



**MassDOT Turnpike Air Rights Parcels #12-15
CAC Working Meeting #1
Tuesday, August 9, 2011, 6:00 p.m.
Location: Boston Public Library, Boston Room**

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 Byron Rushing
Massachusetts State Representative Marty Walz
David Blaisdell, Office of Representative Marty Walz
Stuart Rosenberg, Office of Boston City Councilor Felix Arroyo
Michelle Snyder, Office of Boston City Councilor Michael Ross

City of Boston Attendees:

Jonathan Greeley, BRA
Randi Lathrop, BRA
Geoff Lewis, BRA
Emily Mytkowicz, BRA
Lauren Shurtleff, BRA
Rachel Szakmary, BTB

State of Massachusetts Attendees:

Robin Blatt, MassDOT
Richard Davey, MassDOT
Peter O'Connor, MassDOT
William Tuttle, MassDOT

Press Attendees:

Jim Cronin, Banker and Tradesman
Dan Murphy, Back Bay Sun
Chris Treacy, Patch.com

Members of the Public:

Kenan Bigby, Trinity Financial
Chris Boyce
Alexandra Brax, The Chiofaro Company
Walt Hunt, FCA
Steve Mitchell, The Chiofaro Copmany
Mike Pasavage, Skanska
Conor Pewarski, Wells Fargo
Soctt Turner, Nitsch Engineering
Adam Weiner, Weiner Ventures
Jacquelin Yessian, NABB

Meeting Summary

On Tuesday, August 9, 2011, the first 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 the Boston Room of the Boston Public Library, Copley Branch by Jonathan Greeley, BRA Planner.

Jonathan began the meeting by introducing Richard Davey, the incoming Secretary of Transportation for the State of Massachusetts, who gave a brief greeting and thanked the CAC members for their role in the process.

After a round of further introductions, Jonathan indicated that he and Lauren Shurtleff, BRA Planner, will serve as the contact persons from the BRA for the CAC and for press inquiries. All CAC working sessions are open to the public and will be advertised in advance on the BRA's website calendar. Interested members of the public should be sure to sign in so that the BRA may notify them directly of upcoming meetings. The CAC project page

(<http://www.bostonredevelopmentauthority.org/planning/PlanningInitsIndividual.asp?action=ViewInit&InitID=155>) will contain all relevant documents associated with the project, including the presentations and notes from each of the working sessions.

Jonathan then gave a brief overview of the roles and responsibilities of CAC members. CAC members will serve as an advisory group to MassDOT and the BRA and will represent the concerns and opinions of the neighborhood and/or business group they are affiliated with, and are expected to report back to those groups as the process moves on. The CAC will evaluate development proposals for air rights Parcels 12 - 15 and make recommendations to MassDOT. MassDOT will work with the BRA and Mayor Thomas M. Menino to designate a developer for each parcel. Once a developer files a Project Notification Form (PNF) and begins the Article 80 development review process, the CAC will serve as the Impact Advisory Group (IAG) for that development proposal.

For more information, see **A Citizens Guide to Development Review**

(<http://www.bostonredevelopmentauthority.org/pdf/documents/A%20Citizens%20Guide%20to%20Article%2080.pdf>).

Jonathan continued with a PowerPoint presentation, which began with a summary of the previous air rights planning exercise and resulting recommendations made in the *Civic Vision for Turnpike Air Rights in Boston* (<http://www.bostonredevelopmentauthority.org/Planning/PlanningInitsIndividual.asp?action=ViewInit&InitID=43>). He provided background information on each of the parcels, including location, underlying zoning, and parcel-specific development constraints and opportunities. The presentation concluded with a review of the Berklee School of Music's Crossroads development proposal, adjacent to Air Rights Parcels 12 – 15, which has been approved by the BRA for its height and massing.

Peter O'Connor, MassDOT's Director of Real Estate, provided the CAC with a brief overview of the Request for Proposals (RFP) for Parcels 12 – 15 that was issued in 2008, as well as the understanding behind the decision to put the parcels' development on hold until now. The economy is improving and these parcels represent an excellent opportunity to promote economic development and city-building. Each of the developers that responded to the RFP have reaffirmed their original proposals within the last month. At the next CAC meeting in September, Peter will present a more in-depth presentation on the RFP itself, as well as on the proposals made for each parcel (two for Parcel 12, one for Parcel 13, two for Parcel 14, and three for Parcel 15).

Peter also briefly discussed the Memorandum of Understanding (MOU) entered into between MassDOT, the City of Boston, and the BRA in 1997. The terms outlined in the MOU originally anticipated a specific development, however MassDOT has chosen to bring the CAC into the process earlier to help evaluate the proposals. He stressed that in order for a proposal to be successful, it must have broad public support. Peter concluded by emphasizing the difficulty of air rights development and stressed that the CAC should remember that each of the development proposals should reflect the principles set forth in the *Civic Vision*, must minimize adverse impacts on the surrounding area, must improve and increase public benefits, must be constructible, and must be economically feasible.

Questions and comments made in response included:

- Kathleen Brill, FCA, asked about the timeframe of the process. Jonathan replied that the CAC will review the proposals for Parcels 12 – 15 at the next meeting held in September. Subsequent working sessions will bring in the developers to present their proposals. CAC members should expect one meeting per month for the next few months, and be committed to participating on the CAC over the course of the next several years.
- Fritz Casselman, NABB, asked about the availability of documents or analyses related to air rights development. Peter responded that it is difficult to estimate the cost of air rights development, which has not resulted in a successful project in Boston in thirty years. However, MassDOT is working with another developer

on Turnpike Air Rights Parcel 7, John Rosenthal, and will use this relationship to provide more information to the CAC when possible.

- Brandon Beatty, Back Bay Resident, asked if it is reasonable to assume that the projects proposed in 2008 are still economically viable. Peter responded that the original financial proposals cannot be changed at this point. Massachusetts State Representative Marty Walz noted that Trinity Financial has worked to revive its proposal for Parcel 13 and has a secure occupant for the development. Peter added that about half of the proposal for Parcel 13 includes a college, the Boston Architectural College, which may make it less feasible than others in the immediate future, but this remains to be seen.
- Meg Mainzer-Cohen, Back Bay Association, asked whether it might make sense to look at every proposal put forward for Parcels 12 – 15, and not just Trinity Financial's proposal for Parcel 13, in order to get a sense of where each one stands and be fair to all of the bidders. Peter reiterated that all of the parcels' proposed developers have indicated that they are ready to move forward. The CAC will have a chance to look at all of the proposals at the next meeting and will make a decision on how to move forward based on this information.
- Fritz Casselman asked if the pool of potential developers is limited to those that submitted a bid in 2008, or whether a new developer would be able to enter with a bid. Peter replied that MassDOT could have re-bid the proposals in order to allow new developers to enter, however this would have started the process over from the beginning, and since all of the proposals from 2008 responded adequately to the requirements set out in the *Civic Vision for Turnpike Air Rights*, MassDOT does not think that this is necessary.
- Meg Mainzer-Cohen asked about MassDOT's view on the Berklee Crossroads proposal that would potentially affect Parcel 14. Peter responded that the CAC could always advise MassDOT that Parcel 14 should be reviewed under another process or should be re-bid, and MassDOT would be open to that suggestion.
- In response to a question from Brandon Beatty, Jonathan replied that a map can be created that will put all permitted projects in the area, plus the proposals for Parcels 12-15, so that everything is in one view.
- Barbara Simons, Berklee Task Force, asked who will make a decision on the Berklee Crossroads development proposal and its resulting effect on Parcel 14. Peter reiterated that the CAC could advise MassDOT that Parcel 14 should not be included in this CAC's review. Jonathan also noted that only massing and height have been approved for the Berklee Crossroads project at this point.
- Meg Mainzer-Cohen noted that no traffic impact studies have been done to analyze the effects of accessing the Hynes Convention Center if Cambria Street is closed. Jonathan replied that BTM would review these impacts within the context of each proposed development.
- David Gamble, BSA, asked what other community engagement processes are being undertaken in the area on behalf of these parcels. Jonathan replied that developers are free to talk with the community, however, the BRA's formal process occurs through the CAC. Other BRA activities in the neighboring area

include the Berklee Task Force, the Copley Place Residential Addition and Retail Expansion CAC and the Christian Science Plaza Revitalization Project CAC.

- In response to a question from Kathleen Brill, FCA, Jonathan confirmed that a separate Article 80 development review process would take place for each parcel.
- Fritz Casselman asked whether there has been any discussion of subsidies with the developers. Peter replied that there has not and Jonathan noted that the issue of subsidy would be taken up later in the development process, if appropriate.
- Brandon Beatty asked whether there has been any study of the structural engineering required for the sites. Bill Tuttle, MassDOT, replied that the engineering requirements depend on the specifications of each project and therefore review will be done later in the process.
- David Lapin, Community Music Center, asked how MassDOT reviews the accuracy of data that developers use. Peter replied that this is part of the due diligence associated with any project, and that this would be the onus of the developer.
- In response to a follow-up question from David Lapin, Peter indicated that MassDOT generally contracts its own cost reviews out to independent consultants when it comes to verifying economic data.
- David Lapin also asked how the development process works with the sites that are located over railway tracks. Peter replied that the process is facilitated in part by collaboration between the Massachusetts Bay Transportation Authority (MBTA) and MassDOT. However, construction over rail does bring significant challenges, including coordination with multiple stakeholders and significant time requirements to shut down and power up overhead wires.
- Kathleen Brill asked whether MassDOT anticipates selecting developers for all of the parcels at once. Peter replied that MassDOT is open to what the CAC ultimately decides is the most appropriate process.

No questions were asked by public audience members. Jonathan closed the meeting by indicating that the next meeting will be held in mid- to late September and will likely take place at a location close to the Air Rights Parcels or again at the Boston Public Library's Copley Branch.

The meeting was adjourned at approximately 7:30 p.m.