



**MassDOT Turnpike Air Rights Parcels #12-15  
CAC Working Meeting #5  
Thursday, December 1, 2011, 6:00 p.m.  
Location: St. Cecilia's Parish Hall**

**CAC Attendees:**

Brandon Beatty, Back Bay Resident  
Kathleen Brill, Fenway Civic Association (FCA)  
Fritz Casselman, Neighborhood Association of the Back Bay (NABB)  
David Gamble, Boston Society of Architects (BSA)  
Valerie Hunt, Fenway Neighborhood Resident  
David Lapin, Community Music Center  
Meg Mainzer-Cohen, Back Bay Association  
Barbara Simons, Berklee Task Force  
Jan Sprawka, Fenway Studios  
Gil Strickler, St. Cecilia's Parish  
Steve Wolf, Fenway Community Development Corporation (FCDC)

**Ex-Officio Attendees:**

Massachusetts State Representative Marty Walz  
David Blaisdell, Office of Massachusetts State Representative Marty Walz  
Elizabeth Corcoran-Hunt, Office of Massachusetts State Representative Byron Rushing  
Michelle Snyder, Office of Boston City Councilor Michael Ross

**City of Boston Attendees:**

Jonathan Greeley, BRA  
Emily Mytkowicz, BRA  
Lauren Shurtleff, BRA  
Rachel Szakmary, BTB

**State of Massachusetts Attendees:**

Robin Blatt, MassDOT  
Peter O'Connor, MassDOT  
Martin Polera, MassDOT  
William Tuttle, MassDOT

**Members of the Public:**

Stefan Bieri, Resident of 360 Newbury  
Kenan Bigby, Trinity Financial  
Alexandra Brax, The Chiofaro Company  
Barbara Burley, The First Church of Christ, Scientist  
Robert Case, First Fenway Co-op  
Don Chiofaro, Sr., The Chiofaro Company  
Don Chiofaro, Jr., The Chiofaro Company  
Margaret Driscoll, Resident of 360 Newbury  
Frank Edwards, Trinity Financial

Mike Geery, Dalton Street Resident  
David Hancock, CBT Architects  
Matthew Hoffman, Dalton Street Resident  
Walt Hunt, FCA  
Lilly Jacobson, FCDC  
Christopher Janes, Resident of 360 Newbury  
Gary Johnson, Cambridge Seven Associates, Inc.  
Howard Kassler, Back Bay Resident  
Michael Liu, The Architectural Team  
Darren Messina, Carpenter & Company, Inc.  
Steven Mitchell, The Chiofaro Company  
Joanne McKenna, First Fenway Co-op  
Karla Rideout, Resident  
Steven Riggs, Berklee College of Music  
Joe Salvia, McNamara/Salvia, Inc.  
Rosaria Salerno, First Fenway Co-op  
Martin G. Schaefer, Resident of 360 Newbury  
Tina Schaefer, Resident of 360 Newbury  
Tom Schultz, The Architectural Team  
Stephen Sorkin, Fenway Resident  
Peter Sougarides, Samuels & Associates  
Adam Weiner, Weiner Ventures  
Bill Whitney, Berklee College of Music

**Members of the Press:**

Ann McKinnon, The Boston Informer

**Meeting Summary**

On Thursday, December 1, 2011, the fifth working session of the Massachusetts Department of Transportation (MassDOT) Turnpike Air Rights Parcels 12 – 15 Citizens Advisory Committee (CAC) was called to order at approximately 6:00 p.m. in St. Cecilia's Parish Hall by Jonathan Greeley, BRA Planner. Jonathan reviewed the agenda, noting that two development teams, The Chiofaro Company and Carpenter and Company, Inc., respectively, would present their development proposals for Parcel 15. Jon also provided clarification on an earlier discussion from the previous CAC meeting and noted that should the Trinity Financial/Boston Architectural College (BAC) proposal for Parcel 13 move forward, the BAC would have to file to an Institutional Master Plan with the City of Boston as part of the permitting process.

Meg Mainzer-Cohen, CAC Co-Chair and Back Bay Association, then turned the meeting over to The Chiofaro Company development team, led by Don Chiofaro, Jr., and including Steven Mitchell and Alexandra Brax from The Chiofaro Company, Joe Salvia of McNamara/Salvia, Inc., Consulting Engineers, and Michael Liu of The Architectural Team who jointly gave a PowerPoint presentation (available on the BRA's project website: <http://www.tinyurl.com/Parcels12-15CAC>) of their proposal for Parcel 15. Don Chiofaro, Jr. noted that the proposed project fills the entire air rights gap, and includes both the air rights owned by MassDOT as well as the parcel owned by Prudential Financial. Prudential Real Estate Investors, a branch of Prudential, is a joint-venture partner with The Chiofaro Company for the proposed project.

Steve Mitchell and Joe Salvia discussed the project feasibility. Joe noted that McNamara/Salvia has worked on many air rights projects in the past and does not believe that the Parcel 15 is a particularly complicated case. He also noted that the proposed project would rest on three lines of support on a platform built over piers, allowing construction to occur at normal hours.

Michael Liu presented the program and massing as originally proposed in 2008 with a few minor changes, and noted that the presentation should merely be seen as a point of departure for a future conversation between the development team, the CAC and other stakeholders. He also noted that some changes have occurred since 2008 that have influenced new ideas for the project; for example, one floor of parking was eliminated to allow retail to occupy the first two floors of the building.

Questions and comments made by the CAC in response to The Chiofaro Company's presentation included the following:

- In response to a question from Representative Marty Walz, Steve Mitchell confirmed that his team will not seek government subsidies for this project if they are selected and stated that it will be 100% privately financed.
- In response to a second question from Representative Walz, Don Chiofaro, Jr. indicated that they most likely would not work on the project without a tenant in place and added that financing would be difficult to secure without a pre-leasing agreement.
- Representative Walz followed up by expressing concern that the nearby 888 Boylston Street project has been permitted but has not been able to secure a tenant and move forward. Don Chiofaro, Jr. responded that he is confident that the 888 Boylston Street development will eventually secure a tenant within a few years and also noted that that project differs from their Parcel 15 development in a number of ways.
- In response to a question from Kathleen Brill, FCA, regarding loading options for the development, Steve Mitchell indicated that if Cambria Street is not used for loading, an entrance will instead be located on Dalton Street. The Dalton Street option would reduce the amount of space available for retail on the ground floor, however.
- Fritz Casselman, CAC Co-Chair and NABB, asked how the proposed development would knit together the Back Bay and Fenway neighborhoods. Don Chiofaro, Jr. responded that while the project cannot offer a complete solution to this challenge on its own, the Back Bay experience currently ends at Dalton Street, and this project would fill in the current gap to help build the urban fabric.
- In response to a question from Valerie Hunt, Fenway Neighborhood Resident, regarding the amount of parking in the development, Steve Mitchell noted that the revised estimate is for 240 to 250 spaces, which would equal about 0.5 spaces per 1,000 square feet of office development.
- Steve Wolf, FCDC, noted that a lot has changed since the original proposals were submitted in 2008 and that neighborhood residents are generally concerned about the amount of traffic that will be generated from this and other proposed developments in the area. He urged the Chiofaro team to be prepared to create a detailed traffic management strategy if they are indeed chosen to move forward with development of Parcel 15. Steve Mitchell assured the CAC that Chiofaro shares this concern and Don Chiofaro, Jr. also noted that the development team would be open to suggestions for traffic mitigation solutions.
- In response to a question from Brandon Beatty, Back Bay Resident, regarding the nature of the agreement between The Chiofaro Company and Prudential Financial, owner of a

piece of the development parcel, Don Chiofaro, Jr. indicated that Chiofaro will enter into a joint venture with Prudential Real Estate Investors, a branch that is itself owned by Prudential Financial. He also noted that the Chiofaro and Prudential Real Estate Investors have other joint-venture agreements in place downtown, at the Harbor Garage and International Place.

- David Lapin, Community Music Center, asked what factors influenced the decision on the height of the proposed building. Don Chiofaro, Jr. responded that the cost premium associated with air rights development, the existing form of the neighborhood, and the height of proposed and permitted buildings all factored into the team's proposal. Steve Mitchell reiterated that the economic success of the project ultimately depends on its density.
- David Gamble, BSA, noted that it might be preferable to eliminate the development's proposed arcade along Boylston Street and instead expand the ground floor retail out further towards Boylston Street. He expressed concern that the proposed north-facing arcade would be dark and suggested that a smaller sidewalk could make the area appear livelier. Michael Liu agreed that this option might make more sense and that the team would consider it.
- In response to a comment from Gil Strickler, St. Cecilia's Parish, Michael Liu replied that the columns are cosmetic and are not structurally necessary. Michael added that the arcade is meant to set a cornice line, but also create a second level of scale.
- Brandon Beatty asked about the flexibility of the plan from an economic standpoint and whether it would be feasible to change the uses of the project. Don Chiofaro, Jr. responded that the team is comfortable with the office market in this area, but recognized that they would be open to shifts in use if the proposal moves forward and it became necessary.
- In response to a question from Meg Mainzer-Cohen regarding the number of expected retail tenants, Don Chiofaro, Jr. indicated that the most recent design of the project envisions two or more multi-level retail spaces.
- In a follow-up comment, Meg Mainzer-Cohen emphasized that the CAC is particularly sensitive to the agreement over the parcel owned by Prudential Financial, especially in light of the failed proposal for Columbus Center. Fritz Casselman followed up on this point by asking whether the agreement that Chiofaro has with Prudential Real Estate Investors is binding. Don Chiofaro, Sr. responded that the two companies currently have \$2.5 billion in joint ventures and have a very good relationship.
- In response to a question from Brandon Beatty, Don Chiofaro Jr. replied that there have not yet been any conversations with potential tenants and that Chiofaro would not feel comfortable having those conversations until they were designated as the developer for Parcel 15.

Questions and comments made by the public in response to The Chiofaro Company's presentation included the following:

- Steven Sorkin, Fenway Resident, stated his concern about the amount of construction planned for this area, and expressed his opinion that each project is happening independently without concern for the overall construction and traffic impacts. Fritz Casselman assured Steven that the CAC will be considering the overall impacts to the area in their review of the proposed developments for these parcels. Meg Mainzer-Cohen also noted that there is overlap in the planning for the neighborhood and that some of this CAC's members are also members of the Berklee College of Music CAC.

Jonathan Greeley also noted that the BRA has charged the CAC to consider the proposals at the macro level and that while currently the CAC is reviewing the presentations for a specific parcel, it has previously heard presentations from the Boston Transportation Department (BTD), the MBTA, and others in an effort to consider the development impacts on a neighborhood- and city-wide level. He also noted that the CAC will make its recommendation to MassDOT based on the development proposals themselves, as well as public comments. There will be additional time allotted to public comment in future meetings.

- Joanne McKenna, First Fenway Co-op, expressed concern about the amount of activity at the intersection of Massachusetts Avenue and Boylston Street. Jonathan Greeley responded that the first step in responding to this challenge is to understand which developments will occur, given that each proposal will have a different set of impacts. Following tentative designation, each development team will be required to file a Project Notification Form (PNF) with the BRA, which begins the formal Article 80 Development Review Process with the City, and will include the results from all of the various environmental and traffic impact mitigation studies required by the process.
- Tina Schaefer, Resident of 360 Newbury, asked about the timeline for review of these proposals. Jonathan noted that one final development team will be presenting their proposals for Parcels 12 and 15 at the next CAC meeting in January. Following that meeting, the CAC will consider the most appropriate method for moving forward with the review process. Fritz Casselman emphasized that participation by the residents of 360 Newbury will be particularly important at the next CAC meeting, since Parcel 12 is directly across Massachusetts Avenue from 360 Newbury.

Next, Darren Messina, Carpenter & Company, Inc., and Gary Johnson, Cambridge Seven Associates, Inc., gave a PowerPoint presentation (also available on the BRA's project website) of their team's proposal for Parcel 15. Darren stated that their proposal includes both the parcel owned by Prudential Financial, as well as the existing Hynes Auditorium Garage, located at 50 Dalton Street. He added that while they do not have a formal agreement established at this point, both property owners have expressed a willingness to work with the Carpenter & Company team should they receive designation from MassDOT. Gary also noted that their team's proposal would include the landscaping and maintenance of Parcel 14, so as not to orphan the parcel. He emphasized that their team sees this proposal as an opportunity to knit the fabric of the Back Bay and Fenway back together. In terms of the proposed program, Gary indicated that a hotel would help to animate the Parcel 15 site, and would serve the Hynes Convention Center and other nearby users. The addition of an office tower above the existing garage would also become a complimentary use for the area.

Moving on to the proposed design, Gary noted that the Carpenter & Company team's proposal differs from the Chiofaro team's proposal in that it does not place significant height on Boylston Street. Instead, the project's height would be placed over the existing garage on Dalton Street, thereby maintaining the pattern of mid-block high-rise development seen in the surrounding area. Gary also noted that the development team's structural engineer, Weidlinger Associates, Inc., has confirmed that a seven-story development over this particular air rights parcel would be feasible and that the real challenge will come in coordinating with MassDOT on construction timing and other logistical concerns. Darren concluded the presentation by noting that Carpenter & Company is comfortable with the financial feasibility of the project and would seek

out a tenant before starting construction. He added that the project will not require a public subsidy in order to proceed.

Questions and comments made by the CAC in response to the Carpenter and Company team's presentation included the following:

- In response to a question from Gil Strickler regarding the feasibility of construction over the existing garage on Dalton Street, Gary Johnson replied that Carpenter & Company has consulted with their engineer and believe that this will be feasible.
- In response to a question from Brandon Beatty as to whether the project will be phased, Daren Messina confirmed that development of both the hotel and office building is envisioned to occur at the same time.
- In response to a question from Valerie Hunt, Gary Johnson confirmed that the project would add 16 stories of new development over the existing Dalton Street garage, for a total height of 300'.
- In a follow-up question, Valerie Hunt asked for more information about the team's plans for Parcel 14 and how this would relate to the Berklee College of Music's plans for Boylston Street. Gary Johnson responded that their team's current plan allows for a pedestrian crossing between Parcels 14 and 15 and also envisions a vehicular drop-off area, rather than a wide sidewalk, in front of the building's edge along Boylston Street, closer to Dalton Street. He also noted that the proposal presented tonight is the original one from 2008 and added that the next round of design iterations would need to reconsider current conditions and proposed development, including the plans by Berklee.
- In response to a question from Fritz Casselman regarding the changed economy since 2008, Darren Messina noted that Carpenter & Company remains confident that the demand for office and hotel in this area is still strong.
- Barbara Simons, Berklee Task Force, expressed her satisfaction with the lower scale of the proposed building fronting on Boylston Street.
- In response to a question from Representative Walz regarding Carpenter & Company's relationship with Prudential Financial, Darren Messina confirmed that at this point they do not have a formal partnership, but Carpenter & Company is confident that Prudential will be open to working together if their team is selected as the Parcel 15 developer.
- In response to Fritz Casselman's question regarding ownership of the Dalton Street garage, Darren Messina noted that six families currently share ownership of the garage and have informally expressed interest in the proposed development. Asked to elaborate on this by Representative Walz, Darren followed up by indicating that a representative from one of the families has confirmed that the ownership group has established guidelines for future development and is supportive of this proposal and will work with Carpenter & Company if they are in fact chosen to develop Parcel 15.
- Fritz Casselman expressed concern as to how the CAC should evaluate the likelihood that Prudential Financial will cooperate with Carpenter & Company on this development. Darren Messina responded that Carpenter & Company first wanted to consider the most appropriate development for the site before working out the details with Prudential Financial and is confident that they will ultimately cooperate.
- In response to a follow-up question from Fritz Casselman, Darren Messina indicated that Carpenter & Company would first enter into a formal agreement with the Dalton Street garage owners before proceeding with the development process. He also confirmed that Carpenter & Company does have a scheme available for a development scenario without the Prudential Financial-owned parcel; however, while it is physically possible,

there are significant challenges that come with this scenario given the building code requirements for a party wall.

- Representative Walz urged Carpenter & Company to further pursue an agreement with Prudential Financial and suggested that Prudential itself come to speak with the CAC.
- In response to a question from Meg Mainzer-Cohen regarding truck access to the Hynes Convention Center, Gary Johnson indicated that while this needs to be studied further, he believes they will be able to deck over Cambria Street and maintain truck access during construction.
- Steve Wolf urged Carpenter & Company to be prepared to do a substantial environmental and transportation impact study, and added that he would be interested in seeing a sophisticated study, such as a Traffic Monitoring and Analysis (TMA) study.
- In response to a question from Fritz Casselman regarding the current occupancy rate of the Dalton Street garage, Darren Messina responded that his team will look into this.
- Brandon Beatty asked whether the valet/turn-off area located on Boylston Street would affect the sidewalk width to a point where it would impede the pedestrian experience. Gary responded that the design of the ground level of the hotel is flexible and that Carpenter & Company would work with City officials to make sure the sidewalk is appropriate. He added that there would likely be room for a 12' wide sidewalk in this space, which is probably adequate.
- In response to a concern expressed by Fritz Casselman regarding the curb cuts created by the development on Boylston Street, Gary Messina responded that this will be negotiated in future conversations with the City and the CAC.
- Steve Wolf noted that during discussions regarding the 888 Boylston Street development, the City declared the corner of Boylston and Dalton Streets as incapable of supporting certain vehicular weights. Gary Messina responded that they were not previously aware of this but that it would be considered during future planning. Peter O'Connor, MassDOT Director of Real Estate and Asset Development, confirmed that the bridge is owned by MassDOT stated that he will look into this in order to clarify the condition for the CAC.
- In response to a question from Brandon Beatty, Darren Messina indicated that the hotel would likely be an independent hotel, unless the market changes.
- In response to another question from Brandon Beatty regarding the public amenities envisioned for Parcel 14, Gary replied that the improvements would be limited to landscaping.
- David Gamble expressed his appreciation for the proposed changes to Dalton Street, which represents a real opportunity to activate this area.
- In response to a question from David Lapin regarding the requirements for construction over the Dalton Street garage, Darren confirmed that a new foundation that would likely be built around the existing garage would be required.
- In response to a question from Representative Walz about the difference between air rights development being classified as either a bridge or a tunnel and the resulting regulations, Gary Johnson noted that Carpenter & Company has spoken with a collaborator on the failed Columbus Center project who has indicated that bridges carry specific fire code requirements. The concern for Carpenter & Company is that once they deck over the air rights parcel, it is unclear who is responsible for the remainder of the tunnel under the Prudential Center and who pays for it if further improvements are required for code compliance. Representative Walz followed up by noting that the CAC would need to understand this requirement, as well as the ownership structure of the

tunnel, no matter what developer is ultimately designated. Gary responded that he would put his contact in touch with the BRA and MassDOT to discuss this issue.

Questions and comments made by the public in response to Carpenter & Company's presentation included the following:

- Tina Schaefer, Resident of 360 Newbury, asked whether this issue of code requirements for bridges and tunnels created by the developments would also impact Parcels 12 and 13. Jonathan Greeley noted that the BRA and MassDOT will look into this and report back at a future CAC meeting.
- Bill Whitney, Berklee College of Music, asked about the effect of recently approved developments on the Carpenter & Company proposal. Darren Whitney responded that these projects would be incorporated into the Carpenter & Company team's updated designs going forward.

Peter O'Connor noted that MassDOT will reach out to adjacent property owners, including Prudential Financial, to gauge their willingness to cooperate for future development and will present this information to the CAC. Peter also encouraged the CAC to differentiate between two separate types of economics that will affect each project: the economics of land use and the economics of development feasibility. He emphasized that the proposed uses for each building will change throughout the process, given ever-changing economic conditions. He urged the CAC to consider the appropriateness of each type of land use for the neighborhood and the City as a condition for review, but not to review its economic feasibility, given that this will always change over time. He instead advised the CAC to press the developer teams for more information regarding the physical and economic feasibility of developing air rights. In response to concerns expressed by several members of the CAC regarding this point, Peter emphasized that the developers should be telling the CAC what design elements are required to hold up the building, whether this has been done before, and how much the structural elements will cost.

Darren Messina confirmed that it would be possible for Carpenter & Company to demonstrate the design and cost premiums required for its development.

Meg Mainzer-Cohen suggested that the CAC have a meeting focused specifically on engineering and feasibility, with the information presented very clearly for citizens to understand.

In response to these concerns, Jonathan Greeley noted that the CAC could submit a second round of questions to the developer teams that are specific to the program of uses and engineering requirements of each development. Jonathan also noted that once the developers have designation from MassDOT, they will be required to file a PNF with the BRA, which will specify the proposed uses of the project. If the proposed use changes significantly following the completed review process and BRA Board approval, the team would be required to file a Notice of Project Change (NPC), thereby redirecting the project through a new review process with the BRA and community.

In response to a question from Kathleen Brill regarding the length of time required for tenant designation, Peter O'Connor indicated that MassDOT usually sets a timeline for each



milestone, including permitting, final design, etc., and that this timeline is individually negotiated with each developer.

In closing, Jonathan Greeley also noted that the BRA hopes to invite Bill Whitney from the Berklee College of Music to a future meeting to discuss the school's vision for the area and specifically the use of Parcel 14, providing the CAC with a clear understanding of how this could impact the proposed projects.

The next CAC meeting will be held on Wednesday, January 11<sup>th</sup>, 2012. It was subsequently confirmed that this meeting will be held in the same space at St. Cecilia's Parish Hall.

The meeting was adjourned at approximately 8:20 p.m.