



Copley Place Expansion Project
CAC Meeting #12
Wednesday, June 29, 2011
Location: Copley Place – 4th Floor Office Level

CAC Attendees:

David Berarducci, Resident of the South End
John Connolly, Back Bay Association
Dan d'Heilly, St. Botolph Neighborhood Association (SBNA)
Eugene Kelly, Resident of the Back Bay
Meg Mainzer-Cohen, Back Bay Association
Ted Pietras, South End Business Alliance
Mark L. Schmid, Trinity Church
Judith Wright, Pilot Block Neighborhood Association

Ex-Officio Attendees:

Massachusetts State Representative Byron Rushing
Massachusetts State Representative Marty Walz
David Blaisdell, Office of Representative Marty Walz
Elizabeth Corcoran-Hunt, Office of Massachusetts State Representative Byron Rushing

City of Boston Attendees:

Heather Campisano, BRA
David Carlson, BRA
John Fitzgerald, BRA
Andrew Grace, BRA
Mary Knasas, BRA
Lauren Shurtleff, BRA

State of Massachusetts Attendees:

Robin Blatt, MassDOT
Peter O'Connor, MassDOT
Bill Tuttle, MassDOT

Simon Property Group Attendees:

Kristi Dowd, R.F. Walsh Collaborative Partners

Members of the Public:

George Cramer, Cramer's Hair Salon
Evan Dimmock, Copley Place Residences
Nikki Fortes, Tent City Corporation
Ann Hershfang, WalkBoston
Deborah Hubert, Tent City Corporation
Uro Nazayat, Tent City Resident Alliance
Sheila Pelosi, Tent City Resident Alliance
Justin Rice, Patch.com
Barry Solar, NABB

Jackie Yessian, NABB

Meeting Summary

On Wednesday, June 29, 2011, the twelfth working session of the Copley Place Expansion Project Citizens Advisory Committee (CAC) was called to order at approximately 8:10 a.m. at Copley Place by Judith Wright, Pilot Block Neighborhood Association and CAC Chair.

Mary Knasas, BRA Senior Planner, welcomed Peter O'Connor, Director of Real Estate and Asset Development for the Massachusetts Department of Transportation (MassDOT). Peter introduced himself to the group and stated that he (or a representative) will be attending all future CAC meetings. He then provided a summary of the significant changes that were recently made to the original Lease for Copley Place:

- 1) The Landlord (MassDOT) agrees that the property covered by the Lease may be divided into condominiums under Massachusetts condominium law.
- 2) The Landlord agrees that the expanded development proposed by the Tenant (Simon Property Group), is acceptable to the Landlord if Tenant obtains all necessary approvals and permits for the development, and if it does not have an adverse effect on tunnel operations.
- 3) The Tenant agrees to pay the Landlord \$2.4 million as reimbursement for tunnel repairs previously performed by the Landlord. (One half has been paid, one half to be paid by the end of the calendar year.)
- 4) The Tenant agrees to fund an escrow account in the amount of \$1.25 million to fund future tunnel repairs, as the need arises. (This amount will be paid over time until the \$1.25 million amount is reached.)
- 5) The Tenant agrees to an additional payment to Landlord of \$1.0 million on Lease execution. (Paid.)
- 6) The Landlord and Tenant agree that the termination date of the Lease will be extended from 2077 to 2110, with additional rent paid to the Landlord for the additional period at the appraised market rate determined in 2077.
- 7) The Landlord will receive a 2% transfer fee on the sales of condominiums in any expanded development that is constructed.

To reiterate, Peter noted that the amendments are not intended to interfere with the work of the CAC, the BRA, the Commonwealth's MEPA (Massachusetts Environmental Policy Act) Office, or any other regulatory body having jurisdiction. The proposed development, like other "air rights" projects, is subject to the Memorandum of Understanding between the City and MassDOT, pursuant to which the CAC was convened, and further subjected, since 2010, to the City zoning code.

In response to a series of questions from Massachusetts State Representative Marty Walz, Peter clarified that the entire regulatory process remains ahead, including review by the City through the BRA, as well as MEPA review by the State.

Next, Heather Campisano, BRA Deputy Director for Development Review, noted that the proponent has indicated that they expect to file their Draft Project Impact Report (DPIR) in late July, following the next CAC Meeting, scheduled for July 20th. Following that filing, the comment period will begin. Owing to the size of this project, it is likely that the comment period will be expanded to 75 days, which would mean that it would close sometime in early October.

After the DPIR comment period ends, the BRA would determine whether the project needs a second round of scoping. If this is the case, they would be issued a Preliminary Adequacy Determination (PAD), which would require the developer to prepare a Final Project Impact Report (FPIR), and therefore also involve an additional comment period. Heather added that the proponent expects that the DPIR will be complete enough, and therefore not require a FPIR. She stressed, however, that the onus is on them to provide the BRA with as complete a DPIR as possible.

The following questions were raised by the CAC:

- Eugene Kelly, Resident of the Back Bay, asked when the CAC's role will end in this process. Heather replied that the CAC will remain active up until the beginning of construction. Prior to construction, the CAC, for example, will likely review the draft Cooperation Agreement and have the opportunity to comment before that document is finalized, in order to make sure that all of the public benefits associated with the project are in line.
- Massachusetts State Representative Byron Rushing asked when the MEPA review of the project would occur. Kristi Dowd, R.F. Walsh Collaborative Partners, indicated that they will be filing the DPIR concurrently with the Environmental Notification Form (ENF) required by MEPA.

Heather then gave an overview of the Scoping Determination (available on the project website), which was issued by the BRA in October 2008 in response to the proponent's Project Notification Form (PNF). The Scoping Determination included agency, organization, and public comment letters.

David Carlson, BRA Senior Architect, also noted that the project will require further review by the Boston Civic Design Commission. The CAC will be alerted once this process commences.

A Summary of the DPIR was provided to the CAC and can also be found on the project website. This brief document was provided by the proponent in order to give the CAC a preview of what to expect in the DPIR.

The following question was raised by the CAC:

- Representative Walz asked that the following topics be added to the agenda for one of the next CAC meetings: affordable housing and wind. She also asked that the CAC be provided with a copy of the Mayor's Executive Order on Affordable Housing.

Questions and comments raised by the public included:

- Sheila Pelosi, Tent City Resident Alliance, asked if the building's urban design would look at the impacts on Tent City. David Carlson replied that the urban design studies are meant to be comprehensive, so while they will not specifically focus on Tent City, the impacts will show the relationship of the building and its effect on Tent City.
- In response to a series of questions from Jackie Yessian, NABB, Heather replied that the Scoping Determination and the DPIR will be posted to the project website. Additionally, she noted that the public will have further opportunities to comment throughout this process, including at a BRA-sponsored Public Meeting that will be held after the DPIR is filed, as was done during the PNF filing phase. Mary reiterated that CAC members are meant to represent the neighborhood's concerns at CAC meetings.
- In a follow-up question, Jackie Yessian requested that the wind studies be provided in layman's terms. David Carlson replied that while wind studies are objective, the experience of wind is a subjective one, which is often the problem with interpreting the results.

The meeting was adjourned at approximately 10:00 a.m.