serious disrepair and was last used more than three years ago.

Water based uses are largely limited to the west side of Wharf 8 where AC Cruise Lines and two lobstermen are berthed. The historic tugboat "Luna" is temporarily berthed along a small portion of Pier 5. Pier 5 was last used for topside ship repair approximately two years ago.

Approximately half of the waterfront (the north bulkhead of Wharf 8, the entirety of Pier 6, and the bulkhead running from the base of Pier 5 to the Vent Building) has deteriorated to the extent that it is unusable for ship berthing. The remaining waterfront (the west bulkhead of Wharf 8 and Pier 5) will require repair in the near future.

### Current Conditions Analysis

The first step will be to commission a thorough engineering study that will determine the structural and mechanical condition of the bulkheads, piers, dry dock, pumps, cranes, and water and electric utilities. In addition, soundings will be taken to determine water depths and soil borings will be taken to determine environmental and load bearing characteristics of the land. Capital costs will be estimated for several alternative reconstruction schemes

### Market Analysis

Market studies will be performed for a variety of possible maritime industrial uses that could utilize all or a portion of the site. Maritime industrial uses that could be studied include:

- Ship Repair (government, commercial shipping, emergency, barge & tug...)
- Port Services (pilots, tugs, Harbor Patrol...)
- Marine Services (ice plant, fuel dock, minor repair, provisioning...)
- Seafood (fishing fleet, auction, processing and distribution facilities...)
- Cruise Lines (docking/supply for harbor cruises, terminal for coastal ferry, port-of-call cruise berth...)
- Military Lay Berthing
- Aquaculture
- Bulk or Project Shipping

Each use will be evaluated for market feasibility, job creation, contribution to the port, alternative sites available, and financial strength. In most cases, specific users and businesses will be analyzed.

#### Transition Zone

In its Master Plan Update for the marine Industrial Park, EDIC proposed to designate no more than 25% of the Site as a Transition Zone between the industrial uses to the east and the predominantly commercial uses to the west. In response to comments and the Secretary's Certificate on the Master Plan Update, the proposed rezoning will be reconsidered. The BRA will more thoroughly investigate potential short and long term uses of this Transition Zone, as well as the rest of the land which abuts the MIP. Appropriate uses will be evaluated for their compatibility with the adjacent maritime industrial uses being considered for the remainder of the Site, financial support for Site redevelopment, contribution to Boston Harbor access, and consistency with seaport district development goals. A variety of alternative uses will be presented for discussion within the context of the comprehensive Site planning effort.

#### Cost - Benefit Analysis of Alternative Uses

The overall cost to improve the facilities to accommodate each potential use of the Site will be compared to the risk adjusted financial and non-financial benefits derived from that use. In addition, site planning exercises will assess how different uses can most efficiently share the Site.

The various alternatives for Site uses, along with the cost - benefit analyses, will be presented for discussion to constituencies representing port users, proximate businesses and property owners, and the South Boston community.

#### Funding Sources

Depending upon the proposed uses, the capital cost to prepare the Site for reactivation could range from \$5 - \$10 million. EDIC is willing to commit 100% of the net proceeds from Harborlights, approximately \$1.5 million, to leverage additional city, state and federal funding required to successfully implement the plan. Specific funding sources and amounts will be identified in conjunction with the final plan to be submitted to DEP next year.

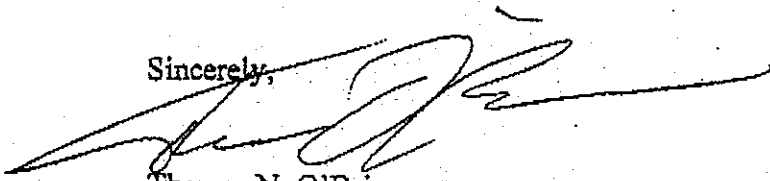
I believe that we have an extraordinary opportunity to put a very valuable maritime asset back into service for the Port of Boston. The revenue from Harborlights will enable us to commit the necessary human and financial resources required to take a critical 16 acre site out of disuse and transform it into a thriving maritime center.

In addition to the Reactivation Plan, the BRA and EDIC will continue to work with the MIP tenants, Massport, Boston Transportation Department and industrial trucking interests to identify the most beneficial new truck routes into and out of the MIP and the Seaport district in general. To the extent that these routes require access to EDIC controlled property, we are committed to making the property available.

We look forward to working closely with the Massachusetts Department of Environmental Protection, Coastal Zone Management, Massport, maritime industry associations, port businesses, commercial neighbors and the residential community. I am confident that we can produce and implement an exciting Reactivation Plan and truck route improvement which will substantially and dramatically improve the maritime industrial quality of Boston Harbor.

Please call Bob Baldwin or myself at 742-4300 with any questions or comments. Thank you for your consideration.

Sincerely,

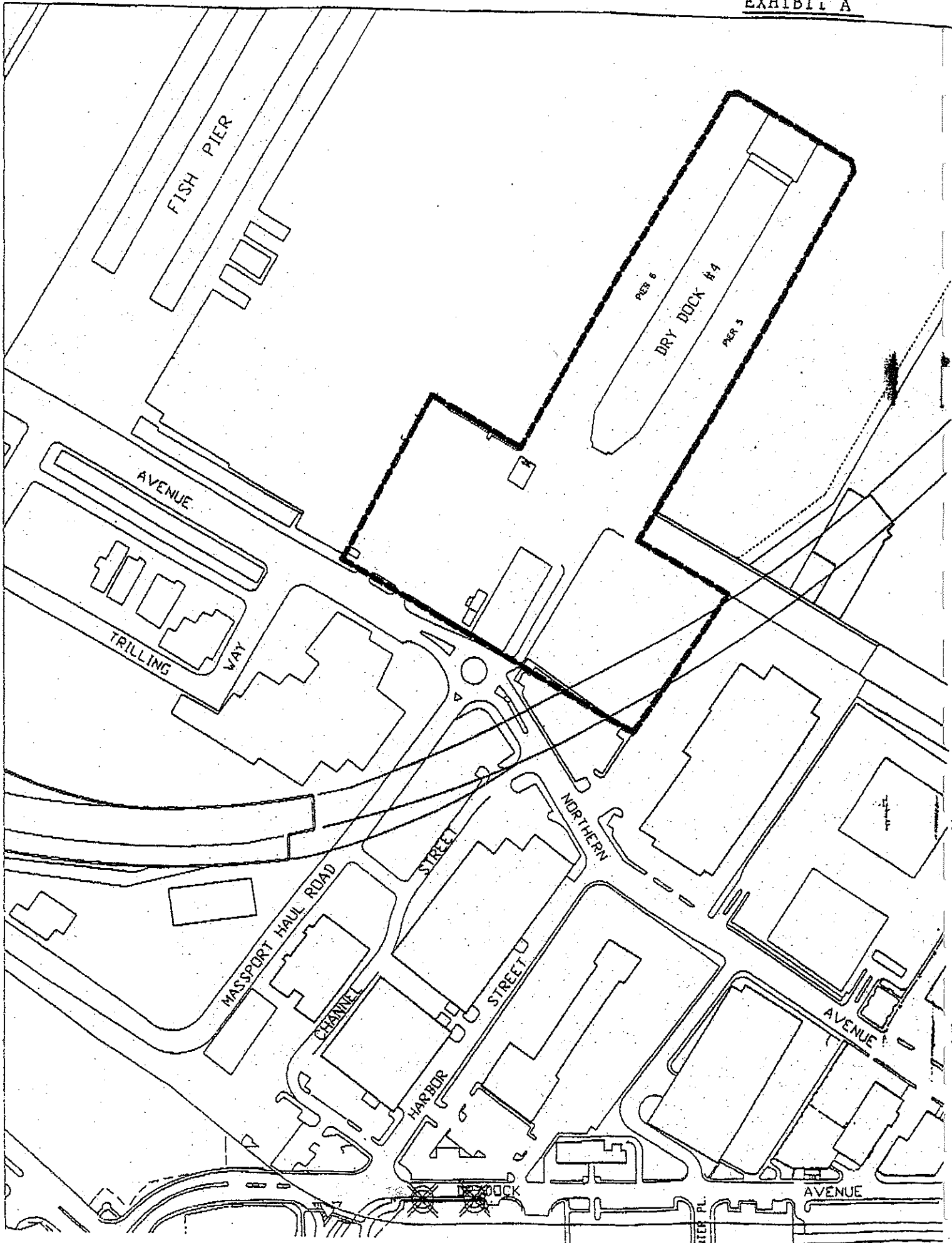


Thomas N. O'Brien  
Director  
Boston Redevelopment Authority and  
Economic Development and Industrial Corporation

cc: James Wickersham, Director, M.E.P.A. Office



EXHIBIT A

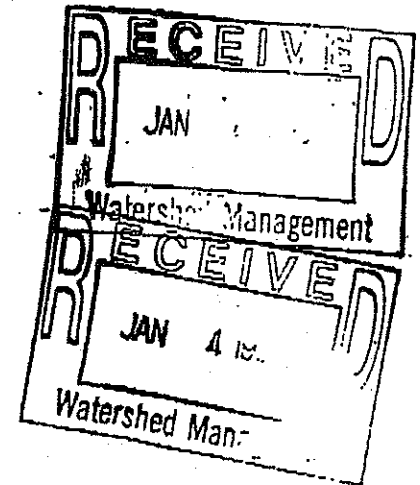




Massachusetts Turnpike Authority  
Central Artery/Tunnel Project

December 29, 1998

Jan Reitsma, Acting Secretary  
Executive Office of Environmental Affairs, Attention: MEPA Office  
Arthur Pugsley, EOE #11816  
100 Cambridge Street, 20th Floor  
Boston, MA 02202



Dear Secretary Reitsma:

Central Artery/Tunnel Project staff have reviewed the Harborlights Pavilion ENF and submit the following traffic-related comments for your consideration.

1. Study intersection-The traffic analysis of the subject ENF analyzed only two intersections: Northern Avenue/Massport Haul Road/Site Access Driveway and Summer Street/Dry Dock Avenue. As indicated in the Transportation Analysis Report (page 17, first paragraph, B. Trip Distribution), "Harborlights traffic will be new only in the area between the current site on the Fan Pier and the EDIC Garage on Northern Avenue within BMIP, which will accommodate most of the parking." In order to assess its traffic impacts on the South Boston street system, the study area of the subject project should be expanded to include intersections on Northern Avenue between Fan Pier and EDIC Garage, intersections on Ramp Street/D Street between Northern Avenue, and Summer Street intersection on Summer Street between D Street and Dry Dock Avenue.
2. The traffic analysis of the subject ENF analyzed intersection operations for the period of 6:30-7:30 PM. The Transportation Analysis Report (page 3, last sentence) indicated "During the two-hour period of patrons' arrivals for Harborlights (5:30-7:30 PM),..." Some of the Harborlights project generated traffic will be on street network with the general traffic during the PM peak hour in the area. Additional traffic analysis for the PM peak-hour (5:00-6:00 PM) may be required to evaluate the peak hour impacts.
3. The unsignalized methodology of the HCM (Highway Capacity Manual) was used to analyze the unsignalized Northern Avenue/Massport Haul Road/Site Driveway intersection, which is a traffic circle (page 3, line 15, Transportation Analysis Report). The HCM unsignalized methodology is not considered appropriate for a traffic circle/rotary.

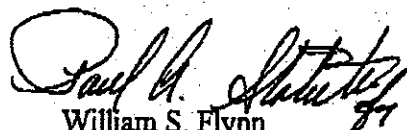


Massachusetts Turnpike Authority  
Central Artery/Tunnel Project

4. Three through/left-turn/right-turn shared lanes were assumed for the Summer Street westbound approach at the Summer Street/Dry Dock Avenue intersection in the Intersection LOS Analysis Worksheets in Appendix D. The Transportation Analysis Report (page 3, line 25) states "Summer Street, east of D Street, maintains two travel lanes in each direction and...at signalized intersection with Dry Dock Avenue." We believe only two receiving lanes exist on Summer Street. It is not clear that whether the proponent assumes 3 receiving lanes are available on Summer Street to accommodate the 3 westbound lanes or that the Harborlights project will provide a third lane as mitigation.

My point of contact on this matter is Ronald Killian, Manager of Environmental Procedures and Permits at 951-6467.

Sincerely,  
MASSACHUSETTS TURNPIKE AUTHORITY

  
William S. Flynn  
Deputy Project Director

cc: Robert Baldwin  
Boston Redevelopment Authority  
One City Hall Square, 9th Floor  
Boston, MA 02201

Greg Carrafiello  
Waterways Regulation Program  
DEP  
One Winter Street  
Boston, MA 02108

Susan St. Pierre  
Fort Point Associates  
286 Congress Street, 6th Floor  
Boston, MA 02210

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1998-04340K



COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS SENATE  
STATE HOUSE, BOSTON 02133-1053

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DEC 29 1998  
By \_\_\_\_\_

SENATOR STEPHEN F. LYNCH  
FIRST SUFFOLK DISTRICT  
STATE HOUSE, ROOM 312D  
TEL. (617) 722-1150

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DEC 29 1998  
MEPA

COMMITTEES:  
COMMERCE AND LABOR  
(CHAIRMAN)  
PUBLIC SERVICE  
COUNTIES  
ETHICS

December 29, 1998

Acting Secretary Jan Reitsma  
Executive Office of Environmental Affairs  
MEPA Unit, Attn: Arthur Pugsley  
100 Cambridge Street, 20<sup>th</sup> Floor  
Boston, MA 02202

Re: EOEА 11816 (Temporary Relocation of Harborlights Pavilion)

Dear Acting Secretary Reitsma:

Below, please find my comments on the Environmental Notification Form regarding the temporary relocation of Harborlights Pavilion to Wharf 8 in South Boston.

As the public review process for this project proceeds it is essential that all the impacted parties, especially South Boston residents and representatives of maritime-related industries, be consulted at every stage.

**TRANSPORTATION/ WORKING PORT ISSUES**

The temporary relocation of Harborlights to Wharf 8 will impact traffic circulation in the area before, during, and after performances. More specifically, the South Boston residential area and the Marine Industrial Park-(BMIP) related truck routes may experience notable impact. It is important that the proponent produce a thorough traffic management plan that mitigates disruption in this area.

It is important to remember that the success of the working port relies heavily upon unrestricted truck access to the nearby BMIP. Therefore, the traffic management plan must facilitate truck accessibility to and from the BMIP. As the regional center for maritime industrial commerce, it is vital that truck routes to the BMIP are not constricted by this project.

Wharf 8 is currently located in a Designated Port Area, within a Maritime Economy Reserve. The EOEА decision on the Harborlights Relocation should not affect or prejudice any subsequent decision with respect to any proposals for changes in the Chapter 91 regulatory status

Acting Secretary Jan Reitsma  
December 29, 1998  
Page 2

of Wharf 8. Specifically, the EOE A decision should not affect any subsequent decision by EOE A with respect to the status of Wharf 8 under the final Master Plan for the Boston Marine Industrial Park (BMIP), Master Chapter 91 license for the BMIP, or any Municipal Harbor Plan or Municipal Harbor Plan Amendment for the South Boston Seaport area.

#### **NEIGHBORHOOD ISSUES**

Similarly, the traffic impact upon the South Boston and Fort Point neighborhoods must be minimized. These areas face increasing traffic pressure from the Central Artery project and the development of the South Boston Seaport. I request that you direct the proponents to study and mitigate the traffic impact upon these neighborhoods.

While the temporary relocation of Harborlights to the Wharf 8 area presents some logistical problems, it is very possible that with proper planning this may be successfully accomplished with minimal disruption to residents and port-related commerce.

I simply ask that we proceed with appropriate care and respect for local residents and the working port.

Sincerely,



STEPHEN F. LYNCH  
State Senator

SFL/PC



The BOSTON SHIPPING ASSOCIATION, Inc.  
Charlestown Navy Yard, 197 8th St., Ste 775, Charlestown, MA 02129-4208  
Telephone (617) 242-3303, FAX (617) 242-4546

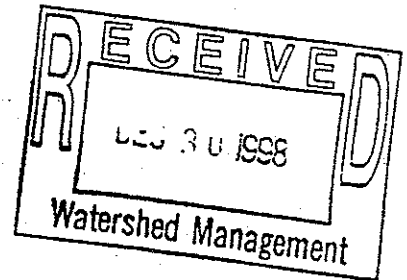
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A. ROSS POPE, *President*  
WILLIAM C. ELDRIDGE, *Vice President*  
JOSEPH M. KEEFE, *Treasurer*  
RALPH F. COX, *Secretary & Assistant Treasurer*

December 29, 1998

ALFRED E. FRIZELLE, *Executive Director*

Mr. Greg Carrafiello, Acting Program Chief  
Waterways Regulation Program  
DEP  
One Winter St.  
Boston, MA 02108



Re: Request for a Determination of Applicability  
Jurisdictional Determination No. 98-0009  
DLC Corporation, Boston Harbor, Boston

Dear Mr. Carrafiello:

The Boston Shipping Association ("BSA") represents stevedores, terminal operators, steamship lines, agents, and other businesses engaged in the maritime industry in the Port of Boston.

As an aggrieved party, the Boston Shipping Association hereby petitions to intervene to become a party in this matter.

We have had an opportunity to review the above Request submitted by the proponent.

**For the reasons contained herein the BSA is opposed to using Wharf 8 and any part of Dry Dock 4 in South Boston located in a Designated Port Area ("DPA") and zoned by the City of Boston as a Maritime Economy Reserve ("MER") for any non-maritime related use on a temporary or permanent basis without obtaining a Chapter 91 License.**

Our opposition to this proposal is based upon the principle that the site has been specifically designated as a DPA to preserve the land along the major shipping channel for maritime commerce, industry, commercial fishing and similar maritime-dependent uses. Further the City has established this location as a MER district with strict regulations regarding the use for maritime dependent uses.

The Request for Determination of Applicability ("Request") asks the DEP to make a determination that no Chapter 91 License is required for the project. The reasons stated are that the project is a short term seasonal use involving minor structural alterations. At the December 16 hearing the Applicant and others emphasized that this is only a temporary use and therefore should be allowed without a license.

After reviewing the regulations found in 310 CMR the BSA believes that a Chapter 91 License is required. I could not find a reference in the regulations for a temporary use without a license.

December 29, 1998  
Mr. Greg Carrafiello  
Page 2

In order to support our reasoning, we have applied the regulations to the facts. 310 CMR 9.05 (1) (c) and (d) addresses "Activities Requiring a License Application". Exceptions to the enumerated activities are set forth in 9.05 (3).

In summary, Section 9.05 (1) requires a license except if it falls within the exception parameters of 9.05 (3).

We need not go further than 9.05 (3) (a) to determine whether the Request falls within an exception. The answer appears to be no. Subsection (a) states that no license or permit is required for maintenance, repair and minor modifications. Since the proposal is not maintenance or repair, we ask the following question.

Is this a minor modification?

We submit it is not. The proposed use is not allowed in a DPA, and as stated in the application five structures for water related use will be demolished. In fact a water dependent tenant will have to be moved to allow for this non-maritime use.

The demolition of five structures is not minor by any stretch of interpretation.

To support our conclusion we refer to 9.05 (3) which defines minor modifications. It should be noted that (3) addresses minor modifications to a licensed project, however, it is instructive as to the definition. The proposed work does not fit within the definition of the regulation. It is not an alteration within the existing footprint of the fill or structure and it does not represent an insignificant deviation from the original use.

The Applicant has not set forth in the Request a written argument as to how this temporary, seasonal use fits within the regulations.

As support for its Request, the Applicant has submitted the prior Determination by DEP that a Chapter 91 License is not necessary.

Without making an argument that the DEP should not have made the prior Determination that no license was required, we draw a distinction between the previous Request and this Request.

The former site was a vacant parcel of land and was not in a DPA or MER zone. The present site is located in a DPA and a MER zone. The present site is occupied by a water dependent user that will be required to vacate the site. The present site contains structures relating to water dependent use that will be demolished.

We submit that the prior Determination should not stand as a binding precedent that must be followed by DEP. The subject must be addressed on a case by case basis.

December 29, 1998  
Mr. Greg Carrafiello  
Page 3

Deep water berths are a natural resource that we cannot replace. Although the proposed use will not be on the deep water berth itself, the location of the use will impede the use of the deep water berth and dry dock. As stated by the BSA at the hearing, dry docks are no longer being constructed. The deep water berths offer a lay berth where ships can tie up for maintenance and repairs and can be considered for use by other water dependent users.

As noted in the WRDA at page 5, the "Port of Boston Economic Development Plan" jointly sponsored by Massport and the BRA, the use of the Dry Dock was addressed and we quote:

"The report concluded that the overall potential for ship repair as a viable ongoing business in Boston was limited, but that it was important to maintain ship repair capacity as part of a full service port. It recommended public subsidies for improvements to Dry Dock Numbers 3 and 4 in order to keep them operational."

The Applicant suggests that the costs associated with the maintenance of Dry Dock 4 coupled with a lack of commercial interest and limited public resources justifies the proposed temporary use. Such a conclusion or implied conclusion is not warranted.

Dry Dock 3 at one time was in essentially the same condition as Dry Dock 4. The *Queen Elizabeth II* ran aground off the coast of Massachusetts and needed repairs. Dry Dock 3 was hastily repaired and the ship was brought into the dry dock for repairs. The same situation can occur with Dry Dock 4 if it is left as it is today. The use of the dry dock should not be encumbered with an adjacent non-maritime activity.

We cannot overlook the question of vehicular traffic. A large volume of traffic will be directed to this area. The Applicant has offered traffic studies that show that there will be a minimal impact. We do not quarrel with the experts but we have a couple of observations. The analysis was not performed in the summer, the period when the concerts will be held, so that a valid comparison cannot be made. The number of automobiles destined for the event was based upon a standard that shows that there will be three people per automobile. The more likely situation will be two people per automobile and that will increase the volume of traffic.

Our concern is about truck traffic. Trucks are not silent and there are many businesses in the BMIP that operate on a twenty-four-hour basis with a proposed international cargo center to be constructed. The noise created by trucks, coupled with airplane noise overhead, will undoubtedly affect performances. We cannot be placed in a position to have trucks limited because of noise or because of traffic volume.

A working port absolutely requires adequate truck routes. Truck routes in South Boston are a major concern to the BSA. Planning for development in the area creates pressure to limit, restrict or eliminate truck routes. Trucking is not ancillary to the movement of cargo by sea. It is part of the intermodal transportation network. Our concern is that each development in and of itself may not



December 29, 1998  
Mr. Greg Carrafiello  
Page 4

appear to adversely affect truck traffic. However, when each individual development is added in the total, either in the present or the future, the negative impact will seriously affect the Port of Boston. We ask that these facts be taken into consideration when a decision is rendered.

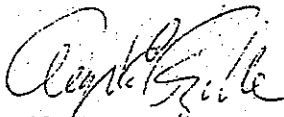
The waterside of the proposed use must also be considered. We are concerned about the effect of Harborlights performances on vessel traffic in the main ship channel which is just off the end of Dry Dock 4. At approximately this point in the harbor, vessels meet with tugboats for transit into the inner harbor. Keep in mind the fact that the vessels are 800 feet long with 40 feet of draft and require up to four tugboats. It is well known that small boats anchored off the Fan Pier to listen to Harborlights performances. The Fan Pier location was not close to or in the main ship channel. If small boats attempt to anchor off Dry Dock 4 and Wharf 8 they will interfere with vessel and tugboat traffic. Even Police and Coast Guard activity to prevent and monitor anchoring will have an adverse impact on vessel traffic.

Another fact to be kept in mind is that the parcel of land in question, Wharf 8 and Dry Dock 4, is in the Boston Marine Industrial Park and is the subject of a proposed change of zoning. The proposal is to allow the site to be a transition zone between the South Boston Seaport Inner Harbor and the working port. We understand that the DEP has addressed this matter separately, but it is important to look at the "Big Picture". If a temporary use is allowed then the proponent or the land owner could make the argument that the site was used for a cultural use, namely, concerts and therefore should be rezoned.

For these reasons the BSA respectfully submits that a Chapter 91 License is required and the DEP should issue a Determination of Applicability to that effect.

Sincerely,

THE BOSTON SHIPPING ASSOCIATION, INC.



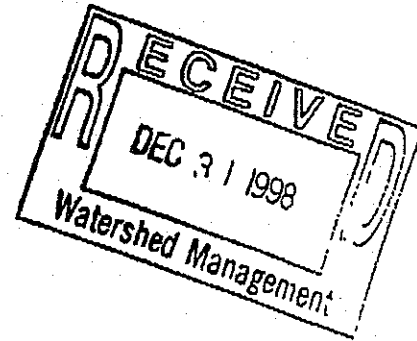
Alfred E. Frizelle  
Executive Director  
Counsel

AEF/s



**Save the Harbor  
Save the Bay**

Founded 1986



December 29, 1998

Mr. Greg Carrafiello  
Acting Program Chief  
DEP Waterways Regulation Program  
One Winter Street - 6th Floor  
Boston, MA 02108

Dear Mr. Carafiello:

Because Save the Harbor/Save the Bay has not been provided with any new information regarding the Harborlights project since the Public Hearing on December 16, 1998, we can not submit any new comments regarding this issue. However, we would like to reiterate our verbal comments made at the Public Hearing. A written copy of these comments are provided in the appendix as attachment A.

By submitting these comments in writing, Save the Harbor/Save the Bay reserves the right to petition to intervene in the Harborlights project. We wish to be kept abreast with any additional meetings, hearings, and changes in the proposals related to this project.

Thank you for the opportunity to submit comments and remain involved in the Harborlights project.

Sincerely,

*Cate Doherty*  
Cate Doherty  
Policy & Program Director

cc: Vivien Li, TBHA  
Stephanie Pollack, CLF

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**Boston Water and Sewer Commission**

425 Summer Street  
 Boston, MA 02210-1700  
 617-330-9400

Post-it® Fax Note 7671		Date	# of pages
To	Jamie Fay	From	Don Law
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

December 24, 1998

20

Ms. Jan Reitsma, Acting Secretary  
 Executive Office of Environmental Affairs Attn: MEPA Office  
 Arthur Pugsley, EOE No. 11816  
 100 Cambridge Street, 20th Floor  
 Boston, MA 02202

Mr. Robert Baldwin  
 Deputy Director of Industrial Development  
 Boston Redevelopment Authority  
 One City Hall Square  
 Boston, MA 02201-1007

Re: Harborlights Pavilion  
 Marine Industrial Park, South Boston

Dear Ms. Reitsma and Mr. Baldwin:

The Boston Water and Sewer Commission (Commission) has reviewed the Environmental Notification Form/Project Notification Form (ENF/PNF) for the temporary relocation of Harborlights Pavilion to Wharf 8 in the Marine Industrial Park, South Boston. The proposed interim facility includes a 5,000 seat outdoor music pavilion, concession areas, hospitality stands, administration and service areas, and restrooms on a 4.13 acre site. The ENF/PNF does not indicate if the proposed structures are permanent year-round or seasonal structures. Parking for the facility will be off-site at the Marine Industrial Park parking garage on Northern Avenue.

The site is currently entirely impervious and contains structures which will be demolished for construction of the pavilion, support facilities, plaza, deck areas, and landscaping.

Sewer and drainage facilities are owned by the Economic Development Industrial Corporation and connect to the Commission's system on Summer Street. For water the site is served by the Commission's 16-inch low service water main on Northern Avenue.

Harborlights estimates the pavilion will use approximately 5,610 gallons of water per day during the performance season. The Commission's records indicate Harborlights



consumed 59,950 cubic feet of water in 58 days from June 22 through August 19, 1998 or an average of 7,731 gpd. Harborlights should review its estimate of projected water use.

The Commission has the following comments:

General

1. The ENF/PNF does not indicate whether Harborlights proposes any termination, relocation, or new connection to the water, sewer, or storm drain system. Any proposed termination, relocation, or new connection should be designed in conformance with the Commission's design standards, Sewer Use Regulations, Water Distribution System Regulations, and Requirements for Site Plans, available by contacting the Engineering Services Division.
2. Harborlights should submit a site plan and a General Service Application to the Commission's Engineering Services Division for review and approval. The site plan should show the location of existing and proposed water mains, sanitary sewers, and storm drains which will serve the site. The site plan should also indicate where drainage from the roofs of proposed structures and paved areas will discharge. Stormwater runoff from roofs and paved areas should be discharged to Boston Harbor and not to the Commission's storm drainage system.
3. The Commission requires that existing water and sewer connections must be cut and capped in accordance with Commission standards before demolition of any existing building. Verification of the termination is required prior to demolition of the existing structure.

Water

4. In addition to the water conservation measures required by the Plumbing Code, Harborlights should consider implementing other water saving measures where appropriate. The use of sensor-operated faucets and toilets should be considered.

Sewage/Drainage

5. The ENF/PNF does not indicate if food preparation or kitchen facilities are proposed. In accordance with the Commission's Sewer Use Regulations, grease traps will be required in any commercial kitchen. Harborlights is advised to consult with Mr. Eugene Favret, Supervisor for the Commission's Grease Trap Program, prior to preparing plans for any commercial kitchen.
6. In addition to the site plan, Harborlights must submit a Pollution Prevention Plan to the Commission which:



- Identifies specific best management measures for controlling erosion and for preventing the discharge of sediment, groundwater or stormwater runoff to the harbor or drainage system during demolition and construction.
  - Includes a site map showing, at minimum, existing drainage patterns and approximate slopes anticipated after demolition, impervious and pervious surface, and the location of major groundwater or stormwater control or treatment structures to be used during demolition and construction.
  - Provides a description of the measures to control pollutants in stormwater discharged to the harbor after construction is completed.
7. If an NPDES Permit from the U.S. Environmental Protection Agency is required, a copy of the permit should be provided to the Commission, before construction. The pollution prevention plan that accompanies the NPDES Permit may be substituted for the pollution prevention plan required by the Commission, provided the plan addresses the same components identified above.
8. The Commission suggests the installation of particle separators on drains serving paved areas. Guidelines for particle separators are provided in the Commission's Requirements for Site Plans, which can be obtained by contacting the Commission's Engineering Services Division.
9. Harborlights should consider installing a permanent sign (casting) stating, "Don't Dump: Drains to Boston Harbor" near each new catch basin. The castings may be purchased from the Engineering Services Division.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, Jr., P.E.  
Chief Engineer

JPS/jsfl

cc: M. Zlody, BED  
R. Mertens, BRA  
D. Law, DLC



BOSTON  
TRANSPORTATION  
DEPARTMENT

ONE CITY HALL PLAZA/ROOM 721  
BOSTON, MASSACHUSETTS 02201  
(617) 635-4680/FAX (617) 635-4295

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MEPA

AVP

December 29, 1998

Jan Reitsma  
Acting Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston, MA 02202  
Attn: MEPA Unit

Thomas N. O'Brien  
Director  
Boston Redevelopment Authority  
City Hall, 9<sup>th</sup> Floor  
Boston, MA 02201

Dear Acting Secretary Reitsma and Director O'Brien:

Thank you for the opportunity to review the Environmental Notification Form (ENF) / Project Notification Form (PNF) for the Harborlights Pavilion. Harborlights Pavilion is a valued cultural destination for residents of the Boston area, and the Boston Transportation Department recognizes the importance of finding a suitable site for Harborlights. BTD has reviewed the ENF / PNF, and has the following comments.

### Traffic Operations

The ENF / PNF states that the relocation of Harborlights will not have any impact on operations on the Fort Point Channel bridges and adjacent intersections, since these vehicles would be coming to Harborlights in its old location anyway. Assuming that the more remote location of Harborlights does not increase the auto mode share, Harborlights-generated vehicles will still have impacts on intersections to the east of the Fan Pier site. These intersections include B Street / Northern Avenue, D Street / Northern Avenue, and D Street / Summer Street, in addition to the intersections analyzed in the ENF / PNF.

The ENF / PNF shows that Harborlights-generated traffic has a significant impact on the intersection of Summer Street / Dry Dock Avenue. Left turning vehicles increase from 48 in the No Build condition to 253 in the Build condition; this increase will be even more pronounced if Harborlights traffic on Northern Avenue induces trucks bound for the Boston Marine Industrial Park (BMIP) to divert to Summer Street. This added traffic causes the left turn into the BMIP to

THOMAS M. MENINO, Mayor



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fail. The added traffic will require measures that exceed retiming the signal; these measures are discussed below under "Mitigation."

### **Parking**

Providing free parking to ticket holders encourages auto use by concert-goers. However, it also discourages concert-goers from utilizing on-street parking, and parking illegally. Free parking for ticket holders necessitates very aggressive promotion of transportation demand management (TDM), as discussed below in "Mitigation."

### **Pedestrian Access**

The sidewalks in the vicinity of the proposed site and the EDIC garage are quite narrow, especially for large crowd surges. Police details will be required to safeguard pedestrian safety and manage conflicts between pedestrians and trucks.

### **Site Plan**

The site plan that is included in the ENF / PNF is relatively schematic. As the project moves forward, the proponent must submit updated site plans to BTM showing service and loading access, truck turning radii, easements required to accommodate truck moves, pedestrian circulation, access control points for the venue and for the Harborwalk, and the drop-off and pick-up area.

### **Construction Management Plan**

The proponent shall file a Construction Management Plan (CMP) with BTM in accordance with BTM guidelines.

### **Mitigation**

The ENF / PNF makes commitments to many important mitigation measures. In order to minimize the potential negative impacts of congestion generated by Harborlights, especially upon trucks that need access to and from the BMIP, it is essential that Harborlights aggressively implement these mitigation measures.

Mitigation measures committed to in the ENF / PNF include:

- Participation in the Seaport Transportation Management Association (TMA).
- Sponsoring shuttle buses.
- Promotion of MBTA services.
- Provision of water transportation.
- Promotion of Harborlights event packages to pre-empt and/or disperse auto trips and parking.
- Measures to reduce negative impacts on truck traffic.
- Improvement of pedestrian facilities.
- Provision of way-finding signage.
- Traffic and pedestrian management during events, including police details as needed.
- Opening second exit from EDIC garage if needed.

The TDM measures (shuttle buses, MBTA transit services, water transportation) are central to controlling the use of private vehicles, and keeping the number of private vehicles in line with the analysis presented in the ENF / PNF. These services must be aggressively promoted, with information and discounts provided as part of the package that is mailed to customers ordering tickets. These services must be in place before Harborlights begins operation in 1999. As the planning of these services develops, the proponent shall provide BTM with information on the schedules and capacity of these services.

The provision for rephasing the existing signal at the Summer Street / Dry Dock Avenue intersection is not adequate. Harborlights dramatically increases traffic at this intersection, and may cause it to fail. BTM requires that Harborlights upgrade the signal controller and equipment at this intersection, provide conduit and interconnect cable from the intersection of Summer Street / D Street to the Summer Street / Dry Dock Avenue intersection, and install video monitoring and magnetic loop detectors. BTM will provide specifications and work with the proponent to implement these measures.

The next five years (the term of the proposed Harborlights lease) will be a period of intense construction activity in the Seaport District. Construction of the CA/T and Seaport Access Road, South Boston Piers Transitway, Boston Convention and Exhibition Center (BCEC), and private development projects will cause changes and disruptions to existing traffic patterns. At the beginning of each concert season, Harborlights should file with BTM a brief transportation report that summarizes the projected changes and disruptions that will impact Harborlights traffic, analysis of these impacts, strategies for addressing and mitigating these impacts, and a summary of the transportation demand and conditions from Harborlights' previous season.

BTM does not anticipate the need for additional environmental / project impact filings, provided the project proponent addresses the above concerns through a cooperative design review process, and commits to the above mitigation in a Transportation Access Plan Agreement (TAPA).

Thank you for the opportunity to review the ENF / PNF. BTM looks forward to coordinating with the proponent on this important project.

Sincerely,

  
Andrea d'Amato  
Commissioner



GREATER  
**BOSTON**  
CONVENTION  
& VISITORS  
BUREAU

*America's Walking City*

Mr. Greg Carafiello  
Acting Program Chief  
Waterways Regulation Program  
One Winter Street  
Boston, MA 02108

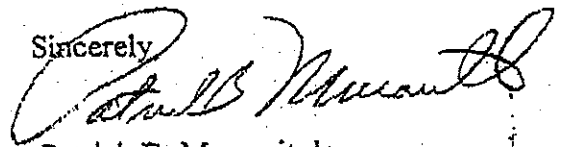
December 29, 1998

Dear Mr. Carafiello,

I am writing on behalf of the 1,200 member companies of the Greater Boston Convention and Visitors Bureau to support the application for Harborlights Pavilion at Wharf 8 within the Marine Industrial Park. This location would serve as an ideal interim site for Harborlights, a very critical element of Boston's overall cultural, entertainment and visitor industry.

Since 1994 Harborlights has provided the city an opportunity to see nationally know entertainers in a truly unique waterfront setting. The interim use of Wharf 8 will continue that tradition.

Sincerely



Patrick B. Moscaritolo  
President & CEO

Established 1887

# 23

Tel: (617) 542-9418  
Fax: (617) 423-6717

## JOHN NAGLE CO.

*Wholesale Distributors of Fresh and Frozen Seafood*

306 Northern Avenue  
Boston, MA 02210-2324

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**JAN 04 1999**

**MEPA**

December 30, 1998

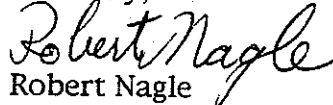
RE: Harbor Lights Pavillion

John Nagle Co. has no objection to Harbor Lights Pavillion moving in next door as long as our operation and other companies in the area are not hindered. Some specific operational concerns are as follows:

- Truck flow is not interrupted for area businesses
- Business parking areas are kept clear from unwanted use
- Security for area businesses and participants
- Safety for all pedestrians
- Surrounding areas are kept clean
- Fair relocation for Commercial Lobster

Adequate planning should allow for all parties to co-exist amicably.  
Please keep us directly notified of all future Seaport Area developments and decisions.

Sincerely,

  
Robert Nagle  
Vice-president



29 December 1998

Mr. Greg Carrafiello  
Waterways Regulation Program, D.E.P.  
One Winter Street  
Boston, MA 02108



Ref: Proposed relocation of Harborlights Pavilion to Wharf 8

Dear Mr. Carrafiello:

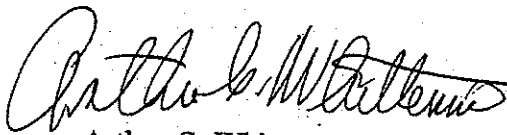
In response to your request for comments on the referenced relocation, the Boston Pilots would like to go on record with the following comments and recommendations:

- a. In all previous hearings and meetings, no one has yet addressed a concern for boating safety in the vicinity of Wharf 8.
- b. When the pavilion was located on the Fan Pier, dozens of boats would anchor in the near vicinity in an effort to hear and possibly see the performances. These boaters generally posed no problems to passing ships as they were usually anchored away from the main shipping channel.
- c. This would not be the case at Wharf 8. A quick look at a chart of Boston Harbor shows the proximity of the main shipping channel to the end of wharf 8, an area where recreational boaters will anchor during pavilion performances. It should be kept in mind also that many of these same boaters will probably be imbibing in some adult beverages.
- d. It should be noted too, that the main shipping channel at the end of Wharf 8 is both narrow and limited in depth. Large vessels, some as large as 1000 feet in length and 40 plus feet in depth, transit this channel en-route to the Mystic and Chelsea Rivers.

- e. Additionally, the area immediately adjacent to the end of Wharf 8 is a transition area where the large ships meet assist tugs and take aboard docking masters. At times there could be as many as four assist tugs milling in this area awaiting the arrival of Inbound vessels.

In conclusion, the Boston Pilots oppose the proposed relocation of Harborlights Pavilion to wharf 8, S. Boston.

Respectfully,



Arthur G. Whittemore  
President

Copy: Mr. Robert Baldwin, B.R.A.  
Secretary, EOE, MEPA  
Boston Shipping Association



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

January 6, 1999

Jan Reitsma, Acting Secretary  
Executive Office of Environmental Affairs, Attn: MEPA Office  
EOEA No. 11816  
100 Cambridge Street, 20<sup>th</sup> Floor  
Boston, MA 02202

RE: Relocation of Harborlights Pavilion to Wharf 8, 290 Northern Avenue, Boston (South Boston), MA; EOEA # 11816; MHC # 22777

Dear Acting Secretary Reitsma:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Environmental Notification Form for the proposed project referenced above. The proposed project is located within the South Boston Army Supply Base (MHC Area RT) which is included in the Inventory of Historic and Archaeological Assets of the Commonwealth.

MHC understands the proposed project will involve the relocation of the Harborlights Pavilion outdoor music facility from its current location at Fan Pier to Wharf 8 in the Boston Marine Industrial Park. MHC further understands that the proposed relocation is for an interim five-year period until a permanent location for the facility can be secured. The design of the performance pavilion itself will be similar to that of the existing structure at Fan Pier. Parking for the facility will be located off-site at the Marine Industrial Park parking garage on Northern Avenue.

Because the proposed facility will require use of the entire Wharf 8 site, MHC understands that the five structures currently on the site are proposed for demolition. These structures include a ca. 1970s refrigeration plant, a ca. 1980 commercial lobster wholesaling building, a new steam plant, a 1940s electrical transformer building, and a 1940s warehouse structure.

According to the MHC inventory form for the South Boston Army Supply Base area, the 1940s electrical transformer building (identified as Army Supply Base Building 38) is "in good condition and is a representative example of the service- and utility-related structures in the base." MHC requests that the project proponent prepare photographic documentation of this building prior to its demolition. MHC encourages the proponent to consult with the MHC and the Boston Landmarks Commission to determine the appropriate scope for the documentation effort.

The remaining four structures proposed for demolition do not contribute to the historic significance of the South Boston Army Supply Base due to their recent construction date (the refrigeration plant, lobster wholesaling building, and steam plant) or due to extensive late-20<sup>th</sup> century exterior alterations (the 1940s warehouse structure). MHC has no comments regarding the demolition of these structures.

These comments are provided to assist in compliance with Massachusetts General Laws Chapter 9, Sec. 26-27c, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00) and MEPA. If you have any questions, please feel free to contact me at this office.

Sincerely,



Gary Hammer

Director of Architectural Review  
Massachusetts Historical Commission

cc: Boston Landmarks Commission  
Scott Darling, Fort Point Associates



## Save the Harbor Save the Bay

Founded 1986

Attachment A

### Harborlights Testimony: Public Hearing 12/16/98

My name is Cate Doherty and I represent Save the Harbor/Save the Bay, a grassroots advocacy organization with a mission to foster a positive image of Boston Harbor and Massachusetts Bay and to build a broad-based constituency to work to promote the protection and restoration of these valuable resources. We are strong proponents of significant public destinations along the water's edge, as we believe the only way to build a constituency that cares about the quality of the water in the Harbor is to bring people to the water to enjoy and learn about it. Thus, we strongly support a venue such as Harborlights along the Boston Harbor waterfront and think that it is an important feature of our cleaner Boston Harbor. We appreciate the city and state's efforts to preserve a venue that is very popular and recognize that this situation is difficult for all involved. Because of the timing of this proposal it provides unique regulatory challenges.

The Chapter 91 regulations were established to protect the public's rights in tidelands and to promote and protect the working waterfront. These two objectives should not be in conflict with each other and should be able to be balanced through good planning.

The primary tool for protecting the public's rights in tidelands is the license itself. In fact, the license is the only tool established in the regulations to protect the public's rights. The project proponent's Request for Determination of Applicability did not include the information necessary to determine whether or not the project indeed is subject to Chapter 91 licensing. In particular, the document did not contain an analysis of why the project qualifies for an exemption under the regulations, nor did it include specific licensing information about the structures already at the site. The presentation and some of the comments submitted already here today outline some of the potential methods for approaching this project. We request that the project proponent provide us with a written analysis of why they believe this project is not subject to jurisdiction under the Chapter 91 regulations so that we may specifically address this issue in our comment letter to the State. We

are particularly concerned about the precedent this project may set and stress that Chapter 91 is extremely important to our mission as an organization and should be preserved. We do not believe that a hearing related to the applicability to of the licensing requirements is the place to debate the merits or drawbacks of a particular project; therefore, we will refrain from specific comments and/or concerns related to the project at this time.

Obviously, there are a variety of complex issues to be discussed related to this project ranging from the benefits of a significant public destination along the water's edge to the impacts of the project on the working waterfront. As I mentioned earlier, we believe that integral to balancing complex issues such as the ones we are discussing today is good planning within the regulatory structure. The Chapter 91 regulations are flexible enough to license projects that at first glance may not appear to meet all of the standards set forth, and in fact, encourage significant public venues such as Harborlights. Today we are debating a project that is proposed on Boston Harbor in the South Boston Seaport District. Today's hearing highlights the fact that at this point we don't have a seaport plan or an updated Municipal Harbor Plan or special public destination facilities network plan for other parts of the Harbor. We look forward to working with the City, State, and others in this room today to move these planning processes forward in an effort to ensure that we have a water's edge that is active, accessible, family-friendly, and economically and ecologically sustainable.

Thank you for the opportunity to comment today. We will be submitting more detailed comments in writing once we receive more information from the project proponent.



# CLF Conservation Law Foundation

## Comments of the Conservation Law Foundation, et al. on the Harborlights Pavilion's Waterways Request for Determination of Applicability, Environmental Notification Form and Project Notification Form

submitted on December 30, 1998  
by Stephanie Pollack and Bennet Heart

Harborlights Pavilion's request for a Chapter 91 Determination of Applicability for a temporary concert venue at Wharf 8 in Boston's Designated Port Area ("DPA") presents difficult issues for those commenters who, like the Conservation Law Foundation ("CLF"), are simultaneously fans of Harborlights, supporters of the working port and watchdogs of the Chapter 91 tidelands licensing process. The specific MEPA and Chapter 91 matters currently before the MEPA Unit and the Department of Environmental Protection are complicated by related matters both substantive and procedural. Substantively, it is difficult to separate the pending request for an interim use of no more than five years for Harborlights at the Wharf 8 location from ongoing planning processes for both the Marine Industrial Park and the larger Seaport area which indicate that the City of Boston has longer-term plans for this site which include a broader range of uses than those currently allowed in the Maritime Economy Reserve zone and may even include a permanent home for Harborlights. Procedurally, while the proponents have requested the same type of Determination of Applicability as they had while at the Fan Pier site, and while such a procedure has apparently been used to allow short term entertainment uses in the DPA, the Chapter 91 regulations do not allow for a Determination to be used in place of a license or permit even for temporary uses.

At the public hearing, CLF stated that it was our belief that commenters and regulators alike should focus first on the substance, on "what" was the right thing to do and only afterward focus on "how" these substantive objectives could best be accomplished. We believe that this continues to be the best approach to untangling the complicated situation posed by the Harborlights request and so the comments which follow first address a number of substantive/policy issues and conclude with a discussion of the regulatory/procedural issues.<sup>1</sup>

Boston's waterfront is at the dawn of an exciting new era. Boston Harbor is whole lot cleaner and getting cleaner every year, thanks to the remarkable efforts of the MWRA, spurred by a law suit filed over a decade ago by CLF. The future of the harbor islands is filled with promise. In a few years, the elevated Central Artery will be removed, reconnecting downtown with its waterfront. And planning efforts are underway

<sup>1</sup> These comments are submitted on behalf of the Conservation Law Foundation and the following twelve CLF board members who are domiciled in Massachusetts: Charles Cabot, David Cavers, Donald Comb, Philip Conkling, Richard Emmett, Paula Gold, Michael Moskow, Peter Nessen, Thalecia Schicsinger, George Shaw, John Teal and Thomas Winship.

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to activate underutilized land in the Seaport District, East Boston and elsewhere on the waterfront.

One of the most inspired waterfront uses ushering in this new era has been the Harborlights Pavilion. For five years Harborlights has drawn thousands of people – approximately 140,000 people per year – to Boston's waterfront, to hear music in a setting that is intimately connected with the harbor. The layout of the grounds and the open-air tent have ensured that the experience people have at Harborlights is as much about connecting with the harbor and all its sights and sounds as it is about listening to music. CLF is an enthusiastic supporter of Harborlights because it is important that there be compelling places that invite people to enjoy Boston's remarkable waterfront. Boston's waterfront is among its greatest strengths, and making the most of it is critical to the city's future, which is in turn critical to the region's environmental sustainability.

For five years Harborlights has had a superb location on the Fan Pier. Sadly, the owners of Fan Pier have refused to renew Harborlights' lease on the site, forcing Harborlights to look for a new location. We are told that after a probing search, the only currently viable site is the Wharf 8 site owned by the city and located in the Boston Marine Industrial Park within the Designated Port Area. As we explain fully below, we support the relocation of Harborlights at this site *for the short-term* – in our view, a four year term would be appropriate – under certain conditions. But as we also explain below, we do not support DEP issuing a positive determination of applicability with conditions instead of issuing a license or a using the variance procedures contemplated by the regulations.

While we do not embrace the regulatory argument advanced by Harborlights in its Request, it still need be made known that CLF has certain ties with Harborlights. Don Law, the Harborlights promoter, is a major donor to CLF; Mr. Law hosted a fundraiser for CLF's Seaport work at Harborlights last summer; and Mr. Law's wife, Sara Molyneaux is a member of CLF's board of directors. Neither Mr. Law or Ms. Molyneaux played any role whatsoever in CLF's decision to submit comments on this matter or in determining what the content of these comments would be. CLF staff did meet with Mr. Law and others working with him on this matter to discuss their proposed project, just as we routinely do with other proponent of projects that we feel are significant.

### Harborlights can be Compatible with the Working Port

CLF is a strong supporter of the working port and its future as an integral part of Boston's waterfront. We are confident, however, that the working port can be successfully integrated with a far more commercially active and publicly accessible Seaport neighborhood.

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One factor that argues for finding ways to at least site temporary, non-water dependent uses in and near the working waterfront is economic reality. There are simply not enough economically viable water-dependent and marine industrial uses to fill the water's edge at the current time. But in order to preserve these sites for later marine use, we need to find ways to ensure that they are properly maintained and even improved to make them more attractive for future marine use. The Chapter 91 regulations clearly state that one purpose of this regulatory program is to "support public and private efforts to revitalize unproductive property along urban waterfronts, in a manner that promotes public use and enjoyment of the water." 310 CMR 9.01(2)(d). Identifying and siting temporary or interim uses which can generate revenue streams to help maintain and improve key waterfront sites such as Wharf 8 is compatible with Chapter 91 and vital to the goal of revitalizing unproductive urban waterfronts. The Chapter 91 regulations recognize the necessity and desirability of such an approach through the mechanism of "supporting DPA uses" which provide "direct economic or operational support" for current or future water-dependent industrial uses. See 301 CMR 9.02. While Harborlights may or may not qualify as such a supporting DPA use in a licensing proceeding (depending on whether it is considered a "major entertainment complex" or not), the notion of allowing temporary or interim uses which can pay for site improvements is fully compatible with Chapter 91's objectives for DPAs.

Another way in which the Harborlights relocation to Wharf 8 could help to fulfill the purposes of Chapter 91 is by setting an example of how to integrate water dependent, working port uses with the public access which is a critical part of Chapter 91 and the public trust doctrine which spawned it. The Chapter 91 regulations, and some who speak for the working port, sometimes appear to take the position that we must choose between an economically viable working port and a publicly accessible waterfront. CLF does not agree. Indeed, we see public access to and near the working port as a critical element in building public support for the kinds of regulatory restrictions and public subsidies that will be needed for decades to come to support the working port. More people -- not less -- need to see and understand the working port and its relation to Boston's past, present and future.

Recent efforts have begun to demonstrate that two of the key Chapter 91 priorities -- maintaining the water's edge for water dependent uses and making the waterfront publicly accessible and active -- can be achieved simultaneously. The most recent International Cargo Port proposal was designed to allow substantial public access to a key portion of the working port. The Seaport master planning process similarly assumes that the public should be drawn down to the waterfront and into the working port. And the Harborlights proposal contains many key elements for combining working port uses, such as AC Cruises and two lobstermen, with a major public attraction and an expanded Harborwalk. CLF therefore does not presume any incompatibility between Harborlights

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and the ongoing future use of Wharf 8 for marine industrial and water-dependent uses. It is useful to look at the specifics of the proposed site.

Wharf 8 has a long history of marine industrial use. It is immediately adjacent to Drydock 4, a drydock that is in poor condition and that has not been used for ship repair since 1994. On either side of the drydock are two deep water berths. Looking at the wharf and the drydock as one, it is fair to say that it is not well-utilized now, although there are some small water dependent uses at the site, but there is certainly the potential for considerably more significant water dependent uses at the site in the future, particularly in light of the deep water berths. Regarding the drydock, in addition to the limited need for drydock ship repair facilities in Boston (a need that is largely being met at Drydock 3, also in the Seaport District) and the drydock's poor condition, four acres of the backlands area at the site has been leased to the Central Artery Project for construction staging and field offices and will be held by the Project until mid-2002.

Harborlights does not propose to obliterate the existing water dependent uses on the site. On the contrary, Harborlights proposes to share the site with all but one of the four existing water dependent uses and make capital improvements to the site that would benefit marine industrial use in the future should it be determined that this is not a suitable long-term home for Harborlights. Three of the four existing water dependent uses – a cruise ship company and two lobsterman – would be able to continue their operations undeterred, and it would seem that the cruise ship company could benefit from the addition of Harborlights. The fourth use, a small lobster wholesaler, would need to be relocated, a task that the BRA is apparently pursuing. The capital improvement program, estimated to cost \$200,000, would feature the installation of a new electrical switch gear and service suitable to serve the 440 volt needs of the drydock, thereby actually facilitating drydock use contemporaneous with the Harborlights term in one respect. Other improvements would include the installation of new water, sewer, and electrical utilities at the site. The proponent and the BRA have also agreed to have \$300,000 per year of lease revenues be earmarked for capital improvements in the Marine Industrial Park. Also of significance is Harborlights' assurance that it would keep open the access road on the eastern edge of the site to enable vehicle access to the drydock and the piers. Finally, besides the concert venue, Harborlights states in its Request that it will build a 20 to 25 foot wide section of the Harborwalk along the two water-side sections of the site that will be open to the public except during performances.

The Harborlights proposal to take an underutilized site and integrate significant public access to the waterfront with the existing limited marine industrial use and to make improvements and generate revenues that benefit marine industrial use, has a lot to commend it. It is a savvy use of an underperforming site for the short-term, it may well improve the chances of good marine industrial or water dependent uses in the future, and in a broader sense it also suggests that at every waterfront location we may not have to

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decide whether it will be for the working port or for other commercial activities; at some locations, a mix of uses, some marine industrial, some not, can co-exist.

### Integration of Harborlights into the Working Port and the Seaport

In a sense, Harborlights is already well integrated into the Seaport. It has been there for five years, and it proposes to move its site eastward along Northern Avenue. But at the Wharf 8 location there is greater potential for conflicts with truck traffic than at the Fan Pier site. And the Seaport is evolving into a new city neighborhood, which means that Harborlights needs to work well under these changing conditions. In a number of respects, Harborlights by its nature is a good fit. The business is seasonal and episodic: Harborlights is open six months out of the year and has about 50 events a season. All of the events are at night, significantly minimizing the potential traffic problems with truck and cars, as described in the Transportation Analysis appended to the Request. And Harborlights patrons, who only spend a few hours at a time at the site, are not likely to take issue with marine industrial operations in the immediate vicinity the way, for example, luxury condominium owners might. Indeed, as at the Fan Pier site, at the proposed location it can be expected that the working port will be part of the charm.

More work needs to be done on the transportation front, however. The more people that can be encouraged to come to Harborlights on foot, by bike, by water transportation, public transportation, bus or high occupancy vehicle, the less burdensome the conflicts with truck traffic will be, and the more Harborlights will function in harmony with a pedestrian-friendly Seaport District. The Request contains some very encouraging language about creating a new water transportation facility at the site and getting late night shuttle service in conjunction with the Seaport Transportation Management Association and Boston Coach. But the present plan to have the bulk of Harborlights patrons arrive by car and park in the EDIC garage has the potential to interfere with trucks when the cars are coming and going and when the people walk from the garage to the site, which entails crossing Northern Avenue.

We believe what is necessary is that the proponent prepare a transportation access plan, the primary purpose of which is to seize every opportunity to encourage traveling to Harborlights by means other than a car (particularly a single-occupancy car). The transportation access plan should be completed two months before the first show, filed with the MEPA Unit, provided to all MEPA commenters, and subjected to public review before it is finalized and implemented. The plan should also be updated annually after evaluating the previous year's performance and the updates should be filed for informational purposes with MEPA and be put out for public comment. While we recognize that there are other actors involved with bringing water transportation and shuttle service to the site, the plan should be as concrete as possible about what actually will happen. For example, the plan should state that shuttle service will be provided and

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describe the nature of that service, and the proponent should state that it will include information on this service and on any water transit alternatives in marketing materials and ticket mailings. The parking program needs to be revised so that the cost of parking is not included with the price of the ticket. Building the price of parking into the ticket encourages people to drive and drive alone and to park at the EDIC garage, creating potential conflicts with truck access to the Marine Industrial Park. And it is unfair to those people who get to Harborlights by other means to pay for parking as part of the ticket price. The goal of allowing patrons who do drive to exit the parking lot after the performance without having to stop to pay can be achieved either by having people pay to park when they arrive at the lot or at a cashier at the lot or at Harborlights.

### Long-term Use of Wharf 8

What should happen in the long run at Wharf 8 is a different question than what is presented today by Harborlights and is one that CLF takes no position on at this time. We should see how Harborlights works on the site. We should see what marine industrial opportunities present themselves as the end of Harborlights' short-term stay approaches. We understand that Harborlights will continue to search for a permanent home on Boston's waterfront, and we think this should be a condition of its short-term stay at Wharf 8. The decision to allow Harborlights to use the site for a few years should not be a factor in any decision by DEP's Division of Wetlands and Waterways or any other agency of the Commonwealth with respect to any future proposals for changes in the Chapter 91 regulatory status of Wharf 8, either as part of the BMIP master plan or any future Harbor Plan submitted as part of the planning process for the Seaport.

### The Conditions Under Which CLF Would Support Harborlights on Wharf 8

What follows is a list of conditions under which CLF would support the short-term siting of Harborlights at Wharf 8.

1. DEP should only confer to Harborlights the right to be at Wharf 8 for the short-term. Because the Central Artery Project is using a piece of the site through the middle of 2002, it makes sense to us to allow Harborlights to operate for four years at Wharf 8. If Harborlights wished to remain at the site after the 2002 season, it would need to reapply to DEP, with no assurances whatsoever that an extension would be granted.
2. Wharf 8 is currently located in a Designated Port Area, within a Maritime Economy Reserve. Approving Harborlights use of Wharf 8 for the short-term shall not in any way affect or prejudice any subsequent decision by the Division of Wetlands and Waterways or any other agency of the Commonwealth with respect to any future proposals for changes in the Chapter 91 regulatory status of Wharf 8. Specifically, the issuance of this Determination of Applicability shall not affect any subsequent decision

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by either the Division or the Secretary of Environmental Affairs with respect to the status of Wharf 8 under either (1) a final Master Plan for the Boston Marine Industrial Park (BMIP) and Master Chapter 91 license for the BMIP or (2) a Municipal Harbor Plan or Municipal Harbor Plan Amendment for the Seaport area of Boston.

3. Harborlights shall implement the estimated \$200,000 capital investment program at the site described on page 9 of the Request. Specifically, Harborlights will (a) remove existing foundations from prior buildings, (b) demolish an abandoned and defunct ice house, (c) install new utilities (water, sewer, electrical) into the site, (d) improve the bulkhead retaining the fill on the site, (e) install a new electrical switch gear and service suitable to serve the 440 volt needs of drydock 4, and (f) construct a 20-25 foot wide section of Harborwalk along the water's edge.

4. Harborlights and the BRA will escrow \$300,000 per year from Harborlights lease revenues to be applied to capital improvements for marine industrial purposes in the Boston Marine Industrial Park, with a particular focus on making capital improvements at Wharf 8.

5. Harborlights will prepare a transportation access plan, the primary purpose of which is to minimize to the greatest possible extent the number of vehicle trips generated by the site. The plan should offer concrete steps for making the very most of the opportunity to develop viable water transportation to the site as well as for providing convenient shuttle service from downtown. The plan should make clear that parking costs will not be included in the ticket price. The plan should describe in detail how the pedestrians coming from the EDIC garage will be accommodated. After consulting with BRA and BTM, the plan should explain what, if any, street-related changes are proposed to be made to accommodate Harborlights (e.g., the opening of the Drydock Avenue entrance to the BMIP to truck traffic, rephasing of the traffic signal at Summer Street and Drydock Avenue to allow an advance phase for left turns from Summer to Drydock). A draft plan should be complete sixty days before the first performance of the season and put out for public comment via the *Environmental Monitor*. The plan will be updated annually based on an evaluation of the previous season, and the updates will be filed with MEPA for informational purposes and put out for public comment.

6. Harborlights will continue to search for a suitable permanent home on Boston's waterfront, and must report to DEP annually on its progress.

7. Commercial Lobster must be successfully and consensually relocated, and none of the other water dependent uses at the site -- A.C. Cruises and the two lobstermen -- can be relocated.

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### Chapter 91 Process

CLF does not support the regulatory procedure of issuing a Determination of Applicability with conditions, the procedure that was employed for Harborlights' stint on Fan Pier and which Harborlights now asks DEP to utilize again. While we understand that there is but a small window of opportunity to straighten out this process in time for the booking of acts early this year, and that the failure to book a 1999 season could jeopardize the future of Harborlights on the waterfront, a DOA with conditions is simply not contemplated by the Waterways regulations. The practice of doing so, like the practice of Conservation Commissions and DEP issuing negative determinations of applicability with conditions in their execution of the Wetlands Protection Act, while perhaps seeming to be a pragmatic solution in a given case, threatens the integrity of the regulatory process because the Department is implementing a regulatory program outside the scope of the regulations. There are no rules about how to issue a DOA with conditions because the regulations do not even contemplate the existence of such a thing. If the Department has concluded that it needs a new tool for the Chapter 91 program, something short of a license or a permit that does not involve the use of a variance, it should pursue a regulatory amendment to this effect (provided there is no statutory barrier to doing so).

CLF urges the proponent to immediately coordinate with DEP and file an application for a license and/or variance (or perhaps even a permit with a variance), and for DEP to move as expeditiously as possible to grant the license or variance with the conditions we have set forth above. We think that the variance section of the Waterways regulations, while apparently never before invoked by DEP, may hold the key to approving Harborlights on Wharf 8 in a way that is both true to the regulations and speedy enough so that Harborlights has sufficient time to book acts and make other arrangements for the 1999 season. We think that this could be accomplished a number of different ways -- a "general" variance or a variance as to some specific regulatory requirement (the range of permit uses, the temporary use definition, the need to be licensed before activity commences). Perhaps a one year variance, with a requirement that the proponent apply for a three year license or variance for the 2000-2002 seasons and which makes clear that the one year variance does not constitute a determination that for these future seasons Harborlights is not licensable, would be appropriate. Whatever the solution, what is important is that the work to make this license or variance happen *begin immediately*, and that DEP apply itself to producing the license or variance as quickly as possible. Beyond the merits of this project, DEP should be further motivated to move expeditiously by the not unreasonable reliance on the part of the proponent that DEP's prior issuance of a DOA with conditions for the Fan Pier site and annual renewal for each of the subsequent four years suggested that this procedure could be employed again. CLF stands ready to assist the proponent and DEP in this effort.



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It need be mentioned that while we do not support the use of a DOA with conditions, if DEP does choose this path, then it must include the same conditions as we suggest above for the license/variance, along with the requirements that the proponent immediately submit an application for a 3 year license/variance for the 2000-2002 seasons, and that DEP use the DOA, which should be published in the *Environmental Monitor*, to inform people that this is the very last time that this procedure will be employed.<sup>2</sup>

### Intervention in Chapter 91 Proceeding

By these comments CLF, on its own behalf and on behalf of the twelve named board members domiciled in Massachusetts, petitions to intervene in this matter pursuant to 310 CMR 9.13(4)(c).

### MEPA Jurisdiction

Regarding the proponents Environmental Notification Form filed with the MEPA Unit, CLF recommends that the Secretary assert jurisdiction over the proponent by virtue of the number of average daily trips. Rather than require that an EIR be prepared, however, CLF recommends that the Certificate call for the transportation access plan we propose in these comments. As we state in condition 5 above, the primary purpose of the plan would be to minimize to the greatest possible extent the number of vehicle trips generated by the site. The plan should offer concrete steps for how alternatives to traveling to Harborlights by car will be provided and encouraged. The plan should be submitted to MEPA and put out for public comment in time for the proponent to address concerns raised in the comments before the start of the 1999 season. The plan should be updated annually on the basis of yearly evaluations, submitted to MEPA for informational purposes and put out for public comment. See condition 5 above and discussion of plan at page 5.

The Secretary should also state in the Certificate that a Notice of Project Change will be required for any change in Harborlights' lease term, site plan, or for any additional relocation of water-dependent uses.

<sup>2</sup> We understand that there a few other instances where DEP has issued DOAs with conditions for temporary uses along the waterfront. We believe that a regulatory amendment that exempted very short-term uses on the grounds of immateriality or that at least made licensing easier by broadening the definition of "temporary use" in the regulations would be advisable.

### Conservation Law Foundation

#### Conclusion

CLF strongly supports finding a way to make the 1999 Harborlights season possible. While Chapter 91 should not be abused in order to facilitate the relocation of Harborlights, neither should it serve as a barrier to a 1999 season for this important public venue.

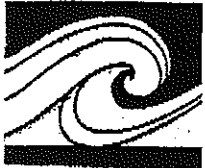
Respectfully submitted,

*Stephanie Pollack (BH)*

Stephanie Pollack  
Vice President, Massachusetts

*Bennet Heart*

Bennet Heart  
Senior Attorney



THE COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
 OFFICE OF COASTAL ZONE MANAGEMENT  
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## MEMORANDUM

To: Greg Carrafiello, Acting Director, DEP Waterways  
 From: Margaret M. Brady, Director, MCZM  
 Date: December 30, 1998  
 Re: Request for Determination of Applicability  
 Relocation of Harborlights Pavilion to Wharf 8; Boston

The Massachusetts Coastal Zone Management (MCZM) Office has completed its review of the above-referenced Request for Determination of Applicability (RDA). As described below, the proposed project and the precedent it sets can be expected to adversely affect the port of Boston and future maritime industrial uses. Further, the RDA submitted was incomplete, offering no basis for the waiver of Chapter 91 jurisdiction requested. MCZM therefore recommends that the applicant and the owner of the site, the Boston Redevelopment Authority (BRA) reconsider their request for a waiver of Chapter 91 jurisdiction and contemplate maintaining Waterways jurisdiction over the site and the proposed activity. In so doing the applicant must resolve all of the project impacts outlined below.

#### Project Description

Harborlights is an outdoor music venue which has operated for five years as a temporary use at the Fan Pier in South Boston. As the lease for this space has expired, the applicant is proposing to move Harborlights to Wharf 8 in the Boston Marine Industrial Park (BMIP) for five years. Wharf 8 is located in the City of Boston's Maritime Economy Reserve (MER) zoning district and within the state designated South Boston Designated Port Area (DPA). Currently, the Commercial Lobster Company is located at the site, as are Massachusetts Highway Department offices. Mechanicals for the adjacent Dry Dock No. 4 are also located on Wharf 8.

The applicant is proposing to construct a 5,000 seat outdoor pavilion offering music events six months of the year, concession and hospitality areas, administrative offices and service areas, and restrooms in a landscaped plaza. Parking will be made available at the EDIC garage further down Northern Avenue. The applicant also has said that concert-goers will be encouraged to use water transportation to the site.

The Boston Redevelopment Authority (BRA) owns Wharf 8 and will be the landlord to this project. BRA staff have taken a major role in advocating for the proposed project.

MCZM has the following concerns about the proposed project:

#### Zoning

The state's DPA designation identifies land in a DPA for water-dependent maritime industrial and supporting uses. The proposed activity is a nonwater-dependent use and is a use that is specifically prohibited in a DPA.

The applicant has stated that the proposed project is a temporary use of Wharf 8 while attempts are made to find a permanent site for Harborlights. In the Marine Industrial Park Master Plan (Interim Document) prepared by the Boston Redevelopment Authority, Wharf 8 was designated as a "transitional zone", to be rezoned as a Waterfront Retail District proposing to allow uses such as entertainment venues which are prohibited within a DPA. MCZM expressed its concerns about this proposal in its comments on the Master Plan dated November 9, 1998. The Secretarial Certificate for the Interim Document dated November 16, 1998, identified the transitional zone/Waterfront Retail District proposal as one of the two major outstanding issues to be addressed in the Final Master Plan. The proposed use of Wharf 8 as an entertainment center, particularly in light of the BRA's commitment to maintaining the working waterfront as outlined in the Interim Document is contrary to city and state policy.

In addition, construction of this facility would appear to require rezoning of the MER zone to allow a non-conforming use. The Secretary specifically instructed the BRA to reconsider its proposal to reconsider its proposal to rezone Wharf 8 in the Final Master Plan for this area, the Harborlights proposal again raises concerns about the long-term planning for and use of this parcel.

#### Relocation of Existing Uses

Commercial Lobster is an existing water dependent business on Wharf 8 with an existing valid lease that will be displaced by the proposed activity. Displacement and demolition of the Commercial Lobster facility is prohibited until the applicant and the BRA have relocated it to a site that is suitable in terms of public health standards, and access to sea-water for its tanks, to lobsters, and to its customers. The applicant and the BRA should provide a detailed schedule of their proposal to accomplish this transition in the time that is available.

Wharf 8 houses a number of mechanical and electrical systems required for the operation of the adjacent Dry Dock No. 4. The applicant and the BRA have suggested this dry dock is not currently

used therefore the Harborlights facility will have no adverse impact on it. Given the increased number of vessels engaged in water transportation, in the cruise ship industry, and in transport of cargo in Boston, it becomes increasingly important that these limited marine resources within the port of Boston be preserved for the repair and maintenance of these vessels. The ENF states that all structures on Wharf 8 will be demolished, including those that provide critical services to Dry Dock No. 4. No mention is made of relocating or replacing these components to continue the dry dock operations. The applicant and the BRA need to resolve matters related to the availability and operation of Dry Dock No. 4.

### Transportation

The traffic analysis presented by the applicant is based counts conducted in the project area on two weekdays in November, 1998. Harborlights, according to the ENF, will not be active in the month of November. As data for the months in which Harborlights expects to operate was not presented, it is difficult to know if the traffic counts uses are applicable to the proposed project.

The traffic study identifies 52% of vehicles using the Massport Haul Road as trucks, however, all vehicles using the Haul Road are commercial vehicles. As no distinction is made, the percentage of vehicles counted on Northern Avenue and Drydock Avenue that are commercial vehicles is unknown. Given the commercial/industrial nature of the area, this distinction is important.

The traffic study states that during the two hour time period in which patrons would arrive at Harborlights (5:30 to 7:30pm) 8% of truck traffic on Northern Avenue would be expected to occur. Eight percent of the count given is 204 trucks. This does not include other commercial vehicles, Haul Road or Drydock Avenue traffic, nor does it include additional trips generated by the proposed International Cargo Port. The prospect of 1,165 additional passenger cars driven by concert-goers who are unlikely to be familiar with the roads in the BMIP and 4000 pedestrians making their way across major truck routes does not suggest a smooth traffic flow for the commercial vehicles that must enter and exit the port.

In addition to the difficulties that commercial traffic will encounter when patrons are arriving at and departing from concerts, the concert-goers themselves can be expected to suffer from their proximity to major transportation routes. Concert artists will have to compete with truck and airplane noise, both of which are significant at this site. As the BRA has, in other documents, proposed removing truck traffic from Northern Avenue we must be concerned that this proposal, which would adversely affect Boston as a port, is not given additional credence by the needs of Harborlights patrons.

Precedent

Many precedents exist where Chapter 91 jurisdiction has been asserted over changes or use and/or structural alterations that are comparable to the current Harborlights proposal, including proposals on DPAs involving nothing more than paving a lot for parking on a temporary basis. To not require some form of authorization for this project would be a major departure from past DEP practice and would jeopardize the ability of the Waterways program to uphold the public trust in tidelands.

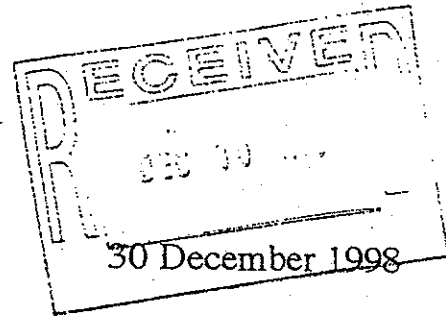
MCZM recognizes the project proponent's particular need for a timely decision on the proposed relocation of the Harborlights pavilion. We also recognize that the applicant does not have control over the Master Planning process for the Marine Industrial Park. The proponent's landlord, the BRA, has made significant commitments to the working port of Boston in the Marine Industrial Park Master Plan. The applicant and the BRA have not demonstrated that the proposed activity is consistent with state policy.

MMB/DD/JWM

cc: Elizabeth Grob, MCZM Boston Harbor Regional Coordinator



For a clean, alive and accessible Boston Harbor



Mr. Greg Carrafiello, Acting Program Chief  
Waterways Regulation Program  
DEP  
One Winter Street  
Boston, MA 02108

EOEA #11816  
Harborlights Pavilion  
Boston

Dear Mr. Carrafiello:

The Boston Harbor Association is a non-profit, public interest organization founded in 1973 by the League of Women Voters and the Boston Shipping Association to promote a clean, alive, and accessible Boston Harbor.

More than any other organization, The Boston Harbor Association has been one of the strongest and consistent supporters of Harborlights at the Fan Pier since its inception in 1994. Between 1994 to 1997, The Boston Harbor Association wrote annually in support of Harborlights Pavilion at the Fan Pier, noting that it helped to enliven the waterfront and was an appropriate public use for the site. Moreover, the applicant's willingness to provide public access along the waterfront by providing a temporary Harborwalk along the Fan Pier during the performance season was commendable.

The Boston Harbor Association has often indicated that a permanent location should be identified and secured for Harborlights as soon as possible. It is our strong hope that Boston's Municipal Harbor Plan will identify a permanent location for Harborlights during the next year.

At the end of the 1998 season, it was brought to the public's attention that Harborlights' five-year contract at the Fan Pier was not going to be extended and that it would have to move to some other site. In October, 1998, during the public comment period on the Boston Marine Industrial Park Master Plan, it was proposed that Harborlights would temporarily

move for a five to ten year period to Wharf 8 on the South Boston waterfront. At the same time, the proposed Boston Marine Industrial Park Master Plan called for the permanent rezoning of Wharf 8 out of the Maritime Economy Reserve (MER) into a new Waterfront Retail District that would allow uses including cultural uses, restaurants and bars, and retail uses, heretofore discouraged and/or prohibited uses in the MER zone.

For the past three months, TBHA Trustees and members have participated in a series of meetings regarding the proposed relocation of Harborlights to Wharf 8.

Some TBHA trustees and members support the temporary relocation of Harborlights to Wharf 8 for a period no longer than five years, given the little time remaining before the 1999 performance season and the unlikelihood of finding another available site in time for the 1999 season. These trustees and members believe that Harborlights can help enliven this portion of the waterfront without disrupting other existing operations, and that the construction of the Harborwalk along Wharf 8 and part of Dry Dock 4 as well as potential water transportation service to and from the site will bring thousands of people to a new part of the harbor. These trustees and members are also encouraged by the verbal commitment of the Boston Redevelopment Authority to devote the entire \$1.5 million from the 5-year lease arrangement to improvements at Wharf 8 and Dry Dock 4.

Other trustees and members are concerned about the potential short and long term impacts from the proposed relocation of Harborlights to Wharf 8, including the potential conflict with the existing DPA/ Working Port, the potential displacement of a water dependent, industrial use, and regulatory precedent. These trustees and members, including some of the maritime industrial users of the Designated Port Area, are concerned that concert traffic patterns may conflict with truck deliveries at the Boston Marine Industrial Park, that current uses of the Dry Dock be protected, and that efforts are made to enhance existing operations.

Through this debate, the following remaining issues have been identified:

Impact upon Maritime Industrial and related industrial use of this site:

Unlike the previous Fan Pier site, Wharf 8 and one acre of Dry Dock 4, the proposed Harborlights site, are in a Designated Port Area (DPA) and are part of the City of Boston's Maritime Economy Reserve (MER). Under state regulations and city zoning, maritime industrial, related industrial, and water dependent uses have preference over non-water dependent uses.



Additional information regarding the impact of removal of the support facilities for the Dry Dock (utilities, dewatering pump, steam plant) on future maritime industrial use of the Dry Dock should be provided, as well as information on impacts to short-term use of the Dry Dock and laydown area by maritime industrial and related industrial uses (such as ship repair or construction activities related to the South Boston Transitway project).

Use of Wharf 8 and/or Dry Dock 4 should not disrupt or adversely impact maritime industrial or related industrial activities on the site.

Impact upon abutting maritime industrial and related industrial users:

Potential conflict between trucks from neighboring businesses, automobiles, and people attending the concerts has been identified by abutters.

A transportation analysis has been included in the Environmental Notification Form. Additional information is needed on pedestrian circulation/safety to and from the EDIC parking facility and the Harborlights tent, relationship between trucks and pedestrians coming and going from the EDIC parking facility to and from the Harborlights tent, and how maritime industrial and related trucking activities will continue to have priority at curb cuts and on the trucking routes to and from the Marine Industrial Park. Firm commitments from all parties are also needed regarding the opening of Dry Dock Avenue to Summer Street for truck access.

Pages 31-32 of the Transportation Study within the ENF reference limiting Northern Avenue traffic to tenants only. It is not clear whether trucks not originating from the Marine Industrial Park would be allowed on Northern Avenue during performance nights, and additional information is requested. Maritime operators have indicated that such a prohibition would be operationally unrealistic. The ENF also indicates that police details will be placed at the Northern Avenue/ Massport Haul Road intersection to protect pedestrian crossings, thereby affecting truck movements. Additional information is needed regarding the impact of this on existing businesses.

Displacement of a water dependent use by a non-water dependent use:

State regulations apply regarding the displacement of a water dependent use by a non-water dependent use. Commercial Lobster Company, a water dependent use, has been located on Wharf 8 since 1980 and has a remaining 18-month lease for its existing site.

The Environmental Notification Form indicates that the Boston Redevelopment Authority "will guarantee Commercial Lobster a fully operational, improved, replacement facility prior to the relocation of this company from the project site" (page WRDA- Page 3). Additional information on the timetable and location for this relocation is needed, and we ask that this information be distributed to all interested parties as soon as possible.

A.C. Cruise Line, another water dependent use on site, has had productive discussions with the project proponent regarding its future operations on this site, and we urge that these positive discussions be finalized into firm commitments.

Commitment of funds from lease arrangement to on-site maritime industrial improvements: The Boston Redevelopment Authority has verbally indicated that it will commit the \$1.5 million from the proposed 5-year Harborlights lease arrangement for improvements to Wharf 8 and Dry Dock 4.

Written documentation of the proposed commitment, timetable and specific improvements to Wharf 8 and Dry Dock 4 should be provided to all interested parties as soon as possible, as well as information on how this commitment will be enforced and fully realized.

Short-term vs. long-term plans for Wharf 8/ Dry Dock 4: The project proponent has indicated that it will be temporarily located at Wharf 8/ Dry Dock 4 for a period of 5 years with possible extensions, and that following that, the site will again be available for maritime industrial and related industrial use.

As stated in our comment letter on the Boston Marine Industrial Park Master Plan Update submitted last month, Wharf 8 is a key parcel of the Industrial Working Port, with significant potential for maritime industrial uses due to the deep water berth. The March, 1996 Port of Boston: Economic Development Plan prepared by the Boston Redevelopment Authority and Massport indicated that "Dry Dock No. 3 and Dry Dock No. 4, with minor capital investment and continued maintenance, can remain operational" (page 5.6-14 of report) and further stated that "To provide long term viability of these drydock facilities, land adjacent to the facilities should be set aside as integral parts of the ship repair facilities" (page 5.6-20 of the report).

In the event that this project proceeds, all permits and licensing documents should reinforce the timetable stated and limit this use to no more than five years. Furthermore, this temporary use should not set a precedent for any reconsideration of the existing zoning for this area. Any plans that are proposed for Wharf 8 should speak to its on-going future uses as maritime related.

Licensing Precedent: Considerable discussion has occurred at TBHA meetings regarding Chapter 91 issues related to this project. We urge careful consideration by state regulators of the issues raised at these meetings.

Thank you in advance for your consideration.

Sincerely,



Vivien Li  
Executive Director

VL: pr

12



From the desk of

*James M. Kelly*

BOSTON CITY COUNCIL - DISTRICT TWO

635-3203

635-3452

*Carol Geary*  
Chief of Staff

*Paul J. Walkowski*  
Legislative Coordinator

*Annmarie Geary*  
Secretary

Mr. Gregg Carrafiello, Acting Program Chief  
Waterways Regulation Department  
DEP  
One Winter Street  
Boston, MA 02108

December 30, 1998

RE: EOEA 11816 (Temporary Relocation of Harborlights Pavilion)

Dear Mr. Carrafiello:

Without prejudicing future opposition to any other zoning changes within the Boston Marine Industrial Park Master Plan Area, or Municipal Harbor Plan, or Municipal Harbor Plan Amendment for the South Boston Seaport area, please record my support for the temporary relocation of the Harborlights Pavilion to Wharf 8, South Boston.

Because there are various developmental and neighborhood issues that will be addressed for each project in the impacted area, I feel my qualified support for the temporary relocation of Harborlights is warranted.

Sincerely,

*James M. Kelly*  
James M. Kelly  
President





**CITY OF BOSTON**  
**THE ENVIRONMENT DEPARTMENT**

Boston City Hall, Room 805 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

13 RECEIVED  
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 MEPA

December 30, 1998

Jan Reitsma, Acting Secretary  
 Executive Office of Environmental Affairs  
 100 Cambridge Street, 20th Floor  
 Boston, MA 02202  
 Attention: Arthur Pugsley, MEPA Unit

Thomas N. O'Brien, Director  
 Boston Redevelopment Authority  
 Boston City Hall, Room 925  
 Boston, MA 02201  
 Attention: Robert Baldwin

Re: Harborlights Pavilion, Environmental Notification Form/Project Notification Form  
 FOEA #11816

Dear Acting Secretary Reitsma and Director O'Brien:

The City of Boston Environment Department has reviewed the Environmental Notification Form (ENF) and Project Notification Form (PNF) for the above referenced project and hereby submits the following comments.

The proposed project is the relocation of the Harborlights outdoor music facility from Fan Pier to Wharf 8 in the Boston Marine Industrial Park (BMIP). The proponent, DLC Corporation, is seeking to occupy Wharf 8 for a five year period until a permanent location is identified. The project would include a 5,000 seat music pavilion, concession areas, hospitality stands, administration, service areas and restrooms. Performance space would consist of 49,300 square feet (sf) with other uses occupying 12,900 sf. Planned site improvements consist of a hardscaped plaza, deck areas and landscaping. A Harborwalk/Working Pier access road is identified as being along the westerly property line. The Harborwalk will not be accessible to the public when Harborlights is in use. Parking will be provided off-site at the BMIP Northern Avenue garage. The project may require repair work on the existing seawalls. A floating dock system will be installed for water transit access. Water transportation operators have expressed an interest in providing service to a relocated Harborlights from Salem, Quincy, Hingham and Inner Harbor locations.

The proponent proposes to lease a portion of Dry Dock No. 4 in addition to Wharf 8. Currently located on these sites are an unused steam plant, abandoned ice house, an electrical transformer building, two lobstermen, the operation of A. C. Cruises and structures housing Commercial Lobster and the Massachusetts Highway Department (MHD). The ENF indicates that both Commercial Lobster and MHD will be relocated to other sites in the BMIP and all existing structures will be demolished.

Harborlights Pavilion ENF and PNF continued

Page 2

Twenty-four hour vehicular access to the docks will be provided for the lobstermen as will seasonal storage for lobster pots.

This department has compiled, and attached to this letter, a set of guidelines for both the construction and operating periods of projects. These guidelines are designed to protect the environmental health of those who live and work in Boston in both the short and long term and we ask that they be implemented.

#### Construction

Construction waste from the site should be reprocessed and recycled to the greatest extent possible.

One of the primary goals of this department is to protect and improve air quality. Reducing the number of single occupant vehicles entering and leaving the city is not related just to traffic impacts but is essential to air quality improvement. As such, we are concerned about the use of single occupant vehicles at any time of day, not just at peak traffic times. As part of an effort to discourage the use of single occupant vehicles, we strongly encourage the proponent to require as part of construction contracts that contractors offer incentives for workers who carpool or that high occupancy shuttle vehicles be used to transport workers to and from public transit stations or remote parking facilities. We thank the proponent for the commitment to provide on site storage for construction worker's tools and supplies so they do not have to be transported each day.

We recommend that construction contracts include clauses that restrict truck travel to primary roads.

#### Conservation, Environmental/Resource Protection and Recycling

It is expected that 12 cubic yards (cy) of solid waste will be generated per event, a total of 600 cy per season. The ENF indicates that it will be disposed of by a private contractor and there is no mention of recycling. As laws of the Commonwealth ban recyclables from solid waste facilities, it is necessary that the design of the project include space for recycling. The proponent's efforts to promote recycling at this project will help to extend the life of landfills and minimize the pollutants emitted by incinerators. In accord with City goals, any construction, rehabilitation or change of use project in the City of Boston should be designed with adequate sorting and storage space for recycling.

A pull-in area accessed from Northern Avenue will be used for pick-up, drop-off and what is described as "live parking." Please note that idling vehicles are a substantial contributor to degraded air quality and that vehicles in Massachusetts are not permitted to idle for more than five (5) minutes unless the engine is required to operate lifts or refrigeration units (MGL C. 90, Section 16A and 310 CMR 7.11). The proponent should post "No Idling" signs at the pull-in and delivery/loading area and should enforce this requirement.

Harborlights Pavilion ENF and PNF continued

Page 3

A challenge when food and entertainment services are located along the waterfront is the prevention of litter from entering the water. Sufficient and well-placed trash and recycling receptacles will be helpful.

We recommend that contracts with concessionaires, caterers and other food service providers prohibit the use of Styrofoam products at Harborlights.

Stormwater management will also have to be addressed at the proposed site. The ENF notes that a stormwater management plan will be submitted with a Notice of Intent (NOI) to the BCC in the future. We recommend that the applicant meet with BCC Staff before filing the NOI to address stormwater management, methods of construction and construction mitigation.

The ENF section of the filing indicates that the project will have no impact on energy facilities and services and that it will not be heated. There is no reference to the extensive lighting necessary for performances in addition to the lighting for seating, surrounding areas and administrative uses. We ask that the proponent examine energy saving. The use of solar energy and photovoltaics for other electricity needs should be thoroughly investigated for this project. The DOE Office of Energy Efficiency and Renewable Energy is sponsoring the **Million Solar Roofs Initiative** (Initiative). The aim of this program is to install solar energy systems on one million buildings in the U.S. by 2010 by building a strong market for solar energy applications. This Initiative will generate both environmental and economic benefits as greenhouse gases and other emissions will be reduced and high-tech jobs will be created. As Massachusetts is a favorable market for grid-connected photovoltaic systems, we have also attached a copy of **Customer-Sited Photovoltaics: Focusing on Markets That Really Shine**. We encourage the serious consideration of this energy option.

#### Historic and Archaeological Resources

The demolition of the existing structures at the site will be subject to Article 85 of the Boston Zoning Code (Demolition Delay).

#### Transportation

No parking will be provided for the expected 20 to 30 Harborlights employees and the "Transportation Study and Mitigation Plan..." indicates that they will need to use public parking in the area. This seems somewhat at odds with the *Traffic Management and Mitigation Plan* which references participation in the South Boston Seaport Transportation Management Association (TMA). In the interest of air quality, we request that Harborlights evaluate ridesharing and subsidized public transit options for employees as part of a Transportation Demand Management (TDM) strategy. Please see the attached guidelines for additional suggestions.

Within the next five years there will be numerous changes to the traffic patterns in the Seaport District. Has the proponent's Transportation Study and Mitigation Plan taken into account the additional vehicles generated by the anticipated opening of the International Cargo Port and Northeast Seafood Facilities?

Harborlights Pavilion ENF and PNF continued  
Page 4

We understand that the Ted William's Tunnel and its supporting ramp systems will be available to the general population within the next five years. Has the proponent addressed this in their transportation analysis?

We recommend that the proponent to discuss the relocation of Harborlights with the MBTA. The MBTA will be constructing the proposed South Boston Piers Transitway along the alignment of Northern Avenue. The anticipated construction period will increase truck traffic and construction access points in the area. Also, the proponent should be aware that the MBTA and Central Artery Project contracts often work 24 hours days.

We strongly recommend the full implementation of traffic mitigation measures detailed in the ENF/PNF and suggest including maps with event tickets.

#### Harborwalk

The proponent has committed to providing accessible Harborwalk along the Harborlights Pavilion. The ENF/PNF states that the Harborwalk will not be accessible to the general public during events, and from dawn to dusk and from April 15<sup>th</sup> to October 15<sup>th</sup>. However, at the December 17, 1998 Article 80 Scoping Session at the Boston Redevelopment Authority the proponent stated that other than during events, the Harborwalk would be accessible 24 hours a day all year long. We support this change and encourage the proponent to continue to improve public access to the waterfront in this area.

Thank you for the opportunity to review and comment on this proposal.

Sincerely,



Patricia Malone  
Acting Director



Andrea d'Amato  
Chief of Environmental Services





# CITY OF BOSTON

## THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 805 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

### CITY OF BOSTON ENVIRONMENT DEPARTMENT GUIDELINES FOR RESPONSIBLE AND SUSTAINABLE DEVELOPMENT

#### Construction

All construction management plans for Boston projects should address in detail issues including truck routes, truck scheduling and construction worker scheduling, transportation and parking. Truck drivers should be required by contract to use routes that minimize, to the greatest extent possible, the use of residential streets. Maps showing approved truck routes should be provided to all suppliers, contractors and sub-contractors.

Residential neighbors should be notified of the name and telephone number of a construction contact person for all Boston projects. Each project site should have signage identifying the project, General Contractor and a contact telephone number.

There should be no stockpiling of fill, equipment or materials, including pipe, overnight and on weekends on public property or public ways.

#### A. Air and Stormwater Quality

One of the primary goals of this department is to improve air quality. Reducing the number of single occupant vehicles entering and leaving the city is not related just to traffic impacts but is essential to air quality improvement. As such, we are concerned about the use of single occupant vehicles at any time of day, not just at peak traffic times. As part of an effort to discourage the use of single occupant vehicles, we strongly encourage the proponent to require as part of construction contracts that contractors offer **incentives** for workers who carpool or use public transit to reach the job. Car pooling, shuttles from remote parking, subsidies for MBTA passes and providing secured on-site storage for construction worker's tools and supplies (so they do not have to be transported each day) are effective strategies. We strongly urge that deliveries be scheduled for off-peak hours.

Vehicles in Massachusetts are not permitted to idle for more than five (5) minutes unless the engine is required to operate lifts or refrigeration units (MGL C. 90, Section 16A and 310 CMR 7.11). This law must be enforced during the construction period. Trucks removing materials or debris from the site must be covered to minimize the air quality impacts from fugitive dust (MGL C. 85, Section 36).

Connecting stationary noise producing equipment such as pumps and generators to the Boston Edison grid should be considered as a way to reduce emissions.

There are a number of ways to prevent dust originating at construction sites from being transmitted to adjacent sites and roadways and into storm drains:

- a wheel wash, with proper provisions for runoff, can be installed;

Boston Environment Department Guidelines  
Page 2

- in the absence of a wheel wash, the contractor should place and maintain one to two inches of gravel no less than ten (10) feet in length at truck entrances and egresses;
- all aggregate piles and excavated materials should be sprayed with Soil Cement or calcium chloride overnight and on weekends;
- a regular schedule of mechanical street sweeping can be instituted. We have found that vacuum sweepers are the most effective type of sweeper in areas where excavation work is being performed. They help to prevent excessive tracking and minimize the amount of material that enters storm drains; and
- erosion and sedimentation control is best approached on two levels. First, Best Management Practices (BMPs) prescribe that unconsolidated materials should be contained at their source. Catch basins should then be protected with the use of filter fabric and haybales to minimize the silt carried in runoff.

Any abrasive blasting or chemical cleaning at a project must be done in accordance with a permit issued by the Boston Air Pollution Control Commission (APCC) located in the Environment Department offices. Permits are required for both interior and exterior work.

**B. Geotechnical and Groundwater Impacts**

1. The protection of existing buildings adjacent to and adjoining building sites must receive serious attention prior to and during construction. Groundwater levels in various areas of the city have been drawn down, requiring careful assessment and management of groundwater conditions.
2. For major construction projects, a monitoring program including monitoring wells must be established prior to excavation. A plan of the area should be developed so that wells are established permanently and can be used by other entities for groundwater monitoring. Establishing well locations must be coordinated with the Boston Water and Sewer Commission (BWSC).
3. During environmental review of proposed projects, an analysis of existing sub-soil conditions and groundwater levels should be conducted. Where groundwater levels are found to be below acceptable standards, adjacent structures and subsurface structures should be inventoried to identify conditions and foundation support systems. A number of foundation systems for proposed developments should then be conceptualized and evaluated for potential impact to the area. Excavation systems must also be identified and analyzed for impacts. The potential for ground movement and settlement during excavation and potential impacts on adjacent structures, transportation systems and utility systems should be identified as should a range of mitigation measures.
4. In areas where groundwater issues have been identified or where historic resources are adjoining or adjacent to project sites, a comprehensive monitoring program should be established for the construction period that will indicate if vibration, soil displacement or dewatering impacts to surrounding properties are resulting from construction activities. In addition, in such situations, replenishment of subsurface flow patterns must be considered.

## Boston Environment Department Guidelines

Page 3

### C. Noise

1. In order to balance the need to construct and develop with the rights of residents to the quiet enjoyment of their homes, the City of Boston limits construction hours to 7:00 AM to 6:00 PM, Monday through Friday. The Regulations for the Control of Noise in the City of Boston limit to 75 dBA (L<sub>10</sub> level) daytime construction noise that affects residences.

2. Noise originating from construction sites can be moderated by adopting the following measures:

- decking on roadways should be secured so that there is no rattling when traffic passes over;
- back-up alarms on vehicles and equipment should be either ambient-sensitive type or manually adjustable;
- contracts should include language requiring contractors to properly maintain equipment;
- as small a hoe ram and/or jackhammer as possible should be used and only powered to the degree needed to perform the work. Hoe rams should be equipped with noise suppression enclosures (such as the Allied Hy-Ram);
- stationary noise producing equipment such as pumps and generators should be placed as far away as possible from residential receptor locations;
- engine housing panels on all equipment should be kept closed; and
- when not in use, equipment should be shut off.

### D. Recycling and Reuse

1. Any asphalt removed from project sites should be reused on or off site or should be recycled. This should be a standard condition of construction contracts for all Boston projects.

2. Construction laydown areas should contain sufficient space for the segregation of construction waste and it should then be reprocessed, recycled or reused.

3. Some building materials not appropriate for recycling and some excess construction materials may be suitable for donation to the Building Materials Resource Center (100 Terrace Street, Roxbury, 02120, 617-442-8917). This non-profit center offers, for only a handling fee, new and used materials for low and middle income homeowners. Contractors can save disposal fees while supporting this unique organization.

4. Please see Section E.3. (Solid and Hazardous Waste and Recycling) under **Environmental Protection** for information on obtaining the Recycling Service Directory and Markets Guide for Massachusetts which provides information on resources for recycling wood, construction and demolition debris.

Boston Environment Department Guidelines  
Page 4

**Environmental Protection**

**A. Air Quality**

1. Permanent "No Idling" signs should be posted at all loading/delivery docks, service and drop-off areas on project sites advising vehicle operators of the proponent's expectation of compliance. The state law prohibiting idling for more than five minutes should then be enforced during operation of the project.
2. Vents from garages should be located so that they will not affect pedestrians and bicyclists.
3. Any interior or exterior abrasive blasting or chemical cleaning at the project must be done in accordance with a permit issued by the Boston Air Pollution Control Commission (APCC) located in the Environment Department offices.

**B. Noise**

1. The Regulations for the Control of Noise in the City of Boston, administered by the Boston Air Pollution Control Commission (APCC) through this department, limit noise levels in the city. Noise affecting a residence, regardless of the zoning status of the noise source, cannot exceed 60dBA from 7:00 AM to 6:00 PM and cannot exceed 50 dBA from 6:00 PM to 7:00 AM. Noise generators subject to these limits include delivery and trash pick-up vehicles.
2. This department frequently receives complaints from citizens objecting to the level of noise disturbance from externally placed equipment, vents and emergency generators. Equipment should be properly sized to serve the proposed project but should not provide excess capacity. To minimize the noise impact of emergency generators during the operation of the projects, they should be tested the minimum number of times recommended by the manufacturer at times when ambient noise levels in the area are high. Acoustical enclosures should be considered to ensure compliance with noise regulations.
3. We recommend that loading/delivery areas be fully enclosed so that neighbors are not disturbed. If such areas are not to be enclosed, a plan for visual screening and noise attenuation should be developed.

**C. Water Quality and Conservation**

1. The Boston Water and Sewer Commission (BWSC) spends more than \$300,000 annually for the disposal of materials removed from catch basins. This cost does not include labor and general operating and maintenance costs. In addition, the quality of stormwater is receiving increasing regulatory attention as it is a primary contributor to the condition of receiving water bodies. We hope that developers will find it appropriate to help educate the public and further improve the water quality of local water bodies by agreeing to the permanent installation of plaques at all storm drains that bear the warning "Don't Dump - Drains to Boston Harbor." Further information on obtaining these plaques is available from the Engineering Division at the BWSC (617-330-9400).

## Boston Environment Department Guidelines

### Page 5

2. The disposal of snow and the storage of salt, sand and other deicing chemicals should be considered in project design. Snow removed from roadways and walkways cannot be discharged into Boston Harbor or other city waterbodies. Salt, sand and deicing chemicals should be stored so that they do not drift from the site and do not seep into groundwater.

3. We ask that all developers pay substantial attention to the issue of stormwater. The Stormwater Management Policy of the Massachusetts Department of Environmental Protection (DEP) seeks to improve the quality of stormwater when development projects occur and we strongly support this objective. A variety of methods are outlined by DEP, including the use of biofiltration landscaping. The process of biofiltration involves the creation of swales into which runoff from the site is channeled. Selected plants in the swales cleanse the runoff of pollutants, improving the quality of stormwater. We ask that developers examine a range of techniques for improving stormwater quality and make every effort to integrate stormwater management into landscaping plans. Proponents should consult with staff of the Boston Water and Sewer Commission (BWSC) on its requirements for stormwater management.

4. An issue of particular concern for the City of Boston is the quality of stormwater originating on state roadways and then moving through the City's system. Given the increasingly stringent stormwater quality requirements of DEP and the EPA, the City has a substantial interest in ensuring that other governmental entities are addressing this issue. For state roadway projects, stormwater quality must be linked to specifications for construction, reconstruction, repair, operations and maintenance of those roadways.

5. The following water conservation measures should be implemented in new or renovation projects in Boston:

- plants varieties chosen for landscaping should be a combination of drought tolerant and those that do not require extensive irrigation;
- if a sprinkler system is to be installed it should include timers, tensionmeters (soil moisture indicators), and rainfall sensors;
- a backflow preventer must be installed at water sources for use at such sites as community gardens;
- for projects with large landscaped areas, in addition to the integration of stormwater management measures, a gray water system should be considered;
- sensor operated sinks and toilets should be installed in public restrooms; and
- if toilets are not to be replaced as part of a project, they should be retrofitted with toilet dams or other water-saving devices.

#### D. Energy Conservation and Pollution Prevention

1. New construction and rehabilitation projects provide an opportunity to protect the environment and minimize utility costs for future owners and occupants with the installation of energy and resource conserving devices. Choices should be made in accordance with the principle of sustainability and should include the installation of energy efficient appliances, lighting and heating systems. Low flow plumbing fixtures should include water conserving aerators.

Boston Environment Department Guidelines  
Page 6

2. The U.S. Department of Energy (DOE) funds the **Energy Efficiency and Renewable Energy Clearinghouse (EREC)**. EREC provides, at no cost, answers to simple questions or complex technical questions and requests for energy-related business assistance. Information is available on such topics as efficient commercial and residential equipment and materials, renewable energies technologies and industrial technologies. A description of EREC, methods for accessing it, and an order form for obtaining specific information are furnished at the end of these guidelines.

3. The use of solar energy for heating water and photovoltaics for other electricity needs should be thoroughly investigated and results reported in environmental review documents. The DOE Office of Energy Efficiency and Renewable Energy is sponsoring the **Million Solar Roofs Initiative (Initiative)**. The aim of this program is to install solar energy systems on one million buildings in the U.S. by 2010 by building a strong market for solar energy applications. This Initiative will generate both environmental and economic benefits as greenhouse gases and other emissions will be reduced and high-tech jobs will be created. As Massachusetts is a favorable market for grid-connected photovoltaic systems, we have also attached a copy of **Customer-Sited Photovoltaics: Focusing on Markets That Really Shine**. We encourage the serious consideration of this energy option.

4. The Federal Environmental Protection Agency (EPA) sponsors two voluntary programs that combine energy efficiency, pollution prevention and cost savings for participants.

The **Green Lights** program has, in six years, attracted 2,300 businesses and organizations that have found that energy efficiency makes good business sense through cost savings. The program is designed to retrofit existing buildings with efficient lighting systems. Since 1991, Green Lights participants have prevented the release of almost 5 billion pounds of carbon dioxide and 17 million pounds of nitrogen oxides and have saved a total of \$254 million. Green Lights Allies, companies in the lighting and energy industry, can assist with new construction by recommending efficient technologies.

The **Energy Star Buildings** program is a five stage strategy that strives to reduce operating costs, properly size equipment, improve indoor air quality, maximize occupant comfort and decrease the costs associated with the phaseout of CFC refrigerants. Again, the program is aimed at existing structures but Energy Star Building Allies are an excellent resource for new construction.

The address for these programs is 401 M Street, SW, Washington, DC 20460. The Energy Star fax line system can be reached at 202-233-9659 and the Green Lights/Energy Star Hotline is available at 1-888-782-7937 (fax 202-775-6680). A free subscription to the Green Lights & Energy Star Buildings Update can be ordered through the toll-free hotline number. Related Websites are: <http://www.epa.gov/greenlights.html> and <http://www.epa.gov/appdstar/buildings/>. For online identification of companies providing products and services related to energy efficiency in buildings, we suggest the EPA's *Allie Services and Products (ASAP) Directory* at <http://www.epa.gov/asap>.

5. Exterior lighting plans for projects should be developed so that they meet security and operational needs while being sensitive to light pollution impacts. Metal halide lighting can be cost-effective

## Boston Environment Department Guidelines

Page 7

and is less conspicuous off-site than mercury vapor. In any case, exterior lighting should be downward directed and/or shielded to reduce glare outside of project boundaries.

6. Pesticides are a source of pollution and can present a health hazard for some individuals. Integrated Pest Management (IPM) is a technique that involves two or more control strategies in suppressing pests. A major goal of IPM is to provide permanent solutions to pest problems by evaluating potential areas of harborage and infestation, eliminating accessibility and upgrading sanitation and maintenance facilities. It is safer, more cost-effective and more ecologically sound than the traditional use of pesticide. IPM can be used during construction so that the completed facility is less likely to provide areas of access and harborage. IPM programs will vary depending upon a number of factors such as site location and type of use. We encourage the investigation of the creation and implementation of IPM programs. Further information can be obtained from the New England Pest Control Association (781-899-5843).

7. A permit from the City of Boston Air Pollution Control Commission (APCC), located in this department, is required for any project that will include abrasive blasting or chemical cleaning of either interior or exterior areas.

### E. Solid and Hazardous Waste and Recycling

1. One of the goals outlined in the City's Environmental Blueprint is to promote the reduction, reuse and recycling of wastes. State law bans the disposal of recyclables in solid waste facilities. Recycling will help to extend the life of landfills and minimize the pollutants emitted by incinerators.

Items accepted for recycling by most recyclers include glass containers, metal containers, cardboard, newsprint, white paper, milk cartons, juice boxes and plastic containers designated from 1 to 7 and they can be co-mingled.

In accord with City goals, it is essential that any construction, rehabilitation or change of use project in the City of Boston be designed with adequate sorting and storage space in anticipation of increasing rates of recycling over the operational life of the buildings.

2. For projects that will be occupied by individuals or companies using hazardous materials, plans should include the means for proper storage and a plan for the disposal of such materials. This includes artists' residences where paints, solvents and other materials will be frequently used. We suggest that in condominium developments, the deeds to artists' units or the by-laws of the condominium association contain a provision that requires compliance with such a plan.

3. WasteCap of Massachusetts, with the Massachusetts Department of Environmental Protection (DEP), compiles and produces the Recycling Service Directory and Markets Guide for Massachusetts. This directory provides information on recycling service providers who accept, collect or purchase recyclable materials and other sources of recycling market information. Such materials include fluorescent lamps and ballasts, for example. The directory can be obtained by calling the DEP

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Page 8

InfoLine at 617-338-2255 from the 617 area code or outside Massachusetts or at 800-462-0444 from other Massachusetts area codes.

F. Wind, Shadow and Daylight Analysis

These issues should be assessed, their potential impacts fully evaluated and mitigation measures identified.

Transportation

1. The issue of Transportation Demand Management (TDM) should be a critical area of focus for institutional, commercial and mixed use developments. TDM programs are designed to reduce the use of single occupant vehicles (SOV) and the assessment of TDM measures should include the following:

- for projects where parking exists or will be added, the actual cost of operating and maintaining parking and the amount charged to those who will park should be evaluated. The difference will provide information on whether or not parking is subsidized and to what extent;
- the subsidy of MBTA passes with a *pro rata* subsidy for part-time employees/students;
- incentives for employee carpooling/vanpooling such as providing geographic matching, parking fee discounts, preferential parking for ridesharers and an "emergency ride home" program;
- in order to ensure that CARAVAN vehicles can be accommodated in parking facilities, the clear height of those facilities must be no less than seven feet;
- bicycle racks in secure, well-lighted areas protected from the elements;
- shower and locker facilities for walkers and cyclists;
- designation of a transportation coordinator to distribute transportation information and sponsor transportation-related events; and
- joining or creating a Transportation Management Association.

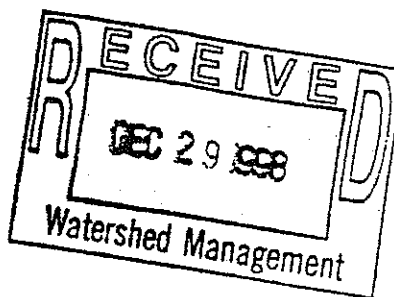
We suggest examination of "Commuter Check," is tax-free employee benefit that reduces the cost of transit. Further information on this program may be obtained through **CARAVAN for Commuters, Inc. at 10 Park Plaza, Suite 2180, Boston, MA 02116** or at **1-888-4-COMMUTE (1-888-426-6883)**;

2. Flextime can help to reduce traffic congestion at peak times and we recommend it as part of a comprehensive strategy when it can be integrated into the structure of a business enterprise.





290 NORTHERN AVENUE  
Mail Address: P.O. BOX 1445  
BOSTON, MASSACHUSETTS 02205-1445



(617) 261-6633  
1-800-422-8419  
Fax (617) 261-4747

December 27, 1998 *RE Harbor Lights*

Secretary Of Environmental Affairs  
MEPA Office  
100 Cambridge Street - 20th Floor  
Boston, Ma. 02202

Mr. Robert Baldwin, Deputy Director of Industrial Development  
Boston Redevelopment Authority  
One City Hall Plaza - 9th Floor  
Boston, Ma. 02201

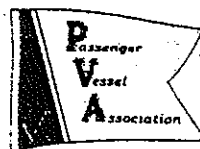
Mr. Greg Carrafiello, Acting Program Chief  
Waterways Regulation Program  
Department Of Environmental Protection  
One Winter Street  
Boston, Ma. 02108

To Whom it may concern:

As a tenant of 6 years duration at Wharf 8 I write to express my support of the relocation of Harborlights to Wharf 8. As I stated at the public hearing there is not now a lot of pedestrian activity on lower Northern Avenue. This venue located at this site should serve to enliven the area and bring needed people to this location to help the growth of not only my business, but the Restaurants located here as well. The tent would improve the blighted area visually as well.

A. C. Cruise Line was previously located at the Fan Pier for 16 years and had to relocate to Wharf 8 in the Spring of 1993. Our day time whale watch and Gloucester passage numbers have yet to return to what they were at the Fan Pier. Certainly 250-300,000 people would help the awareness of A. C. Cruise Lines existence to those folks.

Don Law & Company have been engaged in ongoing discussions with me as to A. C. Cruise Lines needs and desires during the construction and operations of Harborlights Pavilion at Wharf 8. As you know there will be considerable site preparation involving the demolition of buildings and construction of new utilities infrastructure. I am quite concerned that





there be no disruption of water, electricity, and phone services to A. C. Cruise Line.

On that vain it seems to me that the existing small building at the waters edge near my ticket office should be allowed to remain (notwithstanding the Harborwalk regulations) as a prior water dependant use building. This building was originally constructed as a ticket office for Boston Harbor Cruises when they operated at this site in the 80's. I feel this is separation of Harborlights and A. C. Cruise visually to the public. Also all of our utilities could be rerouted to this building to protect them from the weather and keep them separate from Harborlights. They have agreed to provide us with a sewer line to the waters edge as part of the relocation of utilities and since this building, if allowed to remain would be our offices, it makes sense to put the sewer line here as well. There would be sufficient walkway in front of this building for Harborwalk users to access the Harborwalk. I also feel that the existing fence at waters edge needs to remain as a safety measure for the general public similar to the fence along the Northern Avenue sidewalk where it meets the water sheet.

Well, as I have said these folks appear to be quite sincere in wanting to do the right thing by A. C. Cruise Line. But at this point I have no written assurances and no copy of the revised plot plan, although it has been shown to me. Therefore as part of the license I request that our concerns be made part of the conditions to the license or some written agreement be provided.

Again I Stress to you that we want this to happen not only to keep this a popular venue on the Boston Waterfront, but also selfishly to help the continued success and prosperity of A. C. Cruise Line which is also a Boston Institution. Soon, in the year 2001 we will celebrate 25 years on the Boston Waterfront. Quite an accomplishment for a small family owned and operated Company.

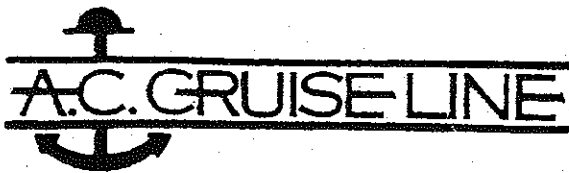
Sincerely yours,

Captain Alan D. Circeo

Enclosure

cc: Susan M. St. Pierre

Don Law



290 NORTHERN AVENUE  
Mail Address: P.O. BOX 1445  
BOSTON, MASSACHUSETTS 02205-1445

(617) 261-6633  
1-800-422-8419  
Fax (617) 261-4747

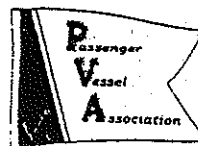
The following are the concerns that I spoke of in my testimony at the December 16, hearing.

1. Ticket Office and Sales Office

- A. Phone lines, we have six
- B. Electricity
- C. Toilet facility with shower, water to the boats
- D. Flag pole, it draws attention to us
- E. Signage, equal or better than existing

As stated above my desire is to be able to use the existing separate building rather than being incorporated into their building designs for separation of identity concerns.

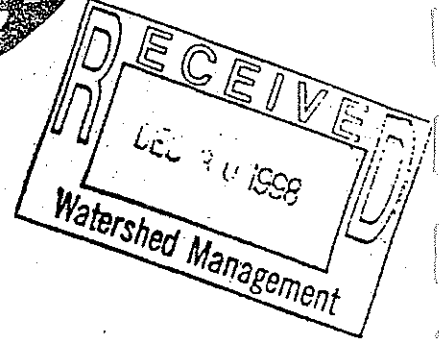
- 2. Preservation of our existing personal parking for ten vehicles. The Reduction of driveway lot space from existing 62' to 25' does not leave much Space for a working wharf area. Discussions with Mr. Jensen have resulted In the adoption of personal parking into their footprint design for 10 spaces. It would be better though for working wharf purposes to maintain a width of 50'.
- 3. Security at entrance way on nights we are both operating. Mr. Jensen agreed To provide this if we found it necessary. The separation of ticket offices again, Should help solve this issue.
- 4. Security on the water sheet to provide safe passage of our vessels in and out of our dock area. This was a problem at Fan Pier due to many yachts anchoring To enjoy concerts. Our docking area will be a prime area for this activity due to the orientation of the stage. Harborlights will have to arrange Harbor Police Patrols to keep the water sheet open and available to A. C. Cruise Lines navigational needs. Existing Harbormaster regulations require this but they will need enforcement.
- 5. We presently have dusk to dawn lighting provided by BRA/EDIC. This needs to be maintained for safety and security purposes of the docks and Harborwalk.



# HARPOON BREWERY

December 29, 1999

Mr. Greg Carafiello  
Acting Program Chief  
Waterways Regulation Program  
One Winter Street  
Boston, Ma. 02108



Re: Harborlights Temporary Relocation to Wharf 8

Dear Mr. Carafiello:

Mass. Bay Brewing Company has been a tenant in the Boston Marine Industrial Park (MIP) since 1987. We currently employ close to 50 people and have invested over \$4 million in our facility here in the MIP. The MIP works well because of its successful and compatible mix of maritime, industrial, and commercial tenants. I am writing to you to comment on the Harborlights application for a permit to temporarily relocate their operations to Wharf 8.

Wharf 8 is located just on the other side of our building and across the street from our warehouse at 301 Northern Avenue. Needless to say, we have a great deal of truck traffic that travels from our brewery to our warehouse on a daily basis and even more truck traffic in-and-out of our warehouse to pick up beer for distribution up-and-down the east coast. As you can imagine, we are quite concerned about the impact of Harborlights on our operations.

On multiple occasions each year we host large events at the brewery that draw between 3,500 and 10,000 people over a two-or-three day period. We have a history, therefore, in dealing successfully with large crowds in this area. We have worked closely with EDIC and the various police departments to make sure that these events work well and have minimal impact on our neighbors and on traffic into-and-out of the Park. We have had meetings with representatives from Harborlights and they share our concern about access to-and-from the MIP before and during their concerts. They have impressed us as reasonable people with the potential to be very good neighbors. We feel that their presence in the area is a real benefit to the city and to the entire Seaport District.

In conclusion, we are supportive of their efforts to relocate to Wharf 8. Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in dark ink that reads "Dan Kenary".

Daniel C. Kenary  
President and Chief Operating Officer

Mass. Bay Brewing Company, Inc.  
306 Northern Avenue, Boston, MA 02210  
Tel: (617) 574-9551 Fax: (617) 482-9361  
[www.harpoonbrewery.com](http://www.harpoonbrewery.com)

# Boston Redevelopment Authority

Boston's Planning & Economic  
Development Office

Thomas M. Merino, Mayor  
Clarence J. Jones, Chairman  
Thomas N. O'Brien, Director

One City Hall Square  
Boston, MA 02201-1007  
Tel 617-722-4300  
Fax 617-367-5916

AP  
17

DEC 21 1998

Secretary Trudy Cox  
Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston, MA 02202

Attention: MEPA Unit

Dear Secretary Cox:

Re: EOEA #11816 - Relocation of Harborlights Pavilion to Wharf 8

RECEIVED

DEC 23 1998

MEPA

Pursuant to regulations implementing M.G.L., Chapter 30, Sections 62-62H, the Boston Redevelopment Authority (BRA) has reviewed the above-referenced Environmental Notification Form (ENF) and submits the following comments

The proposed project involves the relocation of the Harborlights Pavilion, an outdoor music facility, from Fan Pier on the South Boston waterfront to Wharf 8 in the Boston Marine Industrial Park (BMIP), for an interim period of 5 years until a permanent location can be secured. The facility will include a 5,000 seat outdoor music pavilion supported by concession areas, hospitality stands, ticketing, administration, and service areas, and restrooms. The site will be improved with a hardscape plaza, deck areas, and landscaping, and an approximately 25-foot Harborwalk/Working Pier access road along the westerly property line. Parking for the facility will be located at the Marine Industrial Park parking garage.

The site, located off Northern Avenue and adjacent to Drydock No. 4 of the BMIP, currently contains structures housing Commercial Lobster and a Massachusetts Highway Department construction office, as well as several vacant structures. The site is located within a state Designated Port Area and a City of Boston Maritime Economy Reserve zoning district and is also within an area described as a "transition zone" in the BRA's draft Master Plan for the Marine Industrial Park. In accordance with 310 CMR 9.06, the project proponent has requested from the Massachusetts Department of Environmental Protection (DEP) a Determination of Applicability that no Chapter 91 license is required since the use is temporary (5 years) and seasonal (May to October).

In compliance with Article 80 of the Boston Zoning Code, a Project Notification Form (PNF) also has been filed with the BRA. The Authority currently is reviewing the PNF and will be issuing a Scoping Determination following the 30-day public review period. A copy of the Determination will be forwarded to your office when issued.

Our preliminary review, however, indicates that this proposed project should not result in any significant adverse environmental impacts. As part of the MEPA and BRA notification forms, an extensive transportation analysis was submitted. This analysis concluded that traffic impacts should be minimal since the peak entering traffic to the facility would occur after the peak evening commuter hours and peak hours for BMIP/Conley Terminal truck traffic, and peak exiting traffic and weekend traffic would occur when background traffic in the area is very low. Nearby intersections were projected to operate at acceptable levels of service. In addition, to mitigate vehicular traffic generation, the project proponent has committed to work

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with the South Boston Seaport Transportation Management Association to cosponsor shuttle bus service to South Station on event nights and to work with existing boat operators to provide boat and water taxi service for concerts and events.

Due to the insignificant impacts anticipated from implementation of this project, we do not feel that an Environment Impact Report would need to be required. Further, we believe that any issues relating to this temporary non-water-dependent use within a Designated Port Area can be more directly resolved through the on-going Chapter 91 review by the DEP and the requirements for an Order of Conditions from the Boston Conservation Commission.

Sincerely,



Richard B. Mertens, AICP  
Environmental Review Officer

cc: Don Law, President  
DLC Corporation

# Boston Redevelopment Authority

Boston's Planning & Economic  
Development Office

Thomas M. Merino, Mayor  
Clarence J. Jones, Chairman  
Thomas H. O'Brien, Director

One City Hall Square  
Boston, MA 02201-1007  
Tel 617-722-4300  
Fax 617-367-5916

December 30, 1998

Mr. Gregg Carrafiello  
Acting Program Chief  
Waterways Regulations Program  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Re: Request for Determination of Applicability  
Jurisdictional Determination No. 98-0009  
DLC Corporation, Boston Harbor, Boston

Dear Mr. Carrafiello:

I appreciate this opportunity to comment on DLC Corporation's proposal to locate its Harborlights Pavilion at 290 Northern Avenue (Wharf 8) on an interim basis. Please consider this letter to represent the views and commitments of the Boston Redevelopment Authority (BRA) as the City's planning agency and the Economic Development and Industrial Corporation (EDIC) as the owner of the Marine Industrial Park (MIP), which includes the proposed Harborlights site. A number of issues raised in the Waterways Request for Determination of Applicability (WRDA) submitted by DLC Corporation are best addressed by the BRA and EDIC. I intend to clarify our commitments towards these issues in this letter.

In our roles as waterfront planners committed to an active working port and stewards for over 150 acres of critical maritime industrial land housing over 200 businesses with 3,000 employees, we are particularly sensitive to the needs of the working port. The content of our recently submitted Marine Industrial Park Master Plan Update serves to reconfirm our commitment to the working port. Our tenants' commercial success and the economic viability of the MIP depend upon a well functioning industrial park. While we certainly view such popular waterfront attractions as Harborlights as great benefits to the city of Boston, we also have a unique perspective for understanding the potentially negative impacts.

Given this perspective, we believe that the interim siting of Harborlights at Wharf 8 presents an opportunity to greatly improve Boston's working port. In order to realize this opportunity, the proposed use must meet two tests:

- I. During the time period Harborlights occupies the site, its on and off site impacts must not unduly hinder operations of its industrial neighbors and the working port as a whole; and
- II. As a guest in the industrial port, it must justify its presence by causing substantial long term improvement to the working port.

### I. ON AND OFF SITE IMPACTS

The first test is critical. If the industrial port cannot coexist effectively with Harborlights on an interim basis at Wharf 8, the project should not proceed and there is no second test. The traffic analysis and other information contained in the Environmental Notification Form submitted to M.E.P.A and the Project Notification Form submitted to the BRA provide a thorough base of data.

The BRA and the M.E.P.A. offices will ensure that the information is accurate and adequate, but whether or not Harborlights will actually hinder the ability of working port businesses located in the area to function effectively is best judged by those businesses. Along with DEP and MEPA, we look forward to receiving, reviewing and responding to comments received from those industrial businesses.

It is appropriate that the EDIC comment on several direct impacts:

#### Vehicular And Pedestrian Traffic Management in the MIP

While the traffic analysis indicates that all intersections will continue to function at acceptable levels of service during Harborlights performances, the MIP location adds a second level of assurance that traffic will continue to flow. The Operations Staff at the MIP has extensive experience actively managing both pedestrian and vehicular traffic for large special events held within the MIP. These events, including the Big Apple Circus, Cirque du Soleil, Harpoon Brew Fests, and Tall Ships, have proven that the MIP has the infrastructure and its staff has the expertise to manage high levels of traffic. The protection of well functioning truck routes is a priority of the MIP and we are committed to maintaining the highest level of active traffic management to ensure their unimpeded access. To ensure the highest level of accessibility to our industrial tenants, we will also reopen the Drydock Avenue entrance to truck traffic.

#### Relocation Of On-Site Tenants

While the Wharf 8 site is predominantly vacant, there are two land based occupants which must relocate if Harborlights is to be accommodated. Siting decisions have not yet been finalized by these businesses, but we are optimistic that both will relocate to improved facilities within the MIP.



- Commercial Lobster Co. is a water dependent lobster and crab wholesaler which has been located on Wharf 8 since 1980. In the event that a suitable location on Wharf 8 cannot be identified, EDIC has offered to lease Commercial Lobster a prime development site on the Reserved Channel in the MIP. The site, a portion of Parcel C2, is ready for development and will be large enough to construct a modern facility that will double Commercial Lobster's capacity. Commercial Lobster and EDIC are in active negotiations.
- The Massachusetts Highway Department occupies approximately 35,000 square feet of building space for a combination of office and storage. An agreement in principle has been reached to relocate the Highway Department operations to the second floor a building leased by Boston Freight Terminals and operated as the International Cargo Center.

#### Protection Of Working Berth And Water Based Tenants

As stated in the WRDA, the Harborlights Pavilion will not require the relocation of any water based tenants at Wharf 8. Harborlights is committed to coordinating their operations and site improvements with AC Cruise Lines and the two lobstermen currently leasing berth space at Wharf 8. Through its license with DLC Corporation, EDIC will ensure that the rights of access, security and seasonal landside storage needs of these water based tenants are fully satisfied.

#### Enforcement Of Public Access

The BRA views DLC's commitment to improve Harborwalk and create a 10,000 square foot public area as critical public benefits of this project. Through its license agreement, EDIC will ensure that the improvements to the public spaces, the hours of public accessibility, the maintenance of the space, and the services offered to the public fully satisfy the public's conception of a waterfront park.

#### Water Transportation

In order to reduce land based traffic to Harborlights events and to enhance the overall water transportation system in Boston Harbor, DLC has committed to work with water transportation operators to add a stop at Wharf 8. EDIC will make available the appropriate berthing area proximate to the Harborlights licensed area to facilitate this important initiative.

#### Impact on Adjacent Dry Dock and Berthing Facilities

Wharf 8 directly abuts an approximately 12 acre maritime industrial facility comprised primarily of a 693' dry dock and two deep water berths of 900' each. The last time this facility (the "dry dock") was regularly used was in 1994 by the General Ship Corporation for ship repair. The Harborlights proposal would require the removal of an electrical substation which was designed to serve this facility. The WRDA describes in some detail the current deteriorated condition of the dry dock, the estimated costs to renovate it, and the plans for maintaining its operability throughout the period that Harborlights proposes to occupy Wharf 8.

As owner of the property, EDIC will ensure that DLC replaces and upgrades the 440v electricity service and maintains clear transportation access to the dry dock. In addition, EDIC will arrange for the availability of the required portable motors, pumps or generators necessary to de-water the actual dry dock if an operator desires the facility for ship repair.

## II. LONG TERM IMPROVEMENT TO WORKING PORT

The city agrees with the key Chapter 91 program principle that non-water dependent uses in a Designated Port Area should serve to financially support the working port. The extraordinarily high cost to construct, repair and maintain maritime assets such as bulkheads, piers, berths and dry docks cannot be economically supported from usage fees charged to maritime industrial operators. Revenue from private sector uses that are enhanced by a temporary waterfront location should be used to leverage public funds that are reinvested into the maritime industrial facilities.

A recent example of this economically supporting use concept is the February, 1996 Chapter 91 License granting the Boston Design Center permission to lease two and one half floors for office use. In the three years since that license was issued, EDIC has received approximately \$695,000 in revenue that can be directly attributed to the office tenants. During that same period of time, EDIC has invested approximately \$960,000 in improvements to dry dock #3, site preparation for the New Boston Seafood Center, and sunken barge removal off Wharf 8. These investment would not have been possible without the Design Center revenue.

Therefore, from the strictly maritime industrial perspective, it is not enough that the proposed Harborlights occupancy do no harm to the working port and its businesses. As a guest in the Designated Port Area, it must make a significant contribution to the long term improvement of the port. In particular, the Harborlights occupancy will contribute towards two major capital projects:

1. Reactivation Plan: detailed use planning, fund raising, substantial capital improvement and marketing of the dry dock facility for maritime industrial use, and
2. Truck Access: planning, design and construction of new truck routes into the MIP.

As owner of Wharf 8, the adjacent berth and dry dock properties, and the entire MIP, EDIC is the appropriate party to plan and implement these long term improvements. EDIC is committed to investing 100% of the net revenue from Harborlights into improvement of the maritime facilities and truck access.

Following is the scope of a Reactivation Plan which describes how EDIC proposes to leverage the Harborlights occupancy into a planning and investment program for the long

term benefit of the port. EDIC will complete the planning within one year and implement the reactivation over the following five years.

#### Site Description

The Reactivation Plan will target the site (Site) which is currently comprised of Wharf 8, Dry Dock 4, Piers 5 & 6, and the property occupied by the Massachusetts Highway Department. The Site contains approximately 16 acres of land and 3,000 linear feet of waterfront. Exhibit A illustrates the approximate Site boundaries.

As noted in the WRDA, the Site is largely underutilized. There are no long term occupancies on the land. Commercial Lobster intends to construct a new facility possibly along the Reserved Channel and the MHD is scheduled to vacate the site within four years. The dry dock is in serious disrepair and was last used more than three years ago.

Water based uses are largely limited to the west side of Wharf 8 where AC Cruise Lines and two lobstermen are berthed. The historic tugboat "Luna" is temporarily berthed along a small portion of Pier 5. Pier 5 was last used for topside ship repair approximately two years ago.

Approximately half of the waterfront (the north bulkhead of Wharf 8, the entirety of Pier 6, and the bulkhead running from the base of Pier 5 to the Vent Building) has deteriorated to the extent that it is unusable for ship berthing. The remaining waterfront (the west bulkhead of Wharf 8 and Pier 5) will require repair in the near future.

#### Current Conditions Analysis

The first step will be to commission a thorough engineering study that will determine the structural and mechanical condition of the bulkheads, piers, dry dock, pumps, cranes, and water and electric utilities. In addition, soundings will be taken to determine water depths and soil borings will be taken to determine environmental and load bearing characteristics of the land. Capital costs will be estimated for several alternative reconstruction schemes

#### Market Analysis

Market studies will be performed for a variety of possible maritime industrial uses that could utilize all or a portion of the site. Maritime industrial uses that could be studied include:

- Ship Repair (government, commercial shipping, emergency, barge & tug...)
- Port Services (pilots, tugs, Harbor Patrol...)
- Marine Services (ice plant, fuel dock, minor repair, provisioning...)
- Seafood (fishing fleet, auction, processing and distribution facilities...)
- Cruise Lines (docking/supply for harbor cruises, terminal for coastal ferry, port-of-call cruise berth...)
- Military Lay Berthing
- Aquaculture
- Bulk or Project Shipping

Each use will be evaluated for market feasibility, job creation, contribution to the port, alternative sites available, and financial strength. In most cases, specific users and businesses will be analyzed.

### Transition Zone

In its Master Plan Update for the marine Industrial Park, EDIC proposed to designate no more than 25% of the Site as a Transition Zone between the industrial uses to the east and the predominantly commercial uses to the west. In response to comments and the Secretary's Certificate on the Master Plan Update, the proposed rezoning will be reconsidered. The BRA will more thoroughly investigate potential short and long term uses of this Transition Zone, as well as the rest of the land which abuts the MIP. Appropriate uses will be evaluated for their compatibility with the adjacent maritime industrial uses being considered for the remainder of the Site, financial support for Site redevelopment, contribution to Boston Harbor access, and consistency with seaport district development goals. A variety of alternative uses will be presented for discussion within the context of the comprehensive Site planning effort.

### Cost - Benefit Analysis of Alternative Uses

The overall cost to improve the facilities to accommodate each potential use of the Site will be compared to the risk adjusted financial and non-financial benefits derived from that use. In addition, site planning exercises will assess how different uses can most efficiently share the Site.

The various alternatives for Site uses, along with the cost - benefit analyses, will be presented for discussion to constituencies representing port users, proximate businesses and property owners, and the South Boston community.

### Funding Sources

Depending upon the proposed uses, the capital cost to prepare the Site for reactivation could range from \$5 - \$10 million. EDIC is willing to commit 100% of the net proceeds from Harborlights, approximately \$1.5 million, to leverage additional city, state and federal funding required to successfully implement the plan. Specific funding sources and amounts will be identified in conjunction with the final plan to be submitted to DEP next year.

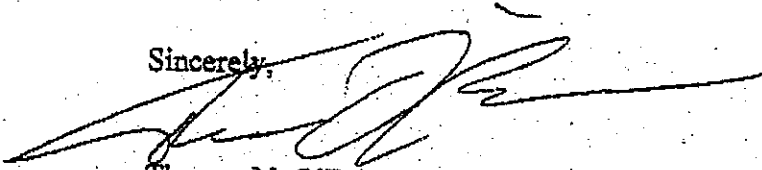
I believe that we have an extraordinary opportunity to put a very valuable maritime asset back into service for the Port of Boston. The revenue from Harborlights will enable us to commit the necessary human and financial resources required to take a critical 16 acre site out of disuse and transform it into a thriving maritime center.

In addition to the Reactivation Plan, the BRA and EDIC will continue to work with the MIP tenants, Massport, Boston Transportation Department and industrial trucking interests to identify the most beneficial new truck routes into and out of the MIP and the Seaport district in general. To the extent that these routes require access to EDIC controlled property, we are committed to making the property available.

We look forward to working closely with the Massachusetts Department of Environmental Protection, Coastal Zone Management, Massport, maritime industry associations, port businesses, commercial neighbors and the residential community. I am confident that we can produce and implement an exciting Reactivation Plan and truck route improvement which will substantially and dramatically improve the maritime industrial quality of Boston Harbor.

Please call Bob Baldwin or myself at 742-4300 with any questions or comments. Thank you for your consideration.

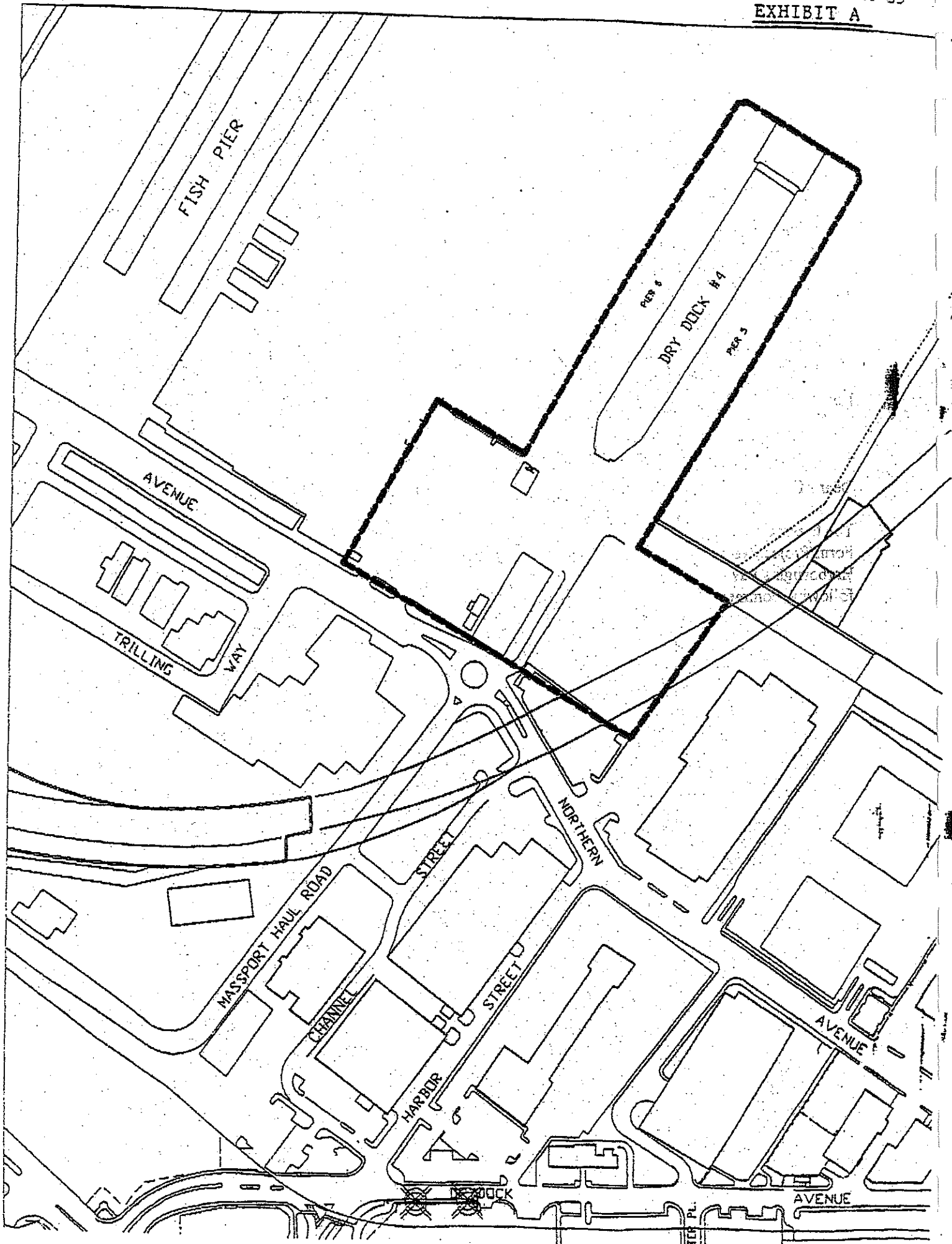
Sincerely,



Thomas N. O'Brien  
Director  
Boston Redevelopment Authority and  
Economic Development and Industrial Corporation

cc: James Wickersham, Director, M.E.P.A. Office

**EXHIBIT A**





Maritime Division  
Massachusetts Port Authority  
One Harborside Drive, Suite 200S  
East Boston MA 02128-2909  
TEL (617) 946-4413 FAX (617) 946-4422  
www.massport.com

December 30, 1998

Mr. Gregory A. Carrafiello, Acting Program Chief  
Waterways Regulation Program  
Department of Environmental Protection  
One Winter Street, 6th Floor  
Boston, MA 02108

Re: Harborlights Pavilion RDA  
Jurisdictional Determination No. JD98-0009

Dear Mr. Carrafiello:

The Massachusetts Port Authority (Massport) has reviewed the joint Environmental Notification Form/Project Notification Form/Waterways Request for Determination of Applicability for the proposed Harborlights Pavilion at Wharf 8 in the Boston Marine Industrial Park, and we hereby submit the following comments.

As expressed in our November 9, 1998 comment letter on the Marine Industrial Park (MIP) Master Plan Update, Massport is highly supportive of the Harborlights summer concert series and we consider it a valuable asset to Boston's waterfront. Because the proposed location at Wharf 8 is within the South Boston Designated Port Area (DPA) and the MIP, Massport and other port community representatives have raised concerns related to potential direct and indirect impacts on maritime industrial uses in this area. The November 30, 1998 joint application and recent statements by the project proponent and the City of Boston indicate that these concerns have been addressed to the extent feasible. Since both the proponent and the Boston Redevelopment Authority (BRA) have made a number of important commitments to strengthen the working port, we believe that the proposed project can work at this location. Massport's support is based on the following commitments made by the proponent and the City of Boston:

- **Temporary Use.** The proponent has committed to use Wharf 8 as a temporary location for Harborlights and to find a permanent location for Harborlights that is not in a DPA within five years.
- **Maritime-Related Investments.** The proponent has committed to specific investments in Wharf 8 that will enhance the long-term potential for maritime-related uses on the site. Likewise, the BRA has committed to reinvesting all revenues from Harborlights to support maritime industrial uses in the MIP.

- **Existing Site Uses.** The proponent has committed to retain and promote several existing onsite water-dependent uses, and the BRA has committed to move Commercial Lobster into "a fully operational, improved replacement facility" when relocating them from the site.
- **Traffic Impact Mitigation.** Although some overlap will undoubtedly occur, peak traffic hours for Harborlights do not coincide with peak commuter or port facility traffic. The proponent and the BRA have committed to implement specific, appropriate traffic mitigation measures such that port-related traffic is not adversely impacted. We believe that opening Drydock Avenue to truck traffic and exploring new connections between Drydock Avenue and the Massport Haul Road are particularly important commitments.
- **Short-Term Site Use.** Because of existing site uses and conditions, it is unlikely that Wharf 8 would have been developed for other maritime industrial uses in the near term. The proponent and the BRA have developed a plan to support operation of the dry dock during Harborlights' tenure if commercial interest arises, and the BRA has committed to investigate public investment and maritime use options for Dry Dock No. 4.
- **Long-Term Site Use.** The BRA is committed, through the MEPA Certificate on the MIP Master Plan Update, to develop a long-term plan for Wharf 8 in close consultation with maritime and industrial interests. The BRA should continue to work with Massport and other maritime interests to actively promote water-dependent industrial uses throughout the Seaport District.
- **Public Access and Education.** Use of Wharf 8 for Harborlights, coupled with the proponent's commitment to implement a water transportation plan, extend the harborwalk and provide public access on the site during non-showtimes, will promote public views, knowledge and appreciation of the working port.

Massport's only specific remaining concern is as follows:

- In order to allow extension of the industrial road network to enhance access from the Massport Haul Road to Drydock 4 and the North Jetty, the southeastern corner of the site plan should be pulled back to accommodate a normal 4-way intersection at the junction of Northern Avenue and the Massport Haul Road. Massport will continue to work with the proponent and the BRA regarding this issue, as well as on the design of the drop-off area which will require a curb cut to Massport-owned Northern Avenue.

As long as the proponent and BRA follow through on each of the commitments highlighted above and in the permit applications, and remain committed to working with maritime and industrial interests to address any unforeseen conflicts that may arise, we believe that Harborlights' temporary use of Wharf 8 could result in a net benefit to the working port. Our understanding is that the Chapter 91 "approval" will require an annual submission for reapproval; this submission should document the status of each commitment on which the approval was based.

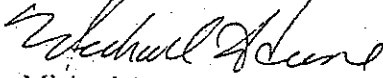


Harborlights Comment Letter  
December 30, 1998  
Page 3

Thank you for this opportunity to comment.

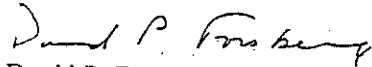
Sincerely,

MASSACHUSETTS PORT AUTHORITY



Michael A. Leone  
Port Director

MASSACHUSETTS PORT AUTHORITY



David P. Forsberg  
Director, Business Development

cc: Bob Baldwin, BRA  
Deborah Hadden, Massport  
Richard Henderson, Massport  
Ken Schwartz, Massport

dh\letters\harbrits.wpd

MASSACHUSETTS PORT AUTHORITY

100 STATE STREET

BOSTON, MA 02109



**JAY CASHMAN INC**  
MARINE AND CIVIL CONTRACTING

#19  
RECEIVED  
DEC 3 1998  
MEPA

December 30, 1998

Executive Office  
MEPA Unit of Environmental Affairs  
100 Cambridge Street, 20<sup>th</sup> floor  
Boston, MA. 02202

RE: *Harborlights Pavilion ENF*

To Whom It May Concern:

As a marine contractor and participant in numerous Central Artery Tunnel contracts, we were interested to review the ENF for the Harborlights Pavilion proposed "interim" siting. While we acknowledge the cultural benefits of a seasonal outdoor entertainment facility near the Boston waterfront, we question it being sited at one of the few drydock facilities and within such close proximity of the main truck route for the CA/T project and the Marine Industrial Park particularly, while so much CA/T construction is still underway.

We are also concerned with any precedent that may be set in allowing "interim" cultural/recreational uses at marine industrial facilities. The number of these sites are dwindling along the Boston waterfront and we see this as a further encroachment of facilities that service actual marine dependent uses.

Sincerely,

Alan D. Perrault  
Vice President