



April 2018

# Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan



**Boston Redevelopment Authority**  
(D/B/A Boston Planning & Development Agency)  
One City Hall Square | Boston, MA 02201



**DECISION ON THE CITY OF BOSTON'S  
REQUEST FOR APPROVAL  
OF THE  
DOWNTOWN WATERFRONT DISTRICT MUNICIPAL HARBOR PLAN  
PURSUANT TO 301 CMR 23.00**

**April 30, 2018**

**Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs  
Matthew A. Beaton, Secretary**



## I. INTRODUCTION

Today, as Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), I am approving, in part, subject to the modifications and conditions noted below, the City of Boston's ("City") Downtown Waterfront District Municipal Harbor Plan and Public Realm Activation Plan ("Plan") dated March 2017. This Decision presents an overview of the Plan including supplemental information submitted on February 16, 2018 and findings on how it complies with the standards for approval set forth in the Municipal Harbor Planning regulations at 301 CMR 23.00. The geographic scope of the Plan includes 26 parcels, encompasses approximately 42 acres and extends along the Downtown Waterfront from and including Long Wharf to the Evelyn Moakley Bridge (Seaport Boulevard). The planning area is bounded to the west by the Rose Kennedy Greenway and to the east by the Inner Harbor and the Fort Point Channel (Figure 1). The Plan builds on prior planning initiatives that cover the area, including the Harborpark Plan: City of Boston Municipal Harbor Plan (1991), the Inner Harbor Passenger Water Transportation Plan (2000), the Fort Point Channel Watersheet Activation Plan (2002), the City of Boston Open Space Plan 2015-2021, the Greenway District Planning Study Use and Development Guidelines and Overlay District Zoning Code, and the ongoing work under the Climate Ready Boston initiative. Described below, the Plan defines six goals which will be advanced through improvements within the study area and proposes substitute provisions to specific Chapter 91 standards along with offsetting measures for two specific sites within the planning area that are slated for redevelopment: the Harbor Garage site and the Hook Wharf site (Figure 2) along with an area-wide substitution related to climate resilience measures. My approval of the Plan, with the terms, stipulations and conditions contained herein, does not, and should not be construed to serve as an authorization or approval of a specific project. As described below, redevelopment projects identified in the Plan are subject to regulatory and other reviews that have not yet begun.

Pursuant to the review procedures at 301 CMR 23.00, in August 2013, the City submitted its Request for a Notice to Proceed, and following a public comment period, the Office of Coastal Zone Management (CZM) issued a Notice to Proceed on October 3, 2013. From 2013 to 2016, the City convened 40 public meetings of its Advisory Committee to inform the Boston Planning and Development Agency (BPDA) in the development of the Plan. In July 2016, the City released a draft of the Plan for public review and comment. The Plan was submitted by the City to EEA on March 15, 2017. CZM published a notice of public hearing and 30-day opportunity to comment in the *Environmental Monitor* dated March 22, 2017. Oral testimony was accepted at a public hearing held at

the Boston Harbor Hotel on April 3, 2017. I received 41 individual comment letters plus 872 form letters within the public comment period which closed on April 21, 2017. The consultation period, which included five extensions, ended on April 9, 2018. The Municipal Harbor Planning review and consultation process, led by EEA and CZM, included consultation among CZM, the Department of Environmental Protection (DEP), the BPDA, and stakeholders. During the consultation period, there were also facilitated discussions between the New England Aquarium and the developer of the Harbor Garage property. Discussions resulted in agreements in principle for compensation of construction-related Aquarium visitor and event revenue losses and other matters. Supplemental information relating to these agreements as well as clarification on Chapter 91 substitutions and offsets was submitted by the City on February 16, 2018. While not required by the regulations, the supplemental information filing was made available for a 45-day public comment period by EEA/CZM, to provide for additional public and stakeholder review and input. Following this subsequent public comment period, I received 69 comment letters relating to the supplemental information. In addition to the comment letters, I received 864 form letters in support of the development proposed for the Harbor Garage site as well as a petition signed by 458 citizens in opposition to the Plan.

During the public comment periods, I received comments from local business owners, Boston Harbor advocacy groups, and residents living within and adjacent to the Harbor planning area. Generally, comments received agreed on the need for a cohesive planning approach that will guide the future of this area of Boston's waterfront. Specific issues highlighted in these letters expressed the need to create welcoming and accessible public space, expand water transportation and recreational boating opportunities, support the financial viability of the New England Aquarium, and address climate resiliency. Some comments expressed frustration with the duration of the BPDA's planning process and others had concerns about the role of the Municipal Harbor Plan Advisory Committee in the development of the City's final Plan and supplemental information. The majority of comments received addressed the proposed Chapter 91 substitutions and proposed offsets for the Harbor Garage and Hook Wharf sites. The scale of the height substitute provision requested for the Harbor Garage property was a common concern, with related concerns for traffic and parking impacts on the area. Although many supported the redevelopment of the Harbor garage site, comments from residents in the Harbor Towers development were mostly opposed to the proposed Harbor Garage development. Comments relating to the Hook Wharf site questioned the

appropriateness of the height and open space substitutions being requested and several expressed concerns about residential uses over flowed tidelands.

Comments received on the City's supplemental filing and the original Plan from March 2017, as well as those received at various points throughout the City's planning process, were directed at the City's stakeholder process, and more than a few shared the concern that while the City held a large number of meetings, they did not feel that stakeholder input was well reflected in the City's drafts and final Plan. There was also notable disappointment regarding the lack of engagement by the BPDA with its Advisory Committee between the time of the last committee meeting in October 2016 and submittal of the Plan in March 2017 and the time supplemental information filing was made in February 2018 following the consultation period. The Municipal Harbor planning process is intended to provide for robust opportunities for input and interaction with stakeholders and the general public during the development of the plan and their participation and input are critically important to help shape a Municipal Harbor Plan, especially since many elements of a plan will affect the public realm and interests. I strongly encourage the BPDA to evaluate how the role of, and interaction with, the Advisory Committee and the incorporation of stakeholder input can be improved in future Municipal Harbor Planning processes. I also urge the BPDA to engage stakeholders as part of upcoming Article 80 and other regulatory procedures related to the proposed developments addressed in the Plan.

Municipal Harbor Plans vary depending on the municipality and the planning area. In the case of the proposed Downtown Waterfront District Municipal Harbor Plan, the BPDA sought to balance an overarching vision for a critical stretch of Boston's waterfront, while incorporating development-specific guidelines for two specific sites at the Harbor Garage and Hook Wharf sites. Although Municipal Harbor Plans can include a wide array of local planning goals and actions as well as site-specific design guidelines for proposed developments, state review and approval of Municipal Harbor Plans under 301 CMR 23.00 is primarily limited to the formal evaluation and authorization of proposed substitute and amplification provisions to specific standards of the Chapter 91 Waterways Regulations. As such, the process of reviewing and approving Municipal Harbor Plans does not consider all elements of proposed development(s) such as traffic, parking, water and wastewater, or energy efficiency—these matters are the subject of other jurisdictions, authorities and reviews. The concerns raised by many about how proposed development in the planning area may affect an already busy roadway network are issues that will be addressed through subsequent review processes. Project proponents will be required to measure and assess future

traffic impacts and mitigate for them both through state review with the Massachusetts Environmental Policy Act (MEPA) office and the City's Article 80 review processes. Comments regarding the proposed Chapter 91 substitutions and offsets proposed for the Harbor Garage and Hook Wharf properties in the Plan and supplemental information filing were carefully considered in the review and analysis of the Plan and discussion of these comments is contained in the analysis section of this Decision.



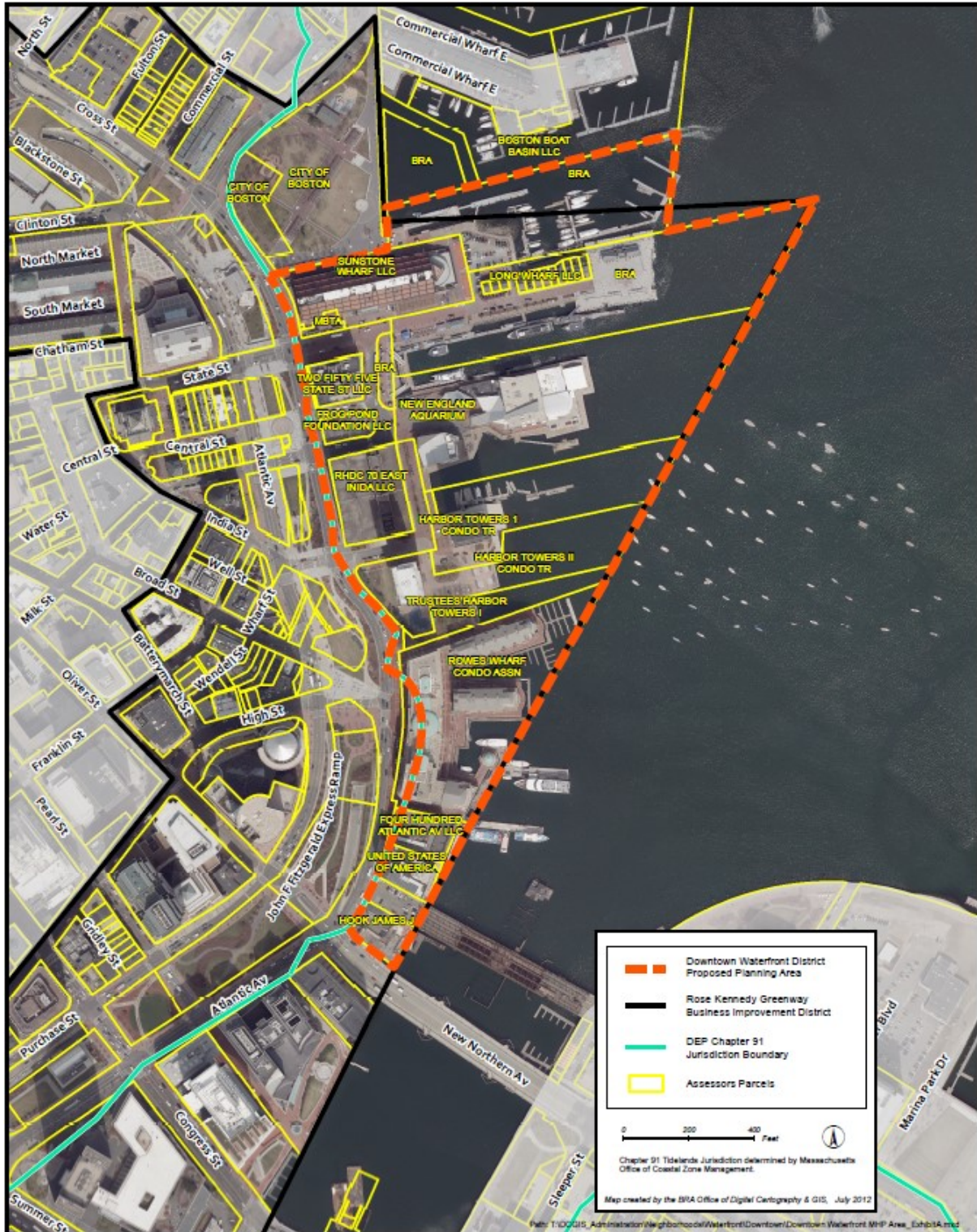


Figure 1. City of Boston Downtown Waterfront District Municipal Harbor Planning Area



**Figure 2. Downtown Waterfront District Municipal Harbor Plan Redevelopment Parcels**

## II. PLAN CONTENT

The planning area encompassed by the Plan includes almost half a mile of Boston's Downtown waterfront extending from and including Long Wharf to the Evelyn Moakley Bridge/Seaport Boulevard (Figure 1). The area lies between popular and highly programmed public space, the Rose Kennedy Greenway to the west, and the busy Inner Harbor watershed to the east. The area includes approximately 42.1 acres in 26 parcels where approximately half the planning area (21.9 acres) is filled tidelands and the other 20.2 acres is flowed Commonwealth Tidelands (Figure 3). The inland border of the planning area follows the boundary of Chapter 91 jurisdiction which is primarily coincident with Atlantic Avenue. As such, the entire planning area is within Chapter 91 jurisdiction. The eastern boundary of the planning area is coincident with the waterside boundary of the 26 City of Boston defined parcels. The planning area does not include any land or water within a Designated Port Area (DPA); however, it includes multiple areas of commercial and recreational boat use at Long Wharf, Central Wharf, Rowes Wharf, and India Wharf. Uses within the planning area are a mix of hotel, residential, office, parking, mixed uses, and publicly accessible space. Prominent features along this area of shoreline include the water-dependent New England Aquarium (Aquarium), the Long Wharf park and water transportation area, the Marriot Long Wharf Hotel, and Rowes Wharf.

The Plan seeks to further advance and implement previous planning efforts, including the Harborpark Plan: City of Boston Municipal Harbor Plan (1991), the Inner Harbor Passenger Water Transportation Plan (2000), the Fort Point Channel Watersheet Activation Plan (2002), the City of Boston Open Space Plan 2015-2021, the Greenway District Planning Study Use and Development Guidelines and Overlay District Zoning Code (2010), and the ongoing work on Climate Ready Boston. It also accounts for and builds on improvements made within the Downtown Waterfront District since the 1991 Harbor Park Plan, such as the completion of the Central Artery/Tunnel Project, the construction of the Rose Kennedy Greenway, the Boston Harbor Cleanup Project, the BPDA's water infrastructure improvements at Long Wharf, the expansion at the New England Aquarium, enhancements to the Harborwalk, and others.

As stated in the BPDA's Request for Notice to Proceed (July 31, 2013) and reiterated in the Plan, the City has six goals for this plan and planning process: 1) Continue to develop the district as an active, mixed-use area that is an integral part of Boston's economy; 2) Promote access to Boston Harbor, the Harbor Islands and water transportation; 3) Improve waterfront wayfinding and open space connections; 4) Enhance open space resources and the public realm; 5) Create a climate

resilient waterfront, and 6) Implement the Greenway District Planning Study Wharf District Guidelines. These six overarching themes acknowledge the need to encourage and grow the Downtown Waterfront as an active, welcoming, and climate-resilient space for many user groups including future business, current and future residents, and visitors from Massachusetts and beyond. These overarching themes are clearly integrated into the actions set forth by the City in the Plan. The Plan implements these goals by thinking holistically about opportunities to improve the public realm, water transportation, and activation of the waterfront while proposing provisions that would allow for redevelopment of specific parcels within the planning area.

A key component of the Plan is the Downtown Waterfront Public Realm and Watersheet Activation Plan (“Public Realm Plan”). The Public Realm Plan was a result of discussions with stakeholders, property owners, the Municipal Harbor Plan Advisory Committee, and the City. It sought to better understand ways to enhance the public realm in the planning area and focused on improving and strengthening access to open space; increasing the continuity of the Harborwalk and associated open space along the entire length of the planning area; and improving connections to areas to the north and to the south. A primary focus of the BPDA was to create ways to make the Harborwalk a seamless linear public access system. In order to facilitate this goal and acknowledge the distinct character of the planning area, the Public Realm Plan was divided into four sub-districts: Northern Avenue, Rowes Wharf and India Row, Long and Central Wharves, and the watersheet. The Northern Avenue sub-district is an important gateway from the east and south. Opportunities to improve connections to and from this sub-district rely on the planned renovation or replacement of the Northern Avenue Bridge and facilitating pedestrian connections along the western side of the Fort Point Channel in the vicinity of the Moakley Bridge. The Rowes Wharf/India Row section of the planning area includes a narrow section of public realm. Opportunities for improvement to this sub-district focus on enhancing existing connections by adding programming, lighting, or signage to draw visitors in and along as well as improvements to accessibility in the area between the Hook Wharf site and the US Coast Guard building. The Long Wharf and Central Wharf sub-district is the most active portion of the planning area with visitors attracted to the Aquarium, water transportation terminals, Boston Harbor Islands Pavilion, and other public amenities on the Greenway. The Public Realm Plan suggested improvements to this sub-district in the form of better utilizing and managing the space for the many uses and visitors. Integrating City visions for the area with plans under development by the Aquarium and the owners of the Harbor Garage site will ensure the area reaches its full potential. The last sub-district according to the Public Realm Plan is

the watershed. With the realization of the Boston Harbor cleanup, the Public Realm Plan emphasizes the enjoyment of the harbor, and well-planned and positioned water transit facilities as well as increasing opportunities for recreational boaters to enjoy Boston by water are the priorities for this area. The Public Realm Plan calls out three themes to be implemented in the Downtown Waterfront District: connectivity, legibility, and activation and programming and contains a suite of recommended actions and projects for each of the sub-districts which serve as an excellent roadmap for ongoing work to enhance public access and activation. These themes are reflected in the Plan through the nature and extent of specific offsets and amplifications.

In the last few years, the City has made important strides to better understand how climate change will affect the City by identifying the potential impacts of climate change, outlining mitigation goals, and incorporating adaptation opportunities into city planning. The City has developed and is implementing its Climate Action Plan, last updated in 2014, which requires that all city planning processes include an analysis of effects of climate change, and new buildings must advance the City's goal of reducing CO2 emissions from large buildings and institutions 14 percent by 2020. The Climate Ready Boston initiative is a significant enterprise to understand vulnerabilities and risk and to develop resilient solutions for buildings, infrastructure, environmental systems, and residents. Under Climate Ready Boston, the City is working to identify applicable resilient design measures and practices for vulnerable locations and develop an implementation plan that prioritizes solutions based upon costs and benefits. New buildings over 50,000 square feet are also subject to the City's Green Building Zoning Code Article.

In the context of these broader planning efforts, the City has proposed substitute provisions and offsetting measures specific to two redevelopment project sites: the Harbor Garage and the Hook Wharf sites (Figure 2). Through its local process, the City has developed the Plan and offsetting mitigation measures in a framework that the City has determined to be the most appropriate for this area of the waterfront. The Plan seeks substitute provisions for Chapter 91 standards for the Harbor Garage site specific to: building height; and substitute provisions for the Hook Wharf site specific to: building height, lot coverage, reconfigured Water-Dependent Use Zone, and Facilities of Private Tenancy over flowed tidelands.

As a general approach, the Municipal Harbor Plan process is meant to take a broad view that incorporates local goals and objectives for a harbor and translates them into a plan and implementable strategy for a specific region of the harbor in question. Depending on municipal priorities, timing of proposed developments, geographic constraints, and other factors, the process

manifests itself in different ways, focusing on different areas and extents for the plans—from an entire harbor to a district or neighborhood and, in some cases, a smaller subset of parcels. The plans also vary in their scopes, sometimes laying out detailed development standards and other times looking to establish general building maximums to allow for flexibility in future developments.

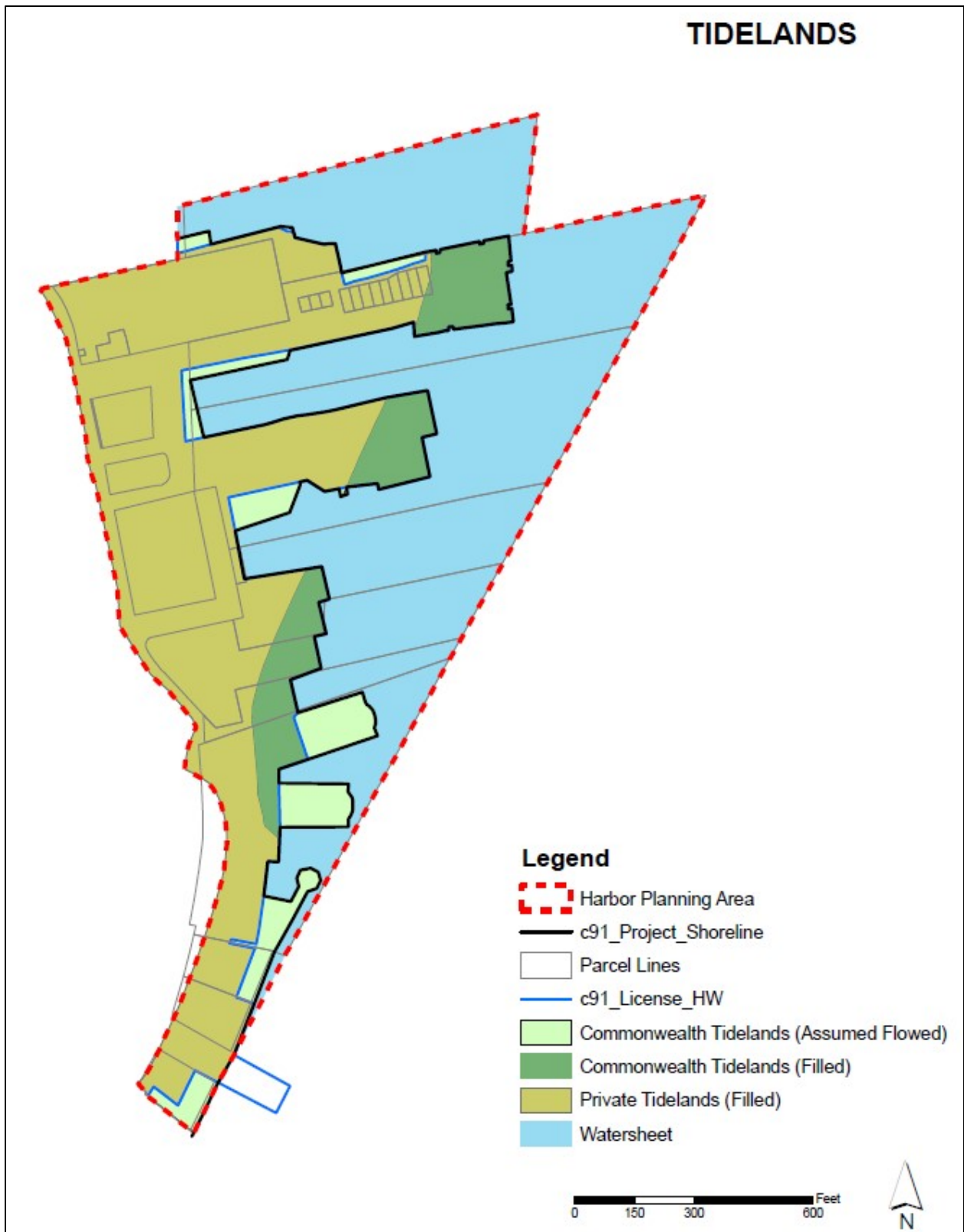


Figure 3. Downtown Waterfront District Chapter 91 Jurisdictional Tidelands

### **III. STANDARDS FOR APPROVAL**

As noted previously, my approval today is bounded by the authority and standards as contained in 301 CMR 23.00 et seq. (Review and Approval of Municipal Harbor Plans) and is applicable only to those elements of the Chapter 91 Waterways regulations that are specifically noted in this Decision. This Decision does not supersede or stand for separate regulatory review requirements for any activity.

#### **A. Consistency with CZM Program Policies and Management Principles**

The federally-approved CZM Program Plan establishes 20 enforceable program policies and nine management principles which embody coastal policy for the Commonwealth of Massachusetts. The following is a brief summary of the Policies and Management Principles applicable to the Plan area:

- 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.
- Water Quality Policy #2 – Ensure that non-point pollution controls promote the attainment of state surface water quality standards in the coastal zone.
- 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.
- 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.
- Coastal Hazards 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.
- Coastal Hazards Policy #2 – Ensure construction in water bodies and contiguous land area 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.



- 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.
- Public Access Policy #1 – Ensure that developments proposed near existing public recreation sites minimize their adverse effects.
- Public Access Management Principal #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 Principal #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 Principal #3 – Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.
- Public Access Management Principal #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.
- 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.

The Plan includes an assessment of how it is consistent with CZM Program Policies and Management Principles, and based on CZM's review, I conclude that it meets the intent of each relevant policy and, as required by 301 CMR 23.05(1), I find the Plan consistent with CZM policies.

## **B. Consistency with Tidelands Policy Objectives**

As required by 301 CMR 23.05(2), I must also find that the Plan is consistent with state tidelands policy objectives and associated regulatory principles set forth in the Chapter 91 Waterways ("Waterways") regulations of DEP (310 CMR 9.00). As promulgated, the Waterways

regulations provide a uniform statewide framework for regulating tidelands projects. Municipal Harbor Plans and associated amendments provide cities and towns with an opportunity to propose modifications to these uniform standards through either the amplification of the discretionary requirements of the Waterways regulations and/or the adoption of provisions that, if approved, are intended to substitute for the minimum use limitations or numerical standards of 310 CMR 9.00 by DEP. The substitute provisions of Municipal Harbor Plans can reflect local planning goals in decisions involving the complex balancing of public rights in and private uses of tidelands, and in effect, serve as the basis for a DEP waiver of specific use limitations and numerical standards affecting nonwater-dependent use projects, provided that other requirements are in place to mitigate, compensate, or otherwise offset adverse effects on water-related public interests.

The Plan contains guidance that will have a direct bearing on DEP licensing decisions within the harbor planning area. Included in this guidance are provisions that are intended to substitute for certain minimum use limitation and numerical standards in the regulations. It is anticipated, however, that DEP will review any specific project proposals submitted for licensure in accordance with all applicable regulations and standards, consistent with its Chapter 91 authority. These provisions are each subject to the approval criteria under 301 CMR 23.05(2), as explained below.

### **Evaluation of Requested Substitute Provisions**

The general framework for evaluating all proposed substitute provisions to the Waterways requirements is established in the Municipal Harbor Plan regulations at 301 CMR 23.05(2)(c) and 301 CMR 23.05(2)(d). The regulations, in effect, set forth a two-part standard that must be applied individually to each proposed substitution in order to ensure that the intent of the Waterways requirements with respect to public rights in tidelands is preserved.

For the first part, in accordance with 301 CMR 23.05(2)(c), there can be no waiver of a Waterways requirement unless the Secretary determines that the requested alternative requirements or limitations ensure that certain conditions—specifically applicable to each minimum use limitation or numerical standard—have been met. The second standard, as specified in 301 CMR 23.05(2)(d), requires that the municipality demonstrate that a proposed substitute provision will promote, with comparable or greater effectiveness, the appropriate state tidelands policy objective. A municipality may propose alternative use limitations or numerical standards that are less restrictive than the Waterways requirements as applied in individual cases, provided that the plan includes other

requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate for, or otherwise offset adverse effects on tidelands-related public interests.

For substitute provisions relative to the minimum use and numerical standards of 310 CMR 9.51(3)(a)–(e), any proposal must ensure that nonwater-dependent uses do not unreasonably diminish the capacity of tidelands to accommodate water-dependent uses. Similarly, substitute provisions for nonwater-dependent projects on Commonwealth Tidelands must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

Table 1 at the end of this section contains a summary of the substitute provisions and offsetting measures contained in the Plan and the supplemental information filing, as subject to and modified by this Decision.

### **Analysis of Requested Substitute Provisions – Harbor Garage**

The City's Plan proposes a single substitute provision to the Chapter 91 Water Regulations specific to building height for the Harbor Garage redevelopment. The Harbor Garage building at 70 East India Row is a seven-story, 459,000 square foot structure that provides six levels of parking with ground floor retail and office space leased by the New England Aquarium and others. The garage also houses utilities and operational infrastructure for the adjacent Harbor Towers condominiums at 65 and 85 East India Row. The garage provides accessory parking for nearby water-dependent uses, including the New England Aquarium and Boston Harbor Cruises, and also for residences at Harbor Towers. Plans and designs for the potential redevelopment of the Harbor Garage are still under development, but for the purposes of its Plan, the City has proposed a building envelope providing maximum dimensions and general locational criteria to guide future review and permitting. The maximum height proposed for this site is 585 feet (ft) as measured to the highest occupied floor and the building footprint will not exceed 50 percent of the project site. The location of the building footprint will allow a significant component of the project's open space to the north and east of the project site to increase views from the Greenway to Boston Harbor and as a buffer to abutting development. The City has specified that the total floor area of the proposed structure shall not exceed 900,000 square feet, with a floor area ratio of 15.7, and building volume may range between 9,500,000 and 10,500,000 cubic feet.

The New England Aquarium is an important water-dependent use and a special public destination facility<sup>1</sup> within the planning area that directly abuts the proposed redevelopment. The Aquarium is a top attraction in the City, with over 1.3 million visitors a year, and provides year-round educational programming, conducts important marine research and science, and serves as a leader in marine animal conservation and ocean-based advocacy. The City's Plan contains important provisions to protect and promote the Aquarium. A key component of those provisions is the development of a memorandum of understanding, or other mutually agreed upon legally binding agreement, between the City, the Aquarium, and the Harbor Garage developer, which addresses reasonable compensation for construction-related Aquarium visitor and event revenue losses, parking, and other matters of mutual long-range interest. During the consultation period, there were facilitated discussions between the Aquarium and the Harbor Garage developer which resulted in agreement on specific points of a binding agreement. These points were outlined in the City's supplemental information filing on February 16, 2018 and are covered below in more detail.

#### Building Height – Harbor Garage

To approve any substitute provision to the height standard at 310 CMR 9.51(3)(e), I must first determine that the Plan specifies alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor planning area. The approval regulations focus on how a building's mass will be experienced at the public open spaces on the project site, especially along the waterfront and key pathways leading thereto. Within this context, I must apply the "comparable or greater effectiveness" test to determine whether the proposed substitution and offsetting measures will assure that the above objective is met. My determination relative to whether or not these provisions promote this tideland policy with comparable or greater effectiveness was conducted in accordance with the Municipal Harbor Plan regulatory guidance discussed in detail below.

Under the Waterways regulations heights shall not exceed 55 ft within 100 ft of the shoreline, stepping up one foot for every two feet landward of the project shoreline. The resulting height allowed within jurisdiction on the Harbor Garage site would range from 55 ft to 155 ft. The

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<sup>1</sup> A special public destination facility is facility of public accommodation that enhances the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative amenities for public use.

Plan requests a substitution of the Waterways requirements at 310 CMR 9.51(3)(e) that would allow non-water dependent buildings up to a height of 585 ft for the highest occupiable floor and 600 ft overall allowing 15 ft for mechanical and HVAC equipment and housing.

Many comments received expressed concern regarding the magnitude of the height substitution and questioned whether the proposed height is ‘modest in size’. Some comments stated the belief that the nature and character of Boston’s waterfront was threatened by the proposed building height.

The standard for additional building height holds that I must find that the proposed size be relative and modest in order that conditions of the ground level environment will be conducive to water-dependent activity and public access at and near the site, as appropriate for the harbor in question. In reviewing the Plan and the supplemental information submitted during the consultation period, I recognize that while the proposed building height is significantly greater than what would be allowed under the baseline Waterways requirements, within the setting of the entire City skyline which includes a variety of architecture with differing building heights, silhouettes, materials, the proposed height generally fits in context (Figure 4). This skyline reflects the City’s evolving history from its beginning as a primarily maritime-driven economy with warehouses, wharves and piers to the current economy which is supported by a compendium of industries and uses requiring different architecture. A number of buildings in Boston are 600 ft tall – and would likely be taller if not for the Federal Aviation Administration’s limitations. The two Harbor Tower buildings abutting the project site are 400 ft and just to the south and west of the planning area adjacent to the waterfront and the Greenway are several buildings between 550 and 600 ft. The effects of a building’s size are not driven solely by its height, and in many ways, building massing is just as important as height. A taller, thinner building may in fact have fewer impacts on the ground level environment than a shorter, wider building. In this case, based on many massing schemes developed by the BPDA during the planning process, a building envelope which incorporates a single, narrow tower on a wider podium may have similar or even less shadow than other configurations considered by the City. Accounting for the heights of other buildings of the Boston skyline including several adjacent to the waterfront, and considering that the planning area is the downtown waterfront of a major city, I believe that the proposed height is generally comparative in size and appropriate for the area of the harbor.

Potential effects from additional height are assessed at the pedestrian level with special attention to whether the ground level environment will be suitable for water-dependent activity and

associated public access. Shadow studies are conducted to measure any changes to the ground level conditions. Shadow impacts caused by increased building height, affecting the ground level environment, are mitigated with appropriate offsetting measures. Shadow studies, included with the Plan, provided an analysis of how the proposed building height for the Harbor Garage site would compare to baseline shadows if no substitute provisions for height were approved. For the purposes of this project, shadow impacts are based on the solar orientation on October 23<sup>rd</sup> when open space is still actively used and shadows are larger due to the position of the sun. Shadow studies conducted by the City highlighted areas in and around the Harbor Garage site which are relatively free from shadow (e.g., not under continuous one-hour shadow on October 23<sup>rd</sup>) under existing conditions. These areas include sections of Harborwalk at 408 and 400 Atlantic Avenue and Rows Wharf, the majority of Long Wharf, and the watershed between Central Wharf and Long Wharf. As a key part of the City's Plan, the open spaces on Long Wharf seaward of the Marriot Long Wharf Hotel were designated as shadow prohibition zones.

Shadow studies were performed for many variations of building height, building placement, and building orientation on the Harbor Garage site and shadow impacts varied depending on the specific site layout and building configuration. While the City's studies demonstrated that there will be new shadow created by various building configurations and massing schemes, the Plan includes the requirement that any new building under the proposed height substitution must avoid new shadow on the shadow prohibition zone and shall be oriented to reasonably minimize net new shadow on other areas of the waterfront in the planning area and, described below, net new shadow impacts will be offset with new or significantly enhanced open space. Based on the many layouts analyzed, the Plan showed that it is possible to select a building massing scenario that limits net new shadow, minimizes shadow on the watershed between Long Wharf and Central Wharf, and avoids shadow within the shadow prohibition zone on Long Wharf seaward of the Marriott Long Wharf. As described below, my finding with respect to this substitute provision is conditioned on the proposed building's conformance with the shadow requirements in the City's Plan.

In addition to shadow, wind is another part of the assessment of the effects of proposed height substitutions on the ground level environment. The analysis of changes to wind requires specific building massing and layouts in order to model how the structure affects wind dynamics. Pursuant to the City's Plan and its zoning code and Article 80 process all projects must meet applicable Boston wind standards, and wind studies are required to assess how a proposed project on the Harbor Garage site will impact wind conditions at the pedestrian level on and around the site.

The City will review the wind analysis for the proposed building design, massing and location to ensure that the proposed project will not cause ground-level ambient wind speeds to exceed the performance standards contained in the City's approved zoning codes, including Article 49A Greenway Overlay District pedestrian safety/comfort wind standards. As described below, my finding with respect to this substitute provision is conditioned on the proposed building's conformance with the City's wind standards.

Based on my review of the Plan and the shadow studies performed, it appears that there will be net new shadow cast by a project proposed on the Harbor Garage site. If net new shadow is created, it will affect a portion of the ground-level conditions. As part of my review, I must ensure that the plan includes requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate for, or otherwise offset adverse effects on water-related public interests.



**Figure 4: Building Heights of Boston Skyline**

Offsetting Measures for Building Height - Harbor Garage

In the Plan and its supplemental information filing, the City proposes several measures to offset the shadow impacts associated with the substitute provision for height as discussed above. The first measure is a contribution of \$300,000 from the Harbor Garage developer and \$100,000

from the City towards the development of Design and Use Standards that will guide development in the planning area from Long Wharf to India Wharf by establishing uniform requirements for the Harborwalk and other public open space.

In my review of the Plan and the City's supplemental information filing, through discussions with the City during the consultation process, and based on input and feedback from public comment, I am requiring a modification to the first proposed offset. I believe that the City's contribution of \$100,000 is sufficient to advance key elements of the planned work on Design and Use Standards that will enhance existing and proposed open space, as well as public amenities that will better activate the areas and create an improved sense of place for the downtown waterfront. Under this framework, the Design and Use Standards will advance the City's Public Realm Plan for the entire downtown planning area by (1) engaging in a public process to review its recommended actions and projects and developing consensus on near, medium, and longer term priorities; and (2) developing standards, specifications, and guidelines for the following: designs, features, and amenities of new and existing open space, green space, and landscaping; and wayfinding and signage for the Harbor Walk and pedestrian connections to and from the Greenway and other links identified in the Public Realm Plan; and (3) identifying opportunities for increasing resilience to flooding and storm surges under current and future condition through the enhancement of areas of the Harborwalk, open space, or other public zones or facilities through elevation and/or shoreline enhancements.

The Harbor Garage developer's contribution of \$300,000 will be directed instead to the planning, feasibility assessment, design, engineering, and permitting for a signature waterfront park and water transportation gateway on Long Wharf in the area of the current Chart House parking lot, owned by the BPDA. The conversion of the Chart House parking lot into new open space and other features that will enhance green space, the Harborwalk system and the gateway to the Boston Harbor Islands National Recreation Area was identified as a key element of the Public Realm Plan and prioritized as an offsetting measure in the City's Plan and the supplemental information filing. While the transformation of the Chart House parking lot into new open space is the primary focus of the City's offsetting measures for Hook Wharf as currently proposed, during the planning process, the concept of increasing the area's existing functions as a hub for water transportation connections to locations in Boston Harbor and the Harbor Islands was a recurrent theme. The National Park Service maintains a Harbor Park Pavilion on the Greenway which includes information and exhibitions on the Boston Harbor Islands (a unit of the National Park system)



which are accessed by passenger ferry boats from Long Wharf. Enhancing the connection from the Greenway down to Long Wharf and improving the functions, amenities and experience for Harbor Island visitors once at Long Wharf has been identified along with the open space as an important need for the planning area. I received comments both on the Plan and supplemental information strongly supporting the concept of an enhanced water transportation gateway on Long Wharf. In order to satisfy the Land and Water Conservation Fund grant requirement that Long Wharf remain as protected parkland in perpetuity, the proposed water transportation gateway would need to be reviewed and approved by the Land and Water Conservation Fund Stateside Coordinator.

Based on my review, I believe that the conversion of the Chart House parking lot to accommodate both new waterfront park and an improved water transportation gateway are not only equally important but also highly compatible and synergistic. As detailed further below, this \$300,000 offset will be placed in an escrow account to be managed and overseen by a Downtown Municipal Harbor Plan Operations Board (“Operations Board”), modelled after the Fort Point Operations Board established by the 2004 Decision on the City of Boston’s Fort Point Downtown Waterfront Phase 2 Municipal Harbor Plan.

The second and foundational offsetting measure for building height at the Harbor Garage site is the provision of \$10 million from the Harbor Garage developer towards the design and construction of public realm improvements for the New England Aquarium’s “Blueway”. A center piece of the Aquarium’s master plan, the Blueway is a public park that extends from the Rose Kennedy Greenway to the water’s edge at the far end of Central Wharf, an approximate two acre area. The Blueway will be designed to expand the public’s access to and views of the Boston waterfront, improving the public realm through transformative outdoor exhibits, open space, and activation features. Public comment letters received on the Plan and supplemental information filing strongly support the proposed Blueway offset and highlight the amenities and benefits that will be provided by the enhanced open space and waterfront activation.

As a condition of this approval, this proposed offset must be implemented in a way to ensure that the City will closely coordinate the timelines of the proposed Blueway vision and the proposed Harbor Garage project. Additionally, in order to ensure that the public benefits from a revitalized and expanded public realm on and around Central Wharf, the Aquarium must work to advance their capital campaign, planning, designing, permitting, and construction for the Blueway such that this offset will be implemented with timeframes that are closely synchronized with the Harbor Garage project. The offsetting monies shall be deposited into an escrow account to be

established for the purposes of managing the funds and ensuring that these resources are properly utilized for the Blueway and other plans, projects, and programming for public open space and activation of the Central Wharf and downtown planning area. The escrow account shall be directed and administered by a five member Downtown Municipal Harbor Plan Operations Board comprised of a representative from each of the following: EEA/CZM, DEP, BPDA, the Wharf District Council, and Boston Harbor Now. The Wharf District Council is a nonprofit neighborhood organization that represents the community on matters relating to planning, development, construction, programming events, and transportation in Wharf District, an area that extends from Christopher Columbus Park to Congress Street on Fort Point Channel. Boston Harbor Now is a nonprofit organization focused on increasing the quality, destination value, and overall awareness of Boston Harbor and its importance to the environmental, social, and economic health of the city and region. As detailed below in the Statement of Approval, to ensure that the offsetting measure of the Blueway and the enforceable implementation commitments described below are implemented in a timely and coordinated manner with the Harbor Garage redevelopment, the Operations Board shall coordinate with the Aquarium to establish a schedule for the Blueway with annual milestones and progress targets. The Operations Board shall also establish terms and procedures for overseeing and approving expenditures. Completion of the work supported by the offsetting funds shall be realized within five years of the first certificate of occupancy for the Harbor Garage project. The Aquarium must report annually to the Operations Board on progress towards implementing the Blueway, and if consistent and reasonable progress towards implementation of the milestones contained in the project schedule is not met, as determined by the Operations Board, the Board may redirect part or all of the offsetting funds to other waterfront public realm or water dependent improvements within the planning area at any time. If at the end of the five-year period following the first certificate of occupancy for the Harbor Garage development, there has not been substantial progress demonstrated and work complete on the Blueway, the Operations Board shall redirect funds to other open space, waterfront, and watershed activation projects as contained in the Public Realm Plan or identified through subsequent public process.

After my review and assessment and based on stipulations contained above and listed in the Statement of Approval section, I find that the proposed offsets, in sum, will serve to mitigate and compensate for the adverse effects of the significant height and the maximum net new shadow associated with the proposed height substitution for the Harbor Garage site. I note that while the maximum height is considerably greater than what would be allowed under the baseline Waterways

requirements, the proposed height fits within the context of adjacent and proximate buildings and within the entire City skyline, and the \$10 million for the Blueway represents the largest value of an offsetting measure to date and is commensurate with the requested height difference.

As was previously stated, the proposed substitute provision is for a maximum building height of 600 ft. The Municipal Harbor Plan process allows for a municipality to set maximum allowances for building envelopes relative to height, lot coverage and set-backs. It is not the intent of the Municipal Harbor Plan process to serve as an authorization or approval of a specific proposed development or to authorize any such project at this juncture to build to these maximum standards. In fact, it is anticipated and expected that through the subsequent MEPA and the City's Article 80 reviews, specific project proposals will be reviewed, assessed, and revised as necessary to conform to legal standards, comply with guidelines, and respond to concerns raised, and that such revised proposals could contemplate buildings of lower heights or configurations than otherwise allowed herein. It is also through these processes and the associated public comment, that development-specific concerns regarding traffic, safety, vehicular circulation, and parking will be more specifically addressed. I expect and recommend that the City welcome an open dialogue surrounding the specific dimensional details, including height, during the Article 80 approval process for the Harbor Garage site.

Approval of the substitute provision for building height proposed in the Plan requires that I find that the details and specifics of the alternative provisions together with the proposed offsetting measures will promote, with comparable or greater effectiveness, the applicable state tidelands policy objectives. As a result of my review, I agree that the proposed offset measures as modified by this Decision will provide significant amenities and benefits that will serve to enhance the public realm, the public's waterfront experience, and accommodate a range of water-dependent activities. I find that the requested substitute provision, coupled with the proposed offsetting measures, will not impair water-dependent activity and public access to the waterfront, and will appropriately serve to meet the objectives of 310 CMR 9.51(3)(d) and 310 CMR 9.51(3)(e). Therefore, I approve these substitutions and the corresponding offset measures subject to the conditions contained below in the Statement of Approval.

#### Open Space considerations – Harbor Garage

As presented in the City's Plan, the Harbor Garage site will meet the Chapter 91 requirements for 50 percent open space and no substitute provision is requested. In fact, the

redevelopment of the Harbor Garage site will reduce the current building footprint which is nearly 100 percent of the site by half, greatly enhancing open space and physical and visual connections to the waterfront. However, the City's Plan does include a clause that holds that "canopies, awnings, and covers that create a more comfortable environment for the public shall not be considered to reduce the calculated open space for Chapter 91 purposes." Under Chapter 91, the Commonwealth's interpretation is that open space means "clear to the sky," and in the calculation of building footprint (or lot coverage), building elements such as retractable roofs, glassed-in areas, canopies, balconies, awnings, and other temporary or permanent covers are included. Although the Plan did not explicitly request a substitute provision for lot coverage, I am requiring that any redevelopment comply with the 50 percent open space, clear to the sky, standard.

During the consultation period and detailed in the supplemental filing, several clarifications regarding the allocation of open space area were confirmed. I have reviewed the proposed siting considerations and agree that the objectives for supporting the Blueway connection, allowing for view corridors to and from the harbor, and buffering new development from existing buildings are important. Therefore, as a condition of this Decision, I am requiring that any redevelopment project on the Harbor Garage site must conform to specific parameters regarding the location and siting of the proposed structures on the lot. In order to advance the Blueway offset, at least 30 percent of the project site must be left as open space on the north side of the project site where it abuts Milk Street. The remainder of required open space (20 percent of the project site) shall be located on the east (Harbor) and south (East India Row) sides of the project site and distributed generally evenly in order to create a buffer between the proposed development and abutting properties. Open space on the Harbor Garage site shall be configured to maximize view corridors to and along the water, create wide pedestrian walkways, and minimize encroachment of structures on the waterfront. Open space shall integrate public activities with water-dependent uses such as water transportation and navigation, and prioritize public uses over and private uses. Open spaces shall be designed to facilitate year-round public uses and complement water-dependent uses as well as new civic, commercial, residential, hotel, and retail development.

The City's Plan contained a provision that if the Harbor Garage proponent acquired additional land area on which an existing structure is presently located, the footprint of the Harbor Garage project could be increased correspondingly if the existing structure is removed. The City's supplemental filing clarified that the only land area applicable for this provision is the site currently occupied by the Aquarium's IMAX theater, which is on a lot adjacent to the Harbor Garage site,

separated by a City right-of-way (also known as Old Atlantic Avenue and shown on City's assessor maps as extension of East India Row). Comments from the Aquarium indicate that they are willing to consider a sale provided a fair value is negotiated and further that the IMAX theater and Aquarium business and operational functions can be integrated into another building on/near the Aquarium campus. Removal of the IMAX and relocation of its functions would allow for greater access and views to the water and would advance the concept of the Blueway. DEP has indicated that a Chapter 91 license could define a project site as two discontinuous but adjacent lots separated by a single parcel of publicly owned land, which would not be included as a part of the project site, provided that the City maintains this connecting lot as open space for the term of any license issued. DEP's review for compliance with Waterways regulations would depend on the specifics of such an application. Therefore, if the developer of the Harbor Garage site reaches an agreement with the Aquarium to purchase and remove the IMAX theatre from its current location, the total lot and lot coverage values could be adjusted to incorporate the parcel/land area occupied by the IMAX, provided that the right-of-way remains under City ownership and control and is maintained as open space. However, any new structures or portions of structures planned as a result of this acquisition shall not exceed 55 ft in height and shall not exceed 50% lot coverage of the modified project site (baseline Chapter 91 standards). These parameters will help ensure the public realm and Blueway planned for the Harbor Garage site will enhance existing open space in and around Central Wharf and India Wharf.

### **Analysis of Requested Substitute Provisions – Hook Wharf**

The City's Plan proposes four substitute provisions to the Chapter 91 Water Regulations for the Hook Wharf redevelopment for: building height, lot coverage, facilities of private tenancy over flowed tidelands, and for a reconfigured water-dependent use zone. The Hook Wharf site consists of about a half an acre of land and pier, with significant area over flowed tidelands. James Hook & Co., a wholesale and retail distributor of fresh seafood in Boston since 1925, currently occupies the site. In 2008, a fire destroyed the single-story building, and after the loss, Hook has been running operations out of a temporary, modular building. There is a pile-supported seawater pump and pump house seaward of the property. The property is located between the Evelyn Moakley and Old Northern Avenue Bridges, the two gateways from downtown Boston to the Fort Point Channel and South Boston Waterfront.

As with the Harbor Garage, the plans and designs for the Hook redevelopment are still under development, but under its Plan, the City is seeking a certain building envelope, siting provisions, and use allowances that would provide maximum dimensions and general locational criteria to guide future review and permitting. The maximum height proposed for this site is 285 feet as measured to the highest occupied floor, a building footprint that will not exceed 70 percent of the project site, residential uses (facilities of private tenancy) over flowed tidelands, and a reconfigured water-dependent use zone that would result in no net change of required area.

#### Building Height – Hook Wharf

As stated above, in my discussion of substitute provisions for the Harbor Garage site, to approve any substitute provision to the height standard at 310 CMR 9.51(3)(e), I must first determine that the Plan specifies alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor planning area. The approval regulations focus on how a building's mass will be experienced at the public open spaces on the project site, especially along the waterfront and key pathways leading thereto. Within this context, I must apply the "comparable or greater effectiveness" test to determine whether the proposed substitution and offsetting measures will assure that the above objective is met. My determination relative to whether or not these provisions promote this tideland policy with comparable or greater effectiveness was conducted in accordance with the Municipal Harbor Plan regulatory guidance discussed in detail below.

Under the Waterways regulations heights shall not exceed 55 ft within 100 ft of the shoreline, stepping up one foot for every two feet landward of the project shoreline. The resulting height allowed within jurisdiction on the Hook Wharf site would be 55 ft. The Plan requests a substitution of the Waterways requirements at 310 CMR 9.51(3)(e) that would allow non-water dependent buildings up to a height of 285 ft for the highest occupiable floor (and 305 ft. overall with mechanicals). The substitute provision provides for a podium and tower building design by allowing a tower with a maximum height of 305 ft on an area not to exceed 55 percent of the project site and allowing a podium height of not more than 55 ft on an additional building footprint of not more than 15 percent of the project site. The total floor area shall not exceed 275,000 sf. The building volume for the Hook Wharf site may range between 3.5 million and 4 million cubic ft.

As summarized above, the proposed building height is greater than what would be allowed under the baseline Waterways requirements. However, the proposed height is not out of character with other buildings in close proximity to the Hook Wharf site including: the neighboring Intercontinental Hotel and Atlantic Wharf. Therefore, I believe that considering the heights of other buildings in the area, the proposed height is in keeping with the context of and appropriate for the Downtown Waterfront District harbor planning area. Further, as detailed below I find that the proposed offsets adequately compensate for the proposed increase in height.

The standard for additional building height holds that I must find that the proposed size to be relative and modest such that conditions of the ground level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question. Impacts resulting from additional height are assessed at the pedestrian level, and shadow studies included as a part of the Plan provide an analysis of how the proposed building height would compare to baseline shadows without any substitutions for building height. In this way, any new shadow impacts associated with the proposed substitute provision can be identified and may be adequately mitigated with offsetting measures. Shadow studies assessing the substitute provision for height on the Hook Wharf site indicate net new shadow would be created. Areas of new shadow affect a small area of watershed and some areas of public sidewalks and plazas. This new shadow is relatively small due to the neighboring buildings which already envelope much of the area in shadow. Because the shadow studies assumed a podium/tower design for the site which may not be the final design, the final proposed project on the Hook Wharf site should reassess shadow studies.

In addition to shadow, the effects of proposed height substitutions on the ground level environment must be assessed for wind impacts. The analysis of changes to winds depends on having very specific building massing and layouts necessary to model how the structure affects wind dynamics. Pursuant to the City's Plan and its zoning code and Article 80 process all projects must meet applicable Boston wind standards, and wind studies are required to assess how a proposed project on the Harbor Garage site will impact wind conditions at the pedestrian level on and around the site. The City will review the wind analysis for the proposed building design, massing and location to ensure that the proposed project will not cause ground-level ambient wind speeds to exceed the performance standards contained in the City's approved zoning codes, including Article 49A Greenway Overlay District pedestrian safety/comfort wind standards. Described more fully below, my finding with respect to this substitute provision is conditioned on the proposed building's conformance with the City's wind standards.

Based on my review of the Plan and the shadow studies performed, it appears that there will likely be net new shadow cast by a project proposed on the Hook Wharf site. If net new shadow is created, it will affect a portion of the ground-level conditions. As part of my review, I must ensure that the plan includes requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate for, or otherwise offset adverse effects on water-related public interests.

The City has proposed a combination of measures in an offset framework for both the proposed lot coverage substitution and the height substitution. These offsetting measures and my analysis of their capacity to mitigate and compensate for any potential diminishment of water-dependent activity and public access to the waterfront from the proposed substitutions are described below.

#### Open Space/Lot Coverage – Hook Wharf

To approve any substitute provision to the open space and lot coverage standard at 310 CMR 9.51(3)(d), I must first determine that the Plan specifies alternative site coverage ratios and other requirements that ensure that, in general, buildings for nonwater-dependent use will be relatively condensed in footprint, in order that an amount of open space commensurate with that occupied by such buildings will be available to accommodate water-dependent activity and public access associated therewith, as appropriate for the area. My determination relative to whether or not this substitute provision promotes this tidelands policy with comparable or greater effectiveness is conducted in accordance with the regulatory guidance discussed below.

The Waterways regulations require at least one square foot of the project site be preserved as open space for every square foot of building containing nonwater-dependent uses on the project site, for a baseline of 50 percent open space. The Plan proposes a substitute provision to allow for lot coverage of up to 70 percent of the Hook Wharf site, resulting in at least 30 percent of the site being preserved as publicly accessible open space.

In considering the proposed substitute provision several site-specific factors were evaluated. First, is the relatively constrained nature of the existing site. The Hook Wharf site is framed on two sides by the intersection of two busy roadways (Seaport Boulevard and Atlantic Avenue). The third side of the site abuts the Northern Avenue right-of way-which connects to the abandoned Northern Avenue Bridge. The bridge is slated for a future use still to be determined by the City. The fourth side of the Hook Wharf property is bounded by the Fort Point Channel. This side of the Hook Wharf site (approximately one third of the site) is comprised of dilapidated piers that were



previously used to support the unloading of fish for the water-dependent Hook Lobster Company. Development opportunities on the Hook Wharf site are significantly constrained by these current abutting uses, the condition of the piers and the unknown future use of the Northern Avenue right-of-way and bridge. Also, in evaluating the proposed substitute provision, I must take into consideration the nature of the uses proposed on the first floor of the proposed project. As proposed by the City and to further activate the site, the entire first floor of the proposed site will be comprised of the water-dependent James Hook & Co. family lobster business and new Facilities of Public Accommodation. Additionally, the existing site does not currently provide public access along the Fort Point Channel due to safety concerns. The proposed development on the Hook Wharf site will be required to provide Harborwalk access along the entire length of the site's project shoreline, thereby providing a significant improvement to public access on the site and to the continuity of the Harborwalk along the Fort Point Channel.

#### Offsetting Measures for Building Height and Open Space/Lot Coverage – Hook Wharf

The City has proposed two offsets to mitigate for the impacts for the proposed height and lot coverage substitution in terms of shadow and other effects on public access and water-dependent activity associated with the lot coverage substitute provision at the Hook Wharf site. These offsetting measures and my analysis of their capacity to mitigate and compensate for any potential diminishment of water-dependent activity and public access to the waterfront from the proposed substitutions are described below.

The first offsetting measure proposed in the Plan is a commitment by the Hook Wharf site developer to fund \$100,000 for the City's creation of Design and Use Standards which will guide the development of the public realm within the planning area. As described above in the offset discussion for the Harbor Garage site, in my review of the Plan and the City's supplemental information filing, through discussions with the City during the consultation process, and based on input and feedback from public comment, I am requiring a modification to this first proposed offset such that the \$100,000 will be directed instead to the planning, feasibility assessment, design, engineering, and permitting for a signature waterfront park and water transportation gateway on Long Wharf in the area of the current Chart House parking lot, owned by the BPDA. As described further below, these funds will be placed in an escrow account to be managed and overseen by the Operations Board.

The second offset proposed to mitigate the impacts of increased height and lot coverage at the Hook Wharf site is \$3 million for the construction of a new waterfront park on Long Wharf. The proposed mitigation will convert the current Chart House parking lot area into signature waterfront open space totaling approximately one third of an acre. This open space will provide a place for passive recreation as well as a gathering area for visitors heading to the Harbor Islands and other points on the harbor. As discussed above, within the context of the City's planning process for the downtown waterfront planning area, the preservation and expansion of open space was identified as a primary goal, and the Chart House parking lot location was recognized as a priority area to realize this goal. While not directly adjacent to the Hook Wharf project area, given the severely limited opportunities for new open space in the planning area, the Chart House parking lot is sufficiently proximate to the site and will have significant benefits to enhance public access and waterfront activation within the relatively constrained planning area. The conversion of the Chart House parking lot into a signature waterfront park is consistent with and advances the City of Boston's Open Space Plan, the Public Realm Plan, and other planning frameworks, and will serve as a significant investment to the creation of new parkland on the waterfront.

In my review of the proposed offset I note that given general estimates of the cost to create a high-quality urban park<sup>2</sup>, the proposed offset of \$3 million should be sufficient for the planning, design, engineering, and construction of the green space and park area. However, the site also needs substantial shoreline engineering and stabilization work, and I am concerned that without addressing the deteriorated shoreline conditions, investments in the park will be jeopardized by further erosion, flooding, and infrastructure impacts. Using general estimates of shoreline stabilization costs<sup>3</sup>, I am therefore increasing the offset by \$500,000 to ensure that there are adequate resources to complete the waterfront park and the necessary shoreline stabilization work to ensure the site is resilient to the impacts of waves and inundation.

As a condition of this approval, this proposed offset must be implemented in a way to ensure that the City will closely coordinate the timelines for the Chart House parking lot conversion into with the proposed Hook Wharf redevelopment. The offsetting monies shall be deposited into the escrow account, which shall be segregated from the account established for implementing offsetting measures for the Harbor Garage site, for the purposes of managing the funds and

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<sup>2</sup> For example, cost estimates range from \$6-10 million per acre (Trust for Public Lands, 2008); \$3-9 million without soft costs (BPDA, 2016). Does not include land acquisition costs.

<sup>3</sup> Relative Costs of Shoreline Stabilization Options ([www.mass.gov/files/documents/2016/09/tm/cost-comparison-chart.pdf](http://www.mass.gov/files/documents/2016/09/tm/cost-comparison-chart.pdf))

ensuring that these resources are properly utilized for the new park on Long Wharf, the water transportation gateway enhancements, and other plans, projects, and programming for public open space and activation of the downtown planning area. The escrow account shall be directed and administered by the Operations Board, and as detailed below in the Statement of Approval, to ensure that the offsetting measure is implemented in a timely and coordinated manner with the Hook Wharf redevelopment together with enforceable implementation commitments, the Operations Board shall establish a schedule and procedures for overseeing and approving expenditures, together with annual milestones and progress targets. Completion of the work supported by the offsetting funds shall be realized within five years of the first certificate of occupancy for the Hook Wharf project. The City must report annually to the Operations Board on progress towards implementing the waterfront park and water transportation gateway, and if consistent and reasonable progress towards implementation of the milestones contained in the project schedule is not met, as determined by the Operations Board, the Board may redirect part or all of offsetting funds to other waterfront public realm or water dependent improvements within the planning area at any time. If at the end of the five-year period following the first certificate of occupancy for the Hook Wharf redevelopment, there has not been substantial progress demonstrated and work complete, the Operations Board shall redirect funds to other open space, waterfront and watershed activation projects as contained in the Public Realm Plan, or identified through subsequent public process.

Comments received on the offset provisions for the Hook Wharf site expressed concern regarding the change in proposed offsets between the Plan and the supplemental information. The Plan originally proposed offsetting measures that included a Harborwalk connection along the western side of the Fort Point Channel from the Hook Site to 470 Atlantic Avenue. During the consultation process, EEA/CZM, BPDA, and DEP considered a variety of options to connect the Harborwalk under or over Seaport Boulevard. And while I recognize that a connection along the western side of the Fort Point Channel would be a benefit to pedestrians navigating the busy Seaport Boulevard intersection, implementing such a connection may not be feasible within the timeframe of the proposed substitutions or without additional analysis to assess structural and design considerations. Specifically, the clearance under the Seaport Boulevard bridge may not allow for an under-bridge connection especially when taking into account sea level rise projections; and an over bridge would be constrained by the height of trucks accessing Seaport Boulevard. In short, I believe that creating public open space at the Chart House parking lot is more valuable to improving

the public realm in the planning area than investing in a waterside connection that may not be feasible.

While a watersheet floating dock connection from the Hook Wharf site to the 470 Atlantic Avenue Harborwalk does not appear to be feasible, there is a significant need for improving the connection between the two sites. In the planning process and during consultation with the City, a range of options were examined including a span bridge walkway and a connection across Seaport Boulevard on Moakley Bridge where the Harborwalks would cross, both of which also were found to be impracticable. The best solution for making the Harborwalk connection is to have pedestrians cross Seaport Boulevard at the intersection with Atlantic Avenue. To enhance pedestrian safety and to improve the connection, this approach will require adequate wayfinding and signage and a wider pedestrian crossing zone with features such as enhanced marking/painting on street and possibly a raised crossing. As a condition of this Decision, I am requiring the City to work with developer and interested stakeholders on developing and implementing a plan to improve the Harborwalk connection between Hook Wharf and 470 Atlantic Avenue across Seaport Boulevard with significant enhancements for pedestrian safety and wayfinding.

In my analysis of the substitute provisions proposed for Hook Wharf by the City's Plan, I note that the site was the subject of a prior Municipal Harbor Plan and Secretary's Decision. While not the focus of any proposed substitute provisions or any future redevelopment plans, the 2004 Decision on the City of Boston's Fort Point Downtown Waterfront Phase 2 Municipal Harbor Plan includes within the Conditions of Approval section a provision affecting the Hook Wharf site. The 2004 condition states: "(1) [Facilities of Public Accommodation] FPAs and [Special Public Destination Facilities] SPDFs will help activate the Fort Point Channel waterfront, and further the goals articulated in the [Fort Point Channel Watersheet Activation Plan] FPCWAP for public use of this waterfront area. Recognizing the importance of ground level public space (exterior and interior) to the on-going activation of the Fort Point Channel waterfront, I am, therefore, requiring the following: ... (d) Should [James Hook & Co.] Hook Lobster - an existing water-dependent use located largely over flowed tidelands—seek at some time in the future voluntarily discontinue its water-dependent use and pursue development in the form of a nonwater-dependent use project, the entire interior ground level, less an area equal to that allowed by the Waterways Regulations for Upper Level Accessory Use (310 CMR 9.02), shall be occupied by an FPA(s) meeting the standards for a SPDF, as defined in this and other Boston Harbor MHP decisions".

I have carefully reviewed and evaluated this 2004 requirement, given the events that have occurred in the last 14 years and the implications of the stipulation. As noted previously, James Hook & Co. has been operating a wholesale and retail seafood operation at the site since about 1925. James Hook & Co. is considered an active water-dependent use. In 2008, a fire destroyed the building, and after the loss, Hook has been running operations out of a temporary, modular building. Hook has proposed to redevelop a portion of the site, while continuing the wholesale and retail seafood operations, by expanding their commercial businesses to include on-site restaurant facility(ies). These water-dependent uses and Facilities of Public Accommodation will be located on the ground floor. The redevelopment also includes non-water-dependent uses on upper floors. As this confluence of mixed uses does not appear to have been foreseen in the 2004 Decision and the fact that the water-dependent use will continue at the Hook Wharf site, I do not find that the specific condition described in the 2004 Decision—namely, that James Hook & Co. will “voluntarily discontinue its water-dependent use”—has been met. This is compounded by the fact that a fire demolished the Hook Lobster building, again making the proposed redevelopment not strictly “voluntary.”

Therefore, given the facts before me, acknowledging that the ground floor uses will be water-dependent and Facilities of Public Accommodation uses, that the redevelopment will allow for significant improvements to the current site where much of it is dilapidated and unsafe for public access, and that the spirit of the 2004 condition was the activation of the Fort Point Channel waterfront, I am allowing for the proposed ground floor uses (water-dependent use and Facilities of Public Accommodation, providing for permissible upper level accessory use), while requiring an one-time payment of \$500,000 to the Fort Point Operations Fund for programming and projects that advance open space and watershed activation elements of the Fort Point Channel. If James Hook & Co. ceases or substantially reduces its water-dependent operations at the site during the term of my Decision, I am requiring that the ground floor continue to be occupied by a similar combination of water-dependent uses and Facilities of Public Accommodations, or by Special Public Destination Facilities.

Approval of the substitute provisions for building height and lot coverage proposed in the Plan requires that I find that the details and specifics of the alternative provisions together with the proposed offsetting measures will promote, with comparable or greater effectiveness, the applicable state tidelands policy objectives. As a result of my review, I agree that the proposed offset measures will provide significant amenities and benefits that will serve to enhance the public realm, the

public's waterfront experience, and accommodate a range of water-dependent activities. I find that the requested substitute provisions, coupled with the proposed offsetting measures, will not impair water-dependent activity and public access to the waterfront, and will appropriately serve to meet the objectives of 310 CMR 9.51(3)(d) and 310 CMR 9.51(3)(e). Therefore, I approve these substitute provisions and the corresponding offset measures subject to the conditions contained below in the Statement of Approval.

#### Substitute Provisions for Facilities of Private Tenancy over Flowed Tidelands

To approve any substitute provision to the Facilities of Private Tenancy standard at 310 CMR 9.51(3)(b), I must determine that the Plan specifies alternative limitations and other requirements that ensure that, no significant privatization of waterfront areas immediately adjacent to the water dependent use zone will occur for nonwater-dependent purposes in order that such areas will be generally free of uses that conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the water-dependent use zone, as appropriate for the area. My determination relative to whether this substitute provision promotes this tidelands policy with comparable or greater effectiveness is based on whether the City's Plan has adequately demonstrated that the proposed substitute provision to allow for Facilities of Private Tenancy over flowed tidelands on a portion of the Hook Wharf site will not adversely affect water-dependent uses and public access, enjoyment, and activation of the flowed tidelands.

Chapter 91 regulations prohibit Facilities of Private Tenancy on any pile-supported structures on flowed tidelands and at the ground level of any filled tidelands within 100 feet of a project shoreline. As such, the allowance of privatization of flowed tidelands is a very high bar—these are areas where the public rights and interests are greater than in filled tidelands. In fact, the only three sites where Facilities of Private Tenancy over flowed tidelands were approved were allowed by the original 1991 Boston Harborpark Plan<sup>4</sup>, and for two of these sites, no Facilities of Private Tenancy have been developed. To approve such a significant departure from the Waterways standard, a Plan must demonstrate requirements, alternative limitations, and offsetting measures such that privatization of the waterfront would not conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the area. Significant concern was raised in comments about this proposed substitute provision and the potential implications for privatization

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<sup>4</sup> In the 1991 Harborpark Plan, Facilities of Private Tenancy over flowed tidelands were approved at three locations: Battery Wharf; Tudor Wharf (Long Wharf); and Charlestown Navy Yard Pier 5. Of these three projects, only the Facilities of Private Tenancy at Battery Wharf have been built.

of the waterfront and the need for supporting and encouraging water-dependent uses and public access and activation.

Based on my review of the City's Plan and its supplemental information filing, I find the analysis and justification for the proposed substitute provision allowing the location of Facilities of Private Tenancy over flowed tidelands to be insufficient. The site contains both flowed and filled tidelands, with approximately 53 percent of filled and 47 percent of flowed. With a proposed footprint that includes a tower of no more than 55 percent of lot coverage (over a base podium of 70 percent), there is adequate space on the project site to locate Facilities of Private Tenancy over the filled tidelands portion, and as explained further in the next section on the Water-Dependent Use Zone, the flowed tidelands area of this site should be dedicated primarily to water-dependent uses, public access, and Facilities of Public Accommodations. For these reasons, I am denying the proposed substitute provision for Facilities of Private Tenancy over flowed tidelands at the Hook Wharf site.

#### Substitute Provisions for Water-Dependent Use Zone

To approve any substitute provision to the standard for Water-Dependent Use Zone at 310 CMR 9.51(3)(c), I must first determine that the Plan specifies alternate distances and other requirements that ensure new or expanded buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that sufficient space along the water's edge will be devoted exclusively to water-dependent use and public access associated therewith as appropriate for the area. Second, within the context of the Plan, the City must demonstrate that the substitute provision will meet this standard with comparable or greater effectiveness. My determination relative to whether or not these provisions promote this tideland policy with comparable or greater effectiveness is conducted in accordance with the Municipal Harbor Plan regulatory guidance discussed in detail below.

In the Plan, the City requests a substitution to the Water-Dependent Use Zone requirement at 310 CMR 9.51(3)(c). The proposed Hook Wharf site may require the reconfiguration of the Water-Dependent Use Zone depending on the final proposed development. Irrespective of the exact site layout, any proposed development would maintain at least a width of 12 ft along the project shoreline. Besides the Harborwalk, the final site design will ensure potential restaurant uses do not encroach into these areas. Additionally, this reconfigured Water-Dependent Use Zone will include slips for water taxis and other boats, touch and go docking for public access, and docking

for dinghies and other small craft. The proposed reconfiguration will enhance pedestrian access where there currently is none and protects the shoreline for water-dependent uses.

As a result of my review, I find that the City has demonstrated that the proposed substitute provision ensures that the Water-Dependent Use Zone provided along the edge of the project shoreline will be devoted exclusively to water-dependent use and public access is sufficient, and I therefore approve this substitute provision. My approval of this substitution is conditioned that under no circumstances will there be a net loss of Water-Dependent Use Zone area as a result of reconfiguration.

### **Substitute Provision for Building Height – Area wide**

The City's Plan includes a proposed substitute provision related to climate change resilience and preparedness which would allow additional height for existing buildings (excluding the proposed redevelopment sites for Harbor Garage and Hook Wharf) for up to additional two floors, not to exceed 30 feet above the existing building height, including mechanicals. The purpose is to allow for existing buildings to relocate HVAC and other building operational functions from ground or sub-ground floors to areas above current and future flood levels. The City's proposed substitution is stipulated such that no new structure shall exceed 200 feet in height for total building height, any ground level or below ground level mechanicals shall be relocated to an upper floor, or otherwise flood-proofed, all existing open space on the project site shall be publicly accessible, 100 percent of the interior ground floor area (minus upper level accessory uses as defined in 310 CMR 9.02) shall be Facilities of Public Accommodation or a water-dependent use, any new structure shall be oriented to minimize net new shadow and to avoid net new shadow on Long Wharf seaward of the Marriott, and any additional height shall be offset as described below. The Plan affirms that this additional building height is not "by right," and shall only accommodate projects that have received all other applicable federal, state, and local approvals.

Recent studies and analysis through the state's Boston Harbor Flood Risk Model which identified risk and depth of water resulting from storm surge-induced coastal flooding in the City under current and future sea level rise and storm surge have shown that many areas in Boston are vulnerable to inundation under current and future conditions. The string of coastal storms this winter have affirmed this, with areas of the downtown planning area experiencing coastal flooding of up to 2 ft. As previously discussed, there are several initiatives and efforts underway at to advance work to increase preparedness and resiliency, including the City's Climate Ready Boston initiative



and its district level plans, as well as planning and grants at the state level. The City is planning to advance the Climate Ready Boston initiative this summer by undertaking a neighborhood-level study of vulnerability, risk, and adaptation actions for the Downtown waterfront planning area.

I recognize that in addition to work by the public sector, there are actions that property owners, businesses, and organization can take to reduce their risk and vulnerability and increase resilience to flooding and other impacts. The proposed substitution to allow for an increase in height in order to support work by property owners to relocate heating, ventilation, air-conditioning, water systems, and other building mechanicals from flood-prone areas on the ground or sub-grade floors is one which I strongly support. In keeping with the approval standard for building height at 310 CMR 9.51(3)(e), I must determine that the Plan specifies alternative height limits and other requirements that ensure that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor planning area. As stated above, in my discussion of height substitute provisions for the Harbor Garage site and Hook Wharf sites, within this context, I must apply the “comparable or greater effectiveness” test to determine whether the proposed substitution and offsetting measures will assure that the above objective is met. My determination relative to whether or not these provisions promote this tideland policy with comparable or greater effectiveness was conducted in accordance with the Municipal Harbor Plan regulatory guidance discussed in detail below.

Under the Waterways regulations, heights shall not exceed 55 feet (ft) within 100 ft of the shoreline, stepping up one foot for every two feet landward of the project shoreline. The Plan requests a substitution of the Waterways requirements at 310 CMR 9.51(3)(e) that would allow new structures on existing nonwater-dependent buildings. Under the City’s proposed substitute provision, these new structures could result in heights of up to additional two floors, not to exceed 30 feet above the existing building height and shall not exceed 200 ft. total. As summarized above, the proposed building height is greater than what would be allowed under the baseline Waterways requirements. In my review of the requested substitution, I am concerned that allowing for up to two additional floors for existing buildings in order to relocate mechanicals may be more than what would be necessary to achieve the objective at hand. However, recognizing that existing buildings with owner-occupied space, tenants, and/or residents generally will not have available space to relocate vulnerable building mechanical systems, allowing for these existing buildings to have a

modest amount of additional height to accommodate such reconfigurations is an important option to advancing resilience and preparedness within the planning area. DEP is currently evaluating how such a provision could be included and implemented in future revisions to the Waterways regulations.

As described above, the City has proposed restrictions on the area-wide height substitute provision. In order to ensure that such additional height is modest and will not result in impacts to the ground level environment that would not be conducive to water-dependent activity and associated public access, I am modifying the requested substitution with the following restrictions: (1) any additional height is limited only to moving mechanicals from existing buildings to the roof or to an upper floor above the City's planning target flood level, which is the one percent annual chance coastal flood event with 40 inches of sea level rise as established in City's Zoning Code Article 37, Green Buildings and the Climate Resiliency - Review Policy Update; (2) any additional height shall be limited to only that necessary to accommodate the additional space for the relocation of the building mechanicals; (3) the new height shall be no more than 30 ft above the current tallest occupied floor; (4) the new structure(s) on the existing building configured and set back from the sides so that it avoids if possible, and if not, minimizes net new shadow; and (5) notwithstanding stipulation #4, the new structure(s) shall avoid net new shadow on Long Wharf, seaward of the Marriott.

#### Offsetting Measures for Building Height – Area wide

The Plan does not propose specific offsets for this proposed substitute provision but indicates that the offsetting measures would be determined as part of the Chapter 91 licensing. In my analysis of the requested substitution and a commensurate offsetting measure, I have weighed a number of factors. Given the significance of increasing the planning area's resilience to current and future hazards, I believe that allowing strictly limited additional height for existing buildings in order to accommodate the relocation of building mechanicals from areas that are vulnerable to flood impacts is an important objective. As described above, I have included a suite of stipulations that would limit this height and would ensure that there will be no impacts to the ground level environment that would adversely affect water-dependent activity and associated public access on the ground level. The relocation of building mechanicals to roof or upper floors will require resources from property owners and will involve substantial work, likely operational downtimes, and other hardships. While I did consider a modest fee for any net new shadow, I believe that the

benefits and merits of the provision (i.e., increasing resilience to coastal flooding) are such that I would not want to disincentivize this type of resilience practice, and on balance, I believe that the requirements contained herein will suffice to promote the tidelands objective, and I therefore approve this substitute provision with the stipulations as detailed above.

### **Amplification for Activation of Commonwealth Tidelands for Public Use**

As part of the Plan, the City requests an amplification to the standard for the Activation of Commonwealth Tidelands for Public Use at 310 CMR 9.53(2)(b) & (2)(c). This amplification requires that all exterior private tideland areas that are planned for public access shall be held to the public activation standard used for Commonwealth Tidelands.

The City's Plan proposes to implement the amplification of publicly accessible space in two ways. First the City will develop Design and Use Standards that will enhance existing and proposed open space, as well as public amenities that will better activate the areas and create an improved sense of place for the downtown waterfront. The Design and Use Standards will advance the City's Public Realm Plan by (1) engaging in a public process to review its recommended actions and projects and developing consensus on near, medium, and longer term priorities; and (2) developing standards, specifications, and guidelines for the following: designs, features, and amenities of new and existing open space, green space, and landscaping; and wayfinding and signage for the Harbor Walk and pedestrian connections to and from the Greenway and other links identified in the Public Realm Plan; and (3) identifying opportunities for increasing resilience to flooding and storm surges under current and future condition through the enhancement of areas of the Harborwalk, open space, or other public zones or facilities through elevation and/or shoreline enhancements.

This amplification also clarifies that the Aquarium is the primary Special Public Destination Facility and water-dependent use in the planning area and is therefore afforded additional protection against displacement by nonwater-dependent uses. For the purposes of protecting and promoting the Aquarium, the amplification for Activation of Commonwealth Tidelands will also be implemented through a legally binding agreement among the City, the developer for the Harbor Garage site, and the Aquarium. As detailed in the Statement of Approval section below, the agreement shall address an indemnity for the Aquarium against construction related visitor and event revenue loss and parking needs both during construction and for the long-term.

Comments received regarding this amplification supported the concept of protection the Aquarium. The Aquarium itself commented and provided more details relating to the content of the

future Memorandum of Understanding and the indemnity plan. The developer also commented to provide their perspective and details on the pending agreement. Comments from Harbor Towers questioned why similar protective measures were not being implemented for their residents. As a public water-dependent use and the Special Public Destination Facility for the planning area, the Aquarium is afforded protections under Chapter 91 regulations. Chapter 91 regulations prohibit nonwater-dependent uses from creating adverse impact or to disrupt those existing water-dependent uses. As a nonwater-dependent use with no public access or Facilities of Public Accommodation, Harbor Towers is not afforded these protections under Chapter 91 regulations.

The Harbor Towers has also submitted arguments urging me to condition this Decision on a requirement that a minimum number of parking spaces be made available in the proposed Harbor Garage for Harbor Tower resident use. The Harbor Towers argues that the Plan would otherwise authorize a use that is inconsistent with the public purposes—namely, residential development and accompanying accessory uses—for which the land was conveyed by the Commonwealth pursuant to Chapter 663 of the Acts of 1964. I do not construe the Plan as authorizing any uses that are inconsistent with public purposes; however, it is not my role to determine whether the “prior use” doctrine applies, such that special legislation may be required for this development to proceed. Rather, it is incumbent on the developer of the Harbor Garage site to comply with any common law or other legal requirements that may apply, including any contractual obligations to the City of Boston that may remain valid today. I strongly encourage representatives of Harbor Towers and the developer of the Harbor Garage site to engage in productive discussions, and I am optimistic that an agreement can be realized between the two entities regarding issues of common interest.

### **Amplification for Engineering and Construction Standards**

As part of the Plan, the City requests an amplification to the standard for Engineering and Construction Standards (310 CMR 9.37(3)(c)). This amplification recognizes the increase risk of flooding and coastal storm impacts under rising sea levels and identifies the vulnerability of the public realm including the Harborwalk and public open spaces. The proposed amplification specifies that areas improved for public open space shall also be incrementally elevated, to improve resiliency, as feasible. The City is framing this work as a non-structural alternative to barriers and hardened structures. This amplification will be guided by the City’s Design and Use Standards which will recommend appropriate increases in elevation for public open spaces in the planning area.

Along with the provisions to allow existing buildings to elevate mechanicals out of flood risk areas, I strongly support measures to increase the resiliency of public parks, facilities, and amenities. The concept of raising elevation is an adaptation technique that should be evaluated in the assessment of strategies and actions to reduce risk and increase resilience. As discussed above, the City has made significant strides through its Climate Ready Boston initiative, and I understand that the downtown district is one of the next areas of focus for the City to take a higher resolution look at vulnerabilities, assess risk and impacts, identify and analyze actions and practices, and prioritize steps to advance the plan. I anticipate the Climate Ready Boston work for the downtown area will assess the benefits and the relative costs of elevating public realm areas. I further note that 310 CMR 9.37(3)(c) requires that projects with coastal or shoreline engineering structures must evaluate and DEP must require non-structural alternative where feasible, and I find this amplification to be consistent with and to advance this tidelands regulatory standard.

**Table 1. Summary of substitute provisions and offsetting measures as modified by this Decision**

Regulatory Provision	Chapter 91 Standard	Proposed Substitution	Approved Substitution	Approved Offsetting Measures
<b>Harbor Garage site</b>				
310 CMR 9.51(3)(e): Height Standards and Related Impacts on Public Use or Access	New or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet landward of the high water mark; at greater landward distances, the height of such buildings shall not exceed 55 feet plus ½ foot for every additional foot of separation from the high water mark.	Allow height up to 585 feet to highest occupiable floor (no more than 600 feet).	Maximum height of 585 feet to highest occupiable floor (no more than 600 feet) <ul style="list-style-type: none"> <li>• Minimize net new shadow</li> <li>• Avoid new shadow on Long Wharf</li> <li>• Meet City code for wind conditions at ground level</li> </ul>	\$300,000 for planning, feasibility assessment, design, engineering and permitting for a signature waterfront park and water transportation gateway at Chart House parking lot (Long Wharf)  \$10 million for design and construction of public realm improvements for the New England Aquarium Blueway
310 CMR 9.51(3)(d): Lot Coverage	At least one square foot of the project site at ground level (exclusive of areas lying seaward of a project shoreline) shall be preserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site.	None requested	<ul style="list-style-type: none"> <li>• New open space on 50% site from current conditions</li> <li>• Lot coverage/building footprint includes elements such as retractable roofs, glassed-in areas, canopies, balconies, and awnings</li> <li>• Open space siting requirements apply</li> </ul>	N/A
<b>Hook Wharf site</b>				
310 CMR 9.51(3)(b): Facilities of Private Tenancy (FPTs)	Facilities of Private Tenancy shall not be located on any pile-supported structures on flowed tidelands; no significant privatization of waterfront areas immediately adjacent to the water-dependent use zone will occur for nonwater-dependent purposes, in order that such areas will be generally free of uses that conflict with, preempt, or otherwise discourage water-dependent activity or public use and enjoyment of the water-dependent use zone.	Allow upper floor Facilities of Private Tenancy over flowed tidelands on a portion of the Hook Wharf site	Denied <ul style="list-style-type: none"> <li>• Facilities of Private Tenancy may be located over filled but not flowed tidelands.</li> </ul>	N/A

Regulatory Provision	Chapter 91 Standard	Proposed Substitution	Approved Substitution	Approved Offsetting Measures
310 CMR 9.51(3)(e): Height Standards and Related Impacts on Public Use or Access	New or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet landward of the high water mark; at greater landward distances, the height of such buildings shall not exceed 55 feet plus ½ foot for every additional foot of separation from the high water mark.	Allow height up to 285 feet to highest occupiable floor (no more than 305 feet)	Maximum height of 285 feet to highest occupiable floor (no more than 305 feet) <ul style="list-style-type: none"> <li>Minimize net new shadow</li> <li>Meet City code for wind conditions at ground level</li> </ul>	\$3.6 million for planning, feasibility assessment, design, engineering, permitting and construction of a signature waterfront park at Chart House parking lot (Long Wharf)  \$500,000 one-time payment to Fort Point Operations Fund for programming and projects that advance open space and watersheet activation elements of the Fort Point Channel
310 CMR 9.51(3)(d): Lot Coverage	At least one square foot of the project site at ground level (exclusive of areas lying seaward of a project shoreline) shall be preserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use on the project site.	Lot coverage shall not exceed 70 percent	Maximum lot coverage of 70% <ul style="list-style-type: none"> <li>Lot coverage/building footprint includes elements such as retractable roofs, glassed-in areas, canopies, balconies, and awnings</li> </ul>	
310 CMR 9.51(3)(c): Water-Dependent Use Zone (WDUZ) setbacks	New or expanded buildings for nonwater-dependent use, and parking facilities at or above grade for any use, shall not be located within a water-dependent use zone; Plan may specify alternative setback distances and other requirements which ensure that new buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that sufficient space along the water's edge will be devoted exclusively to water-dependent activity and public access.	Allow a reconfigured WDUZ that shall have an area that is equal to or greater than a compliant WDUZ, and in no case shall it be less than 12 feet	Reconfigured WDUZ allowed <ul style="list-style-type: none"> <li>Maintain at least a 12 ft width along the waterfront</li> <li>Ensure potential restaurant uses do not encroach into WDUZ</li> <li>Reconfigured WDUZ to include slips for water taxi and other boating uses, free public touch-and-go docking, and docking for dinghies and small craft</li> <li>Enhance pedestrian access where there currently is none</li> </ul>	N/A

Regulatory Provision	Chapter 91 Standard	Proposed Substitution	Approved Substitution	Approved Offsetting Measures
<b>Area-wide</b>				
310 CMR 9.51(3)(e): Building Height	New or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet landward of the high water mark; at greater landward distances, the height of such buildings shall not exceed 55 feet plus ½ foot for every additional foot of separation from the high water mark.	Allow additional building height of not more than 30 ft to accommodate the relocation of existing building mechanicals to roof or upper floors.	Maximum height of 30 ft <ul style="list-style-type: none"> <li>• Limited to moving mechanicals from existing buildings to the roof or to an upper floor above current or future base flood elevation</li> <li>• any additional height limited to only that necessary to accommodate the relocation of the building mechanicals</li> <li>• new structure(s) on the existing building configured and set back from the sides so that it avoids if possible, and if not, minimizes net new shadow</li> <li>• avoid net new shadow on Long Wharf</li> </ul>	Relocation of vulnerable building mechanicals will increase the planning area’s resilience to current and future hazards; conditions will ensure that water-dependent activity and associated public access on the ground level will not be adversely affected



## **Baseline Requirements of the Municipal Harbor Plan**

The Plan provides a set of requirements that are to be included in any development regardless of whether substitutions are needed. These requirements include a public access network (Harborwalk) that is at least twelve feet wide with no obstructions and amenities such as signage, seating, and lighting along the water's edge to be developed consistent with the City's Design and Use Standards.

## **Extended License Terms**

The Plan does not include recommendations for additional public benefits that would be required if the Harbor Garage or Hook Wharf project proponents request an extended license term from DEP. However, upon completing my review and based on comments received, I am recommending that water transportation fees and other funds derived from extended licensing terms be directed to the development of a water transportation gateway at the proposed park in the current location of the Chart House parking lot. During the licensing process, DEP should closely coordinate with the City of Boston on the appropriateness of public benefits associated with a request for any extended term license.

## **C. Relationship To State Agency Interests**

The Central Artery Tunnel (CA/T) Project, the extensive public infrastructure project completed in 2007, relocated the elevated Interstate 93 highway underground for the purposes of reducing traffic congestion, improving traffic flow, and eliminating aging infrastructure which effectively divided the City. The CA/T project required significant investment of public funding and resulted in a network of publicly owned assets including tunnels, ramps, and roadways. The alignment of a portion of the CA/T project extends beneath the planning area for Downtown Waterfront District Municipal Harbor Plan and specifically, within close proximity to the Hook Wharf site. As such, development on the Hook Wharf site must ensure that the CA/T project is not compromised by proposed building footings, foundations, or other subsurface activity. Close coordination with Massachusetts Department of Transportation (MassDOT) will be required as the design for the proposed Hook Wharf site is developed and finalized.

Additionally, MassDOT has begun work on a Feasibility Reassessment for the North South Rail Link Project to update the prior work on the potential project (Draft Environmental Impact Report, 2003) to determine if further technical and financial analysis is warranted. As with the CA/T

project, the alignment the North South Rail Link project extends beneath the planning area for Plan and specifically, within close proximity to the Hook Wharf site. Again, any potential development on the Hook Wharf site must be conducted in close coordination with MassDOT.

The Magenta Zone is an area along the waterfront of the Boston Inner Harbor and the Fort Point Channel designated in 1968 by Congress (PL 90-312) to be not a navigable water of the United States. Areas located within the Magenta Zone are not subject to the jurisdiction of the U.S. Army Corps of Engineers. The practical implication of this designation is that a greater degree of responsibility for the management of this watershed lies with the City of Boston. The majority of the geographic scope of the Plan is located within the Magenta Zone including the Harbor Garage site and the New England Aquarium and the surrounding waters of India and Long Wharfs. However, the Hook Wharf site (flowed and filled lands) are not included in the Magenta Zone and are therefore subject to Army Corps jurisdiction. Many of the proposed water transportation infrastructure and public amenities provided in the Plan are located within the Magenta Zone near Long Wharf and the Aquarium. Review and permitting of structures will be overseen by the City of Boston and DEP.

#### **D. Implementation Strategies**

Pursuant to 301 CMR 23.05(4), the Plan must include enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and coordinated manner to offset the effect of any plan requirement less restrictive than that contained in 310 CMR 9.00.

The provisions of this Plan will be implemented through regulatory and environmental review provisions, through fiduciary mechanisms, and through additional stakeholder processes.

Provisions of the plan relating to minimizing shadow and wind impacts will be implemented through the City of Boston's Article 80 process. It is through this process that specific project proposals including building design, placement, and massing will be evaluated for shadow and wind impacts. Specifically, proposed projects at the Harbor Garage and Hook Wharf Site are required to avoid shadow impacts within shadow prohibition zones and minimize net new shadow as discussed in this Decision. Similarly, wind impacts of final building designs will be measured and mitigated during the City's Article 80 process according to the City's wind standards (Article 49A Greenway Overlay district pedestrian safety/comfort wind standards).

Through the MEPA review process, project proponents will be required to evaluate alternatives, assess environmental impacts associated with proposed projects, and demonstrate how potential impacts are to be avoided, minimized and mitigated. This process will inform the evolution of the proposed developments on the Harbor Garage and Hook Wharf sites by public and agency comments and MEPAs environmental review. As previously state, the proposed substitute provisions in this Plan represent building envelope maximums not final, approved designs.

DEP's Chapter 91 licensing process under the Waterways regulations will implement the portions of this plan associated with developing additional funding for water transportation improvements. Fees for the application of long-term licenses including those associated with the occupation of filled tidelands, waterfront activation, and water transportation mitigation will be directed to an account held in reserve for the implementation of specific offsets outlined in this Decision.

Lastly, the disbursement of offset funds as provided in this Decision will be overseen and directed by a Downtown Municipal Harbor Plan Operations Board as described elsewhere in this Decision. The Operations Board will be responsible for first, establishing a schedule with annual milestones and progress targets to ensure the timely and effective expenditure of offset funds as identified in this Plan before the close of the five year period (from receipt of the first certificate of occupancy). If milestones and targets are not met, the Operations Board may redirect funds to other open space, waterfront and watersheet activation projects as contained in the Public Realm Plan or as identified through subsequent public process. Based on the information provided in the Plan and as discussed above, implementation commitments include the approval through the City's Article 80 process which will require that proposed projects meet shadow and wind standards stated herein; assessment of licensing fees through DEP's Chapter 91 licensing; and the creation of and oversight by an Operations Board for the effective disbursement of offset funding as described in this Decision. With the identification of the implementation commitment discussed above, I believe no further commitments are warranted, and I find that this approval standard has been met.

#### **IV. EFFECTIVE DATE AND TERM OF APPROVAL**

This Decision shall take effect immediately upon issuance on April 30, 2018. As requested by the City of Boston, the Downtown Waterfront Municipal Harbor Plan Decision shall expire ten years from this effective date unless a renewal request is filed prior to that date in accordance with the procedural provisions of 301 CMR 23.06. No later than six months prior to such expiration date, in addition to the notice from the Secretary to the City required under 301 CMR 23.06(2)(b), the City shall notify the Secretary in writing of its intent to request a renewal and shall submit therewith a review of implementation experience relative to the promotion of state tidelands policy objectives.

## V. STATEMENT OF APPROVAL

Based on the planning information and public comment submitted to me pursuant to 301 CMR 23.04 and evaluated herein pursuant to the standards set forth in 301 CMR 23.05, I hereby approve the City of Boston Downtown Waterfront District Municipal Harbor Plan and supplemental information filing according to the terms and obligations contained herein and subject to the following conditions:

1. With respect to Harbor Garage building height substitution and offsets, the following conditions apply:
  - The new building must comply with ground-level ambient wind speeds and performance standards contained in the City's approved zoning codes, including Article 49A Greenway Overlay District pedestrian safety/comfort wind standards.
  - The new building must minimize net new shadow and must avoid the City's designated shadow protection zone on Long Wharf.
  - The new building footprint must allow for at least 30 percent of the project site to be open space on the north side of the project site (Milk Street) and 20 percent of open space on the east (Harbor) and south (East India Row) sides of the project site and distributed generally evenly in order to create a buffer between the proposed development and abutting properties.
  - To support the preliminary stages of the waterfront park and water transportation gateway at the Chart House parking lot (planning, feasibility assessment, design, engineering and permitting), the developer of the Harbor Garage site will deposit \$300,000 to an escrow fund described below prior to the filing of an Environmental Notification Form with the MEPA Office.
  - To support the preliminary stages of the Blueway project (planning, feasibility assessment, design, engineering and permitting) the developer of the Harbor Garage site will deposit \$1 million (of the \$10 million offset) to an escrow fund described below within 14 days after the issuance of the Chapter 91 license.
  - The \$9 million balance of the offset shall be deposited to an escrow fund described below within 14 days after issuance of the first Certificate of Occupancy.

- All monetary contributions referenced above shall be made to an escrow fund established legally by the Harbor Garage developer for the purposes of ensuring that these resources are properly utilized for the Blueway and other plans, projects, and programming for public open space, activation, and resilience of the downtown planning area. The escrow account will be directed and administered by the Downtown Municipal Harbor Plan Operations Board as described above in Section III. The board will oversee operation and expenditures from the fund.
  - To ensure that offset contributions that will be held in escrow and managed by the Operations Board are implemented in a timely manner, said Board shall be created, members identified, and have held at least one public organizing meeting within 6 months of issuance of this Decision.
  - The Operations Board shall coordinate with the Aquarium to establish a schedule for the Blueway with annual milestones and progress targets. The Operations Board shall establish terms and procedures for overseeing and approving expenditures. Substantial progress on completion of the work supported by the offsetting funds must be realized within five years of the first certificate of occupancy for the Harbor Garage project.
  - The Aquarium must report annually to the Operations Board on progress towards implementation of the Blueway, and if consistent and reasonable progress towards implementation of the milestones contained in the project schedule is not met, as determined by the Operations Board, part or all of offsetting funds may be applied to other waterfront public realm or water dependent improvements within the planning area as directed by the Operations Board, and shall be so redirected at the conclusion of the five year period after the first certificate of occupancy for the Harbor Garage project.
2. The application of the substitutions and amplifications in the Plan for the Harbor Garage site requires that a legally binding agreement be signed by the developer for the Harbor Garage site, the Aquarium, and the City. This agreement must be in place and signed by all parties no later than 60 days following the effective date of the BPDA's Scoping Determination (per Boston's Zoning Code Article 80 process) for a proposed

development on the Harbor Garage site. The agreement shall include provisions which address the following principles:

- Interim Parking. During construction, the developer of the Harbor Garage site shall commit to provide parking within reasonable proximity to the Aquarium on weekends (500 spaces) and weekdays (250 spaces) and at a price point which does not exceed present circumstances.
  - Future Parking. The developer of the Harbor Garage site shall commit to providing parking in the same amounts and timing for the Aquarium in the proposed development.
  - Indemnification. The developer of the Harbor Garage site shall commit to ensure the viability of the Aquarium during construction of the proposed development. This commitment includes a \$30 million indemnification framework to cover loss of revenue over the estimated three-year construction period. Baseline revenue numbers will be based on 1.37 million guests per year for the three-year construction schedule. The first \$10 million shall be covered in whole. The next \$20 million shall be subject to claw-back from the developer based upon future Aquarium revenue increases above preconstruction revenue. The Aquarium will repay fifty percent of the revenue increases for a period of four years after the first Certificate of Occupancy for the Harbor Garage development. The final agreement must also include terms to address the event that construction exceeds the estimated three-year window. If final agreement on the terms of the MOU are not reached by the developer of the Harbor Garage property and the Aquarium, then the parties are required to engage in mediation, or if the parties so agree, to binding arbitration.
3. With respect to the Hook Wharf building height and open/space lot coverage substitutions and offsets, the following conditions apply:
- The proposed building must comply with ground-level ambient wind speeds and performance standards contained in the City's approved zoning codes, including Article 49A Greenway Overlay District pedestrian safety/comfort wind standards.
  - The new building must minimize net new shadow.

- To support the preliminary stages of the signature waterfront park and water transportation gateway at Chart House parking lot on Long Wharf, the developer of the Hook Wharf site will deposit \$100,000 to an escrow fund described below prior to the filing of an Environmental Notification Form with the MEPA Office.
- To support the further development of the signature waterfront park and water transportation gateway at Chart House parking lot on Long Wharf, the developer of the Hook Wharf site will deposit \$250,000 (of the \$3.6 million offset) to an escrow fund described below within 14 days after the issuance of the Chapter 91 license.
- The \$3.25 million balance of the offset shall be deposited to an escrow fund described below within 14 days after issuance of the first Certificate of Occupancy.
- All monetary contributions referenced above shall be made to an escrow fund established legally by the Hook Wharf developer for the purposes of ensuring that these resources are properly utilized for the Chart House waterfront park and transportation gateway and other plans, projects, and programming for public open space, activation, and resilience of the downtown planning area. The escrow account will be directed and administered by the Downtown Municipal Harbor Plan Operations Board as described above in Section III. The board will oversee operation and expenditures from the fund.
- To ensure that offset contributions that will be held in escrow and managed by the Operations Board are implemented in a timely manner, said Board shall be created, members identified, and have held at least one public organizing meeting within 3 months after the issuance of a Chapter 91 license.
- The Operations Board shall establish a schedule and procedures for overseeing and approving expenditures for the Chart House park with annual milestones and progress targets, and substantial progress on the completion of the work supported by the offsetting funds must be realized within five years of the first certificate of occupancy for the Hook Wharf project.



- The City must report annually to the Operations Board on progress towards implementation of the Chart House park, and if consistent and reasonable progress towards implementation of the milestones contained in the project schedule is not met, as determined by the Operations Board, part or all of offsetting funds may be applied to other waterfront public realm or water dependent improvements within the planning area as directed by the Operations Board, and shall be so redirected at the conclusion of the five year period after the first certificate of occupancy for the Hook Wharf project.
  - To address the requirement of the 2004 Decision on the City of Boston's Fort Point Downtown Waterfront Phase 2 Municipal Harbor Plan, the developer of the Hook Wharf site shall contribute \$500,000 to the Fort Point Channel Operations Fund for programming and projects that advance open space and watershed activation elements of the Fort Point Channel by the first Certificate of Occupancy of the Hook Wharf development. These funds shall be placed in the escrow account already established for the Fort Point Channel Operations Fund within 14 days after issuance of the first Certificate of Occupancy.
  - The City shall work with developer and interested stakeholders on developing and implementing a plan to improve the Harborwalk connection between Hook Wharf and 470 Atlantic Avenue across Seaport Boulevard with significant enhancements for pedestrian safety and wayfinding.
4. DEP shall require reasonable conditions and arrangements to ensure that off-site open space improvements and/or amenities are generally implemented concurrent with the associated development on tidelands.
  5. The BPDA shall develop the Design and Use Standards for the entire downtown planning area to coincide with and inform the MEPA and Article 80 processes for the proposed projects at the Harbor Garage site and the Hook Wharf site, whichever process is initiated first.
  6. With respect to the area-wide allowance for additional height for existing buildings, the following conditions apply:
    - any additional height is limited only to moving mechanicals from existing buildings to the roof or to an upper floor above future flood levels;

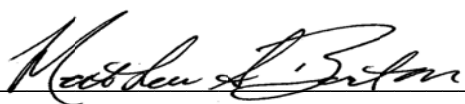
- any additional height shall be limited to only that necessary to accommodate the additional space for the relocation of the building mechanicals;
  - new height shall be no more than 30 ft above the current tallest occupied floor;
  - the new structure(s) on the existing building shall be configured and set back from the sides so that it avoids, if possible, and if not, minimizes net new shadow; and
  - the new structure(s) must avoid shadow on the City's designated shadow protection zone on Long Wharf.
7. In the application of substitutions and amplifications DEP shall refer to Section III, Table 1, and the following conditions listed above.
  8. The City shall prepare a final, approved City of Boston Downtown Waterfront District Municipal Harbor Plan ("Approved Plan") to include:
    - The Plan dated March, 2017;
    - Supplemental materials dated February 16, 2018 submitted during the consultation session; and
    - This Decision.

Copies of the final Approved Plan shall be provided to CZM and DEP's Waterways Program, kept on file at the City of Boston, and made available to the public through the City's website and/or copies at the public library. For Chapter 91 Waterways licensing purposes pursuant to 310 CMR 9.34(2), the Approved Plan shall not be construed to include any of the following:

1. Any subsequent addition, deletion, or other revision to the final Approved Plan Renewal and Amendment, except as may be authorized in writing by the Secretary as a modification unrelated to the approval standards of 301 CMR 23.05 or as a plan amendment in accordance with 301 CMR 23.06(1);
2. Any provision which, as applied to the project-specific circumstances of an individual license application, is determined by DEP to be inconsistent with the Waterways regulations at 310 CMR 9.00 or with any qualification, limitation, or condition stated in this Approval Decision.

This Decision and the Approved Plan do not supersede separate regulatory review requirements for any activity.

In a letter dated April 30, 2018, the DEP Waterways Program Chief has expressed support for approval of the Plan and stated that in accordance with the provisions of 310 CMR 9.34(2), DEP will require conformance with any applicable provisions of the approved Plan in the case of all waterways license applications submitted subsequent to the Plan's effective date. It will apply as well to all pending applications for which no public hearing has occurred or where the required public comment period has not expired by the effective date of the approved Plan.

  
\_\_\_\_\_  
Matthew A. Beaton  
Secretary of Energy and Environmental Affairs

April 30, 2018  
\_\_\_\_\_  
Date



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

April 30, 2018

Matthew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114

RE: DEP Recommendation for the Approval of the City of Boston's Downtown Waterfront District  
Municipal Harbor Plan, dated March 2017.

Dear Secretary Beaton:

The Department of Environmental Protection, Waterways Regulation Program ("the Department") has reviewed the City of Boston's Downtown Waterfront District Municipal Harbor Plan ("the Plan") dated March, 2017, and supplemental information dated February 16, 2018. The Department's staff has worked closely with the Massachusetts Office of Coastal Zone Management (CZM) and representatives of the City of Boston throughout the planning process and our comments have been addressed and incorporated into the Plan and supplemental information. The Department, therefore, recommends that you approve the Plan and make a finding that it is consistent with state tidelands policy objectives, as required by 301 CMR 23.05(3).

The Department will adopt as binding guidance in all License application review any Substitute Provisions contained in the Secretary's final Decision on the Plan. The Plan and supplemental information lay out Substitutions and Offsets that will adequately meet or exceed the protected interests pursuant to 310 CMR 9.00. The Substitutions contained in the Plan and supplemental information will modify the standards pursuant to: 310 CMR 9.51(3)(c), which governs allowable uses and setbacks in the Water-Dependent Use Zone (WDUZ); 310 CMR 9.51(3)(d), which governs the amount of pedestrian level open space on a Project Site; and 310 CMR 9.51(3)(e), which governs the allowable heights of nonwater-dependent buildings based on their distance from the high-water mark. The Plan and supplemental information also lay out amplifications pursuant to 310 CMR 9.53(2)(b) & (2)(c) for activation of Commonwealth Tidelands for Public Use and pursuant to 310 CMR 9.37(2)&(3) to incorporate climate resiliency into engineering and construction standards for the planning area. The

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Department has determined that the Plan establishes appropriate Offsets for each of the Substitute Provisions.

In accordance with the provisions of 310 CMR 9.34(2), the Department will require conformance with any applicable provision of the approved Plan for all waterways license applications submitted subsequent to the Plan's effective date and within the geographic scope of the Plan. It will apply as well to all pending applications for which no public hearing has occurred or where the required public comment period has not expired by the effective date of the Decision.

The Department looks forward to continuing its work with CZM and the representatives of the City of Boston in the implementation of this important planning effort. Should you have any questions in regard to the foregoing, please contact me at (617) 292-5615. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Lynch", with a long horizontal flourish extending to the right.

Ben Lynch  
Program Chief  
Waterways Regulation Program

Cc: Brian Golden, City of Boston  
Rich McGuinness, Boston Planning and Development Authority  
Bruce Carlisle, CZM



March 2017

# Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan



**Boston Redevelopment Authority**  
(D/B/A Boston Planning & Development Agency)  
One City Hall Square | Boston, MA 02201





# **DOWNTOWN WATERFRONT DISTRICT MUNICIPAL HARBOR PLAN**

## **The Municipal Harbor Plan Advisory Committee**

### **Chair**

Sydney Asbury

### **Neighborhood Representatives**

Lorraine Downey

John Gambino

Lee Kozol

Marc Margulies

Bud Ris

Meredith Rosenberg

Joseph Ruggiero

Lois Siegelman

Bob Venuti

### **Ex Officio**

Massachusetts State House

Representative Aaron Michlewitz

Boston City Council

Bill Linehan

Boston City Council

Salvatore LaMattina

### **Government Representatives**

City of Boston Office of Environment, Energy and Open Space

Maura Zlody

Massachusetts Water Resources Authority

Marianne Connelly

National Park Service

Michael Creasey, Superintendent

### **At-Large Representatives**

A Better City

Richard Dimino, President and CEO

Boston Harbor Now

Jill Valdes Horwood, Director of Waterfront Policy

Boston Harbor Now

Philip Griffiths, Vice President of Operations

Boston Society of Architects

Eric White, Executive Director

Friends of Christopher Columbus Park

Joanne Hayes-Rines, President

Greater Boston Chamber of Commerce

James Rooney, President and CEO

Greater Boston Real Estate Board

Greg Vasil, CEO

New England Aquarium

Nigella Hillgarth, President and CEO

Rose Fitzgerald Kennedy Greenway Conservancy

Jesse Brackenbury, Executive Director

Save the Harbor Save the Bay

Bruce Berman, Director of Strategy, Communications and Programs

Wharf District Council

Suzanne Lavoie, Executive Director

**City and State Agency Offices**

Massachusetts Office of Coastal Zone Management

Executive Office of Energy and Environmental Affairs

Bruce Carlisle, Director

Brad Washburn, Assistant Director

Lisa Berry Engler, Boston Harbor Regional Coordinator

Department of Environmental Protection

Executive Office of Energy and Environmental Affairs

Gary Moran, Deputy Commissioner

Ben Lynch, Waterways Chief, Division of Wetlands and Waterways

Andrea Langhauser, Senior Planner, Division of Wetlands and Waterways

**Boston Planning & Development Agency Board Members**

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Priscilla Rojas, Vice Chair

Carol Downs, Treasurer

Michael P. Monahan, Member

Dr. Theodore C. Landsmark, Member

**Boston Planning & Development Agency**

Brian Golden, Director

Sara Myerson, Director of Planning

**Lead Planning Team**

Richard McGuinness, Deputy Director for Climate Change and Environmental Planning

Chris Busch, Senior Waterfront Planner

Erikk Hokenson, Waterfront Planner II

**Consultant Team**

Utile, Inc.

Durand & Anastas Environmental Strategies, Inc.

Noble & Wickersham LLP

# **DOWNTOWN WATERFRONT DISTRICT MUNICIPAL HARBOR PLAN**

## **TABLE OF CONTENTS**

- 1. SUMMARY**
- 2. MHP BACKGROUND & GOALS**
  - 2.1. The Downtown Waterfront Planning Area Boundary & Parcels**
  - 2.2. Chapter 91 Jurisdiction**
  - 2.3. Historical Context & Historic Resources in the Planning Area**
  - 2.4. Urban Context**
  - 2.5. Related Planning Efforts and Existing Zoning**
  - 2.6. Development Adjacent to the Planning Area**
  - 2.7. The Magenta Zone**
  - 2.8. The MHP Process**
  - 2.9. MHP Goals**
  - 2.10. Downtown Waterfront Public Realm & Watersheet Activation Plan Recommendations**
- 3. AMPLIFICATIONS, SUBSTITUTE PROVISIONS, & OFFSETS**
  - 3.1. Approach**
  - 3.2. Baseline Requirements with Amplifications**
    - 3.2.1. Activation of Commonwealth Tidelands for Public Use [310 CMR 9.53(2)(b) and 310 CMR 9.53(2)(c)]**
    - 3.2.2. Engineering and Construction Standards [310 CMR 9.37(3)(c)]**
    - 3.2.3. Upper Floor Uses Over Flowed Commonwealth Tidelands [310 CMR 9.51(3)(b)]**
  - 3.3. Substitute Provisions**
    - 3.3.1. Building Height [310 CMR 9.51(3)(e)]**
    - 3.3.2. Building Footprint Lot Coverage [310 CMR 9.51(3)(d)]**
    - 3.3.3. Facilities of Private Tenancy [310 CMR 9.51(3)(b)]**
    - 3.3.4. Water-Dependent Use Zone [310 CMR 9.51(3)(c)]**
  - 3.4. Offsets**
    - 3.4.1. Hook Wharf**
    - 3.4.2. Harbor Garage**
    - 3.4.3. Additional Offsets**
  - 3.5 Summary of Chapter 91 Substitutions, Offsets and Amplifications**
- 4. CHAPTER 91 LONG-TERM LICENSE FEES**

**5. PREPARING FOR CLIMATE CHANGE**

**5.1 Existing City and State Climate Preparedness Requirements**

**5.2 District Vulnerability**

**5.3 Climate Preparedness Strategies and Expectations with New Development**

**5.4 Existing Conditions Climate Change Preparedness Plan**

**5.5 Climate Change Preparedness Plan for Future Conditions**

**6. MHP CONSISTENCY**

**6.1 Consistency with State Agency Plans**

**6.2 Consistency with State Tidelands Policy Objectives**

**6.3 Consistency with State Coastal Policies**

**APPENDIX A - DOWNTOWN WATERFRONT PUBLIC REALM & WATERSHEET ACTIVATION PLAN**

**APPENDIX B - MHPAC MEETING SCHEDULE**

**APPENDIX C - MHPAC MEETING NOTES**

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# **DOWNTOWN WATERFRONT DISTRICT MUNICIPAL HARBOR PLAN**

## **1. SUMMARY**

The Boston Redevelopment Authority (BRA), doing business as the Boston Planning & Development Agency (BPDA), has developed this Downtown Waterfront District Municipal Harbor Plan (DTW MHP), which includes the Downtown Waterfront Public Realm and Watersheet Activation Plan, to provide long-term guidance on the development, activation, and public use of this central part of Boston. This MHP includes flexible development standards for two key parcels:

- The Harbor Garage site, where a new structure up to 600 feet tall and with 50% of the project site as open space replaces the existing 70-foot high structured parking garage that provides virtually no open space; and
- The Hook Wharf site, where the temporary home of the James Hook Lobster Company will be replaced with a new structure up to 305 feet tall, with 30% of the lot coverage as open space.

Each of these projects will require offsets to improve the ground-level exterior public spaces and water transportation services within the DTW MHP area. In addition, special provisions of the DTW MHP, known as amplifications, provide detailed instructions for project licensing on the degree and types of public activation that are anticipated in this MHP. An amplification to protect and promote the New England Aquarium (“NEAq”) as a water-dependent use will be implemented through a memorandum of understanding, or other mutually agreed upon binding agreement, between the City of Boston, NEAq and the project proponent of the Harbor Garage. The DTW MHP substitutions, offsets and amplifications will also supersede those of the Fort Point Downtown MHP (2003) for the Hook Wharf site.

The DTW Municipal Harbor Planning Area is subject to the State’s Waterways regulations at 310 CMR 9.00 and comprised of approximately 42.1 acres, 20.2 acres of which are flowed Commonwealth Tidelands and 21.9 of filled tidelands. As shown on Figure 1 and Figure 2, the planning

area consists of 26 parcels and is bounded to the west by Atlantic Avenue and the Rose Kennedy Greenway; to the east by the Inner Harbor and Fort Point Channel; to the north by Christopher Columbus Park; and to the south by Evelyn Moakley Bridge.

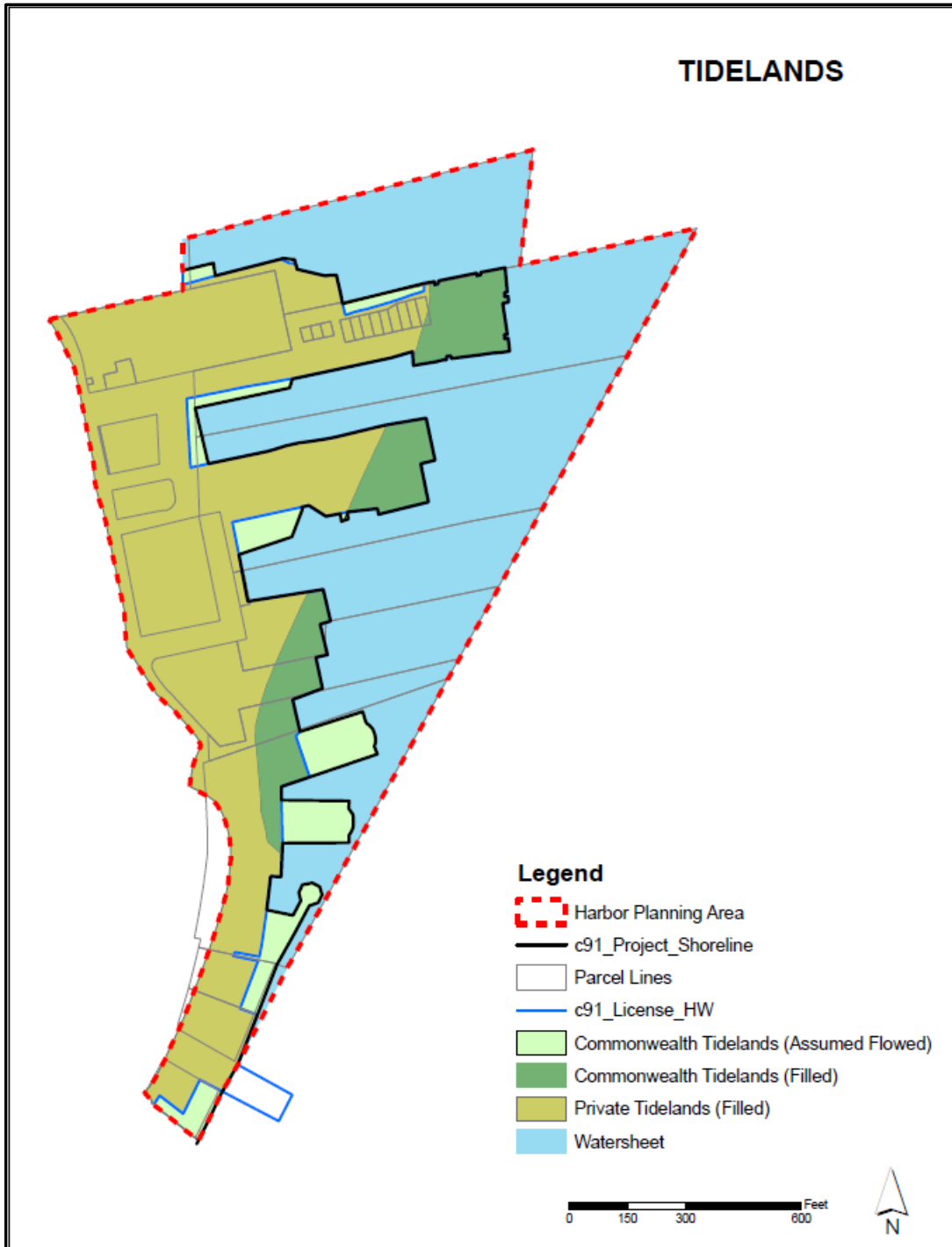
Currently, the total lot coverage or building footprint of the DTW MHP area is approximately 39%, publicly accessible open space is approximately 52%, and open space area that is not publicly accessible is approximately 8%. The completion of the projects proposed in this MHP at full build-out would decrease the total lot coverage within the DTW MHP to approximately 37%; publicly accessible open space would be increased to approximately 54%; and private open space not open to the public would remain the same at 8%. Both scenarios exceed the open space requirements under the Waterways regulations, and additional provisions of the DTW MHP will improve the pedestrian experience through higher quality open space, improved vehicular access, and a unified approach to wayfinding.



Figure 1 – Downtown Waterfront District Planning Area



Figure 2 – Downtown Waterfront District Chapter 91 Jurisdiction



Regarding existing building heights, the DTW MHP area runs the full spectrum, from single-story structures to the Harbor Towers, two 400-foot high residential buildings. Other buildings with notable heights include portions of the Boston Harbor Hotel at Rowes Wharf, which tops out at 220 feet; 255 State Street at 157 feet; and the Marriott Long Wharf at 120 feet. Most of the other buildings are approximately 100 feet high or less.

The MHP Regulations (301 CMR 23.00) establish a voluntary procedure by which municipalities may obtain approval of MHPs from the Secretary of Energy and Environmental Affairs (EEA), promoting long-term, comprehensive, municipally-based planning of harbors and other waterways that fully incorporates state policies governing stewardship of trust lands. Approved plans guide and assist the Massachusetts Department of Environmental Protection (DEP) in making regulatory decisions pursuant to MGL Chapter 91 and the Waterways Regulations (310 CMR 9.00) that are responsive to harbor-specific conditions and other local and regional circumstances.

The DTW MHP provides an opportunity to build upon and implement the recently-completed Greenway District Planning Study Use and Development Guidelines (the “Greenway District Guidelines”), as well as improvements made within the Downtown Waterfront District since the 1990 Harborpark District Plan, including the completion of the Central Artery/Tunnel Project, the construction of the Rose Kennedy Greenway, the Boston Harbor Cleanup Project, Boston Planning and Development Agency (“BPDA”) water transportation infrastructure improvements at Long Wharf, the New England Aquarium expansion, the Crossroads Initiative, and enhancements to the Harborwalk.

The DTW MHP implements the goals established in the Request for a Notice to Proceed (“RNTP”). The six goals in the DTW RNTP are to:

1. Continue to Develop the District as an Active, Mixed-Use Area that is an Integral Part of Boston’s Economy;
2. Promote Access to Boston Harbor, the Harbor Islands and Water

- Transportation;
3. Improve Waterfront Wayfinding and Open Space Connections;
  4. Enhance Open Space Resources and the Public Realm;
  5. Create a Climate-Resilient Waterfront; and
  6. Implement the Greenway District Planning Study Wharf District Guidelines.

In this MHP, these goals are implemented primarily through substitute provisions, offsets, and amplifications under the MHP regulations. These provisions allow for the buildings that exceed the nonwater-dependent use standards of the Waterways regulations by providing an appropriate level of mitigation and public benefits to offset potential impacts to the waterfront with comparable or greater effectiveness than a Chapter 91-compliant development scenario.

## **2. MHP BACKGROUND & GOALS**

### **2.1. The Downtown Waterfront Planning Area Boundary & Parcels**

The DTW Harbor Planning Area comprises approximately 42.1 acres, 20.3 acres of which are flowed Commonwealth Tidelands and 21.9 of filled tidelands. The 26 property parcels within the planning area are subject to M.G.L. Chapter 91 jurisdiction and are bounded to the west by Atlantic Avenue and the Rose Kennedy Greenway; to the east by the Inner Harbor and Fort Point Channel; and framed by Christopher Columbus Park to the north and the Evelyn Moakley Bridge to the south. These properties are shown on Figure 1.

The DTW planning area includes the following properties:

**Long Wharf** – The oldest continually operated wharf in the country, Long Wharf accommodates a number of public and private uses and serves as one of the City’s primary water transportation hubs. The 402-room Marriott Hotel and garage were opened in 1982 as part of the redevelopment and transformation of the wharf from a blighted property to the modern, service-oriented uses and public open space we currently associate with the Downtown Waterfront District. The eight-story, 277,000 square foot brick building with peaked, upper-story massing and bowed harbor-side wall reflects the profile of a

cruise ship. The interior lobby is open to the public and connects Christopher Columbus Park to Central Wharf and Old Atlantic Avenue. In 2012, the Marriott completed a four-year, \$30 million renovation of the hotel including upgrades to the lobby, the new Waterline restaurant and Harbor View Ballroom, room and suite upgrades, and new public restrooms at the hotel's north entrance. As with many buildings constructed adjacent to the elevated Central Artery, the ground plane facing the Greenway does not include many openings other than service and loading entrances. Currently, Tia's Restaurant operates on the northern side of the building and various trolley tour companies have ticketing kiosks on the Greenway end of the structure. The Marriott and Long Wharf are also bounded to the north by Christopher Columbus Park. One of the City's first waterfront parks, it was opened in 1976, updated in 2003, and provides numerous public amenities, including active lawn areas, a play lot, spray fountain, the Rose Kennedy rose garden, a wisteria trellis, and programming throughout the year.

Additional structures on Long Wharf include the three-story Gardiner Building, which houses the Chart House restaurant, and the brick and granite Custom House Block building. This former warehouse, constructed in 1848, consists of five stories and now serves as office space. Office and headquarters for Boston Harbor Cruises, a water-dependent use and provider of water transportation services for the MBTA and Boston Harbor Islands, is also located in this building and benefits from proximity to the water transportation terminals at Long and Central Wharves. Both the Gardiner Building and the Custom House Block are on the National Register of Historic Places. The BPDA owns many of the wharf's public ways and open spaces, including the popular plaza at the end of Long Wharf. Both the north and south sides of the wharf provide water transportation terminals that service the Inner Harbor, Harbor Islands and coastal communities including Winthrop, Salem, and Provincetown. The terminals service over one million visitors and commuters a year. The BPDA has administered over \$8 million in waterside and landside upgrades over the past 15 years, including new water transportation terminals on the north and south side of Long Wharf, new and improved sections of Harborwalk, and seawall stabilization,

as well as public amenities, such as benches and wayfinding signage. Boston Waterboat Marina is also located on the north side of the wharf, serving as Boston's oldest continually operating marina facility, which provides transient dockage for about 40 to 50 boats.

**255 State Street** – Immediately to the south of Long Wharf is the twelve-story 231,000 square foot office building, constructed in 1916. The building is owned and managed by Pembroke Real Estate, the real estate division of Fidelity Investments. The building was converted into office and commercial space in the 1980s by the New England Telephone Company, which had used the property as a switching center. The lower floors of the building currently provide space for several restaurants. The property is located in an area with significant public foot traffic, being situated between Faneuil Hall Marketplace, the New England Aquarium and the Long Wharf water transportation facilities. Opportunities exist to enhance the pedestrian experience around the building, as well as the connections to the adjacent Greenway and Central Wharf Park, maintained by the Frog Pond Foundation, which separates the property from the Harbor Garage. Several tour bus kiosks and vendors operate during the warmer months on the waterside of the building on Old Atlantic Avenue.

**Central Wharf, The New England Aquarium** – The New England Aquarium is one of Boston's premier attractions, with well over 1.3 million visitors a year. The five-story, 136,000 square foot reinforced concrete building was completed in 1969, and provides a home for over 20,000 marine animals. The primary attraction at the Aquarium is the 200,000-gallon Giant Ocean Tank, which opened in 1970 and has recently been upgraded and refurbished. The facility was expanded in 1998 with the completion of the West Wing, a glass and steel addition that includes a harbor seal exhibit, ticketing booth, galleries, gift shop, and lobby. In 2001, the Aquarium constructed the Simons IMAX theater with a six-story high screen and waterfront deck. More recent modifications include the construction of the Marine Mammal Center on the harbor side of the building, improvements to Harborwalk, interpretive signage, and installation of a ramp and dock system on the southern side of Central Wharf.

The Aquarium conducts year-round educational programming, both on and off-site, performs research, and also maintains marine mammal care and rehabilitation facilities in Quincy. The Aquarium provides perimeter public access around Central Wharf, with numerous public amenities, and maintains docking infrastructure on the south and north side of the wharf. Over 120,000 people a year participate in the Aquarium's whale watch excursions which leave from Central Wharf. The plaza in front of the Aquarium provides ticketing kiosks and is an active public gathering area. In the fall of 2016 the New England Aquarium (NEAq) presented a vision to improve its facility including greater presence along the Greenway and Atlantic Avenue and coordinated views, open space and public access with the redevelopment of the Harbor Garage "The Blueway". One critical component to this vision plans is to relocate the IMAX Theater and restore the site as open space and better views to Boston Harbor from the Greenway.

**The Boston Harbor Garage, 70 East India Row** – The seven-story 459,000 square foot structure provides six levels of parking with ground floor retail and office space leased by the New England Aquarium, among others. The building is located at a hub of tourist activity with its proximity to the harbor, adjacency to the New England Aquarium, and frontage along some of the most active parts of the Greenway. The garage also houses utilities and operational infrastructure for the adjacent Harbor Towers condominiums. The garage provides accessory parking for nearby water-dependent uses, including the New England Aquarium and Boston Harbor Cruises and residences at Harbor Towers.

**India Wharf, Harbor Towers, 65 & 85 East India Row** – The two, forty-story, 400-foot tall residential towers were completed in 1971 and continue, along with the Harbor Garage and Aquarium, the concrete, Brutalist architectural vernacular of this part of the Downtown Waterfront. The construction of the two tallest residential structures in Boston at the time assisted in the redevelopment and reinvention of the Downtown Waterfront, which had long been in decline. There are 624 units and approximately 1,200 residents within the buildings that are managed as separate

condominiums. The Harbor Garage was constructed along with the towers and provides for resident parking spaces, as well as mechanical systems that serve the residential structures. The property provides perimeter public access (Harborwalk) along the waterfront, as well as an enclosed yard and pool area for unit owners. The property also includes a small marina and a public plaza with a steel sculpture, entitled "Untitled Landscape," at the base of the buildings.

**Rowes Wharf, Boston Harbor Hotel & Rowes Wharf**

**Condominium** – Completed in 1987, the Rowes Wharf development includes a mix of uses, water-dependent activity, numerous public amenities, and access to the harbor. The building's varied massing, ranging in height from seven- to sixteen-stories, along with its vaulting archway, creates an openness and porosity between the waterfront and the Greenway. The property includes the Boston Harbor Hotel, along with office space, residential uses and ground floor retail activity. Since the opening of the Greenway, restaurants have functioned to further activate the Atlantic Avenue side of the facility with café seating and dining. Harborwalk is present around all of the property's wharves and programming is provided throughout the summer months with music, movies and outdoor dining. Waterfront activation has also recently been extended over the winter season with the installation of a temporary ice skating rink beneath the archway. Additional unique public amenities at Rowes Wharf include the waterside gazebo, the hotel lobby, which is home to a number of Norman B. Leventhal's historic waterfront maps, and a new visitor's center on the waterside of the archway. Waterside facilities include a small marina and water transportation hub providing a ticketing area and public restrooms, and commuter service to Hull, as well as harbor excursion services. The water transportation terminal serves over 600,000 commuters a year and is the operational center for Massachusetts Bay Lines, Odyssey Boston Cruises and the Rowes Wharf Water Transport water taxi company.

**The Atlantic Building, 400 Atlantic Avenue** – This converted six-story 264,000 square foot brick and beam warehouse currently houses the offices of the Goulston and Storrs law firm. The property



fronts on Atlantic Avenue and provides Harborwalk on the waterside of the property along with a private deck area.

**United States Coast Guard Building - Captain John Foster**

**Williams Building, 408 Atlantic Avenue** – This eight-story building was constructed in 1918 as a warehouse for goods to be inspected at the adjacent Custom House. The structure was built by, and continues to be maintained by the Federal Government. Currently, the United States Coast Guard and Department of Homeland Security operate out of the building. Harborwalk is present on the waterside of the building, with a stairway bringing the walkway up to the elevation of the adjacent Northern Avenue Bridge landing. However, it is not universally accessible and does not read as accessible to the general public. Access to the building is through the old loading bays on the southern side of the building, which open onto Old Northern Avenue, an area currently being used for vehicular parking.

**Hook Wharf, 440 Atlantic Avenue** - The Hook Wharf parcel consists of less than one-half acre of land and pier, the majority of which is pile-supported structure over flowed tidelands. The property is uniquely situated between the Evelyn Moakley and Old Northern Avenue Bridges, and provides a gateway to the Fort Point Channel and South Boston Waterfront. James Hook Lobster, a wholesale and retail distributor of fresh seafood in Boston since 1925, currently occupies the site. After a fire destroyed the one-story warehouse style building in 2008, a modular structure was installed to conduct operations at the site. A pile-supported seawater pump and pump house constructed during the MBTA Silver Line Transitway Project are seaward of the property. While located along busy roadways, the site is isolated from pedestrians due to the condition of the wharf and the wharf's lack of physical connectivity to the existing public realm.

**2.2. Chapter 91 Jurisdiction**

As shown on Figure 2, the entire Downtown Waterfront District Harbor Planning Area is subject to M.G.L. 91 jurisdiction and the Waterways regulations. Pursuant to 301 CMR 23.03(4), State

tidelands jurisdiction is depicted based on historical data from the Massachusetts Historical Shoreline Mapping project available through MassGIS and contemporary shoreline information compiled from Chapter 91 License plans, visual observation, and City Assessing information. The extent and nature of jurisdiction shown on Figure 2, therefore, is approximate and for planning purposes only. Jurisdictional determinations for an individual project will, at a minimum, require an accurate field survey, suitable scale design plans, and consultation with DEP regarding the appropriate means of finalizing parcel-specific tidelands jurisdiction.

Based on the information described above, the extent and nature of state tidelands jurisdiction within the 42.1 acre Harbor Planning Area is summarized in Table 2.1:

<b>TYPE OF AREA</b>	<b>JURISDICTION</b>	<b>ACRES</b>
<b>Watersheet</b> (seaward of the project shoreline)	Flowed Commonwealth Tidelands	20.20 acres
<b>Area Within The Project Shoreline</b>		
	Filled Private Tidelands	16.98 acres
	Filled Commonwealth tidelands	3.19 acres
	Flowed Commonwealth tidelands (assumed)	1.73 acres
<b>TOTAL HARBOR PLANNING AREA</b>		42.1 acres

Table 2.1 – State Tidelands Jurisdiction

### 2.3. Historical Context & Historic Resources in the Planning Area

Boston’s history and development are inextricably linked to the Downtown Waterfront District, which includes the location of the City’s first port, originally known as the Town Cove. Following its exploration in 1614 by Captain John Smith and subsequent colonization by the Massachusetts Bay Company in 1630, Boston

quickly established itself as a bustling port and by 1660 almost all of the English imports for New England came through Boston Harbor.

Construction of Boston's waterfront began in earnest in 1634 with the development of the harbor's first wharves. Long Wharf, dating from the early 1700s, became the most prominent wharf in Boston and extended over a third of a mile from the early shoreline adjacent to Faneuil Hall out into the deep harbor waters. Due to its length and location it was the center of early Boston's booming shipping industry and acted as a gateway into the city. By the end of the 18<sup>th</sup> century, Long Wharf was the busiest among Boston's 80 wharves, providing docking facilities for up to 50 vessels. Because it served private merchants and the public who could buy directly from the warehouses and stores located there, Long Wharf functioned as a marketplace long before construction of Quincy Market in the 1820s.

After the Revolutionary War, Long Wharf was again used predominantly for trade. In addition to commerce with Europe, Boston merchants began trading with China and the East Indies using the wharf's warehouses for storage of imported goods. During the 1830s and 1840s, the Gardiner Building (Chart House) and Custom House Block were also constructed on the wharf to sell and store cargo. The buildings still stand today as the last remnant of what once were numerous storage and shipping buildings that were constructed on the wharf. After the Civil War, Long Wharf's importance declined with diminishing trade in Boston and business there shifted to coastal trade and fishing. In the late 19<sup>th</sup> century and early 20<sup>th</sup> century, Long Wharf and the adjacent T-Wharf served an important part of Boston's fishing industry with Italian immigrants from the North End running shore-side operations and sales from the wharves and from Atlantic Avenue.

As Boston's maritime commerce evolved over time, the wharf and its surrounding buildings changed. Infill on the landside of the wharf significantly decreased its length, as did the construction of Old Atlantic Avenue. The condition of the wharf and its associated infrastructure declined during the 20<sup>th</sup> century, along with marine commerce and trade within the Harbor. In the mid-1960s, the wharf

was purchased by the BPDA as part of the City's Urban Renewal program, with the intent of promoting public use and private redevelopment of the property. Currently Long Wharf is occupied by the Marriott Long Wharf Hotel, as well as the Gardiner Building and Custom House Block, which serve as restaurant and office space. Boston Waterboat Marina is located on the north side of the wharf, serving as Boston's oldest continually operating marina facility. Today, the wharf also provides water transportation facilities on both its north and south sides and is Boston's most active water transportation hub, offering ferry service to the Harbor Islands National Recreation Area, Boston's waterfront neighborhoods, other coastal communities, as well as services for whale watching and sightseeing.

Other important wharves are also located in the Downtown Waterfront District. Just to the south of Long Wharf is Central Wharf, which was constructed around 1816 to accommodate the increase in commerce following the war of 1812. Central Wharf was the waterfront's second deep water wharf and a focal point of the 15.9 acre Custom House District, an area characterized by 19<sup>th</sup> century mercantile buildings, including the iconic Customs House Building, constructed in 1848. During the 19<sup>th</sup> century, the wharf was part of the largest and longest continuous blocks of warehouses and merchant buildings in the country with over 54 stores. Over time the wharf decayed with the transfer of shipping activity beyond Boston. Most of the original stores were demolished with the exception of the buildings between Milk and Central Streets. Central Wharf was later transformed in the late 1960s with the construction of the New England Aquarium, which serves as one of the City's largest tourist attractions.

Adjacent to Central Wharf is India Wharf, which was completed in 1804 and was topped by a long mercantile building with 32 stores, designed by famed Boston architect Charles Bulfinch. The wharf was financed by Uriah Cottings along with several investors and was the first of many new commercial facilities to be built along the central waterfront. The location served as the primary departure point for ships headed to India and the Orient. After completion of the wharf,

Mr. Cottings engaged in land-making, or filling of the harbor, to better connect India Wharf to landside connections and adjacent wharves. Through this infilling between existing wharves, he created Broad Street and then later completed India Street in 1806. Additional filling between Long Wharf and India Wharf during the 1850s established the area where the Harbor Garage is now located. The wharf and long building were demolished in stages from 1868-1962, leaving only a fragment of the original wharf structure. The remains of the wharf were redeveloped in 1971 and the area is now home to the Harbor Towers, the first high-rise residential buildings on Boston's waterfront and until very recently the City's tallest residential towers. India Wharf Marina also currently operates at the location.

South of India Wharf is Rowes Wharf, which was originally home to the Sconce, or South Battery, a protective barrier built in 1666. During the 1740s, the battery was extended into the harbor and in the early 1760s, Rowes and Foster's Wharves, named after their respective owners, were built on the battery site. Rowes was a merchant sailor and used the shop and two warehouses on his wharf to support his whaling business, coastal fishing, and other enterprises. Continued land-making during the 1860s and 1870s established Atlantic Avenue, which extended from Rowes Wharf to Lewis Wharf and created Boston's current shoreline. A rail line was also developed along Atlantic Avenue, facilitating the transfer of goods from the wharves to North and South Stations. By the early 20<sup>th</sup> century, the wharves were used for fruit and other importation, as well as a base for the salt fish trade with the West Indies and the Maritime Provinces.

In the late 19<sup>th</sup> century, steamship operations predominated and the south shore was served from Rowes Wharf by the Eastern Steamship Line from the 1860s to 1940. The Boston, Revere Beach and Lynn Railroads had built wharf and ferry terminals between Rowes and Foster's Wharves that serviced East Boston with their ferries. In spite of a decline in Boston's waterfront by the 1930s, the Bay State Navigational School remained at Rowes Wharf, as did the Cape Cod Steamship Company at Foster's pier through the 1940s. During the

Urban Renewal period in the 1960s, much of the maritime activity left Rowes Wharf, with the exception of the Massachusetts Bay Lines, which had operated at the location for more than 20 years. The area underwent a major redevelopment in the mid-1980s and is now the home of the Boston Harbor Hotel and Rowes Wharf Condominium. The Boston Harbor Commuter Service also began operations from Rowes Wharf in 1984. Waterside infrastructure currently includes a marina and one of the city's most active water transportation facilities. The wharf redevelopment dramatically changed the area and resulted in numerous public amenities, including waterfront programming and some of the first sections of exemplary Harborwalk that serve as the standard expected today from new waterfront development.

Two major public works projects, the Boston Harbor cleanup and the Central Artery/Tunnel Project, have had dramatic and positive impacts on the Downtown Waterfront District. By the mid-20<sup>th</sup> century much of Boston's waterfront had been in economic decline for decades and was characterized by numerous dilapidated wharves, piers, and warehouses. The construction of the elevated Central Artery highway in the 1950s served to further alienate the waterfront, effectively cutting off the harbor from Downtown, relegating it to a backwater of the City. The public's interest in using and accessing the harbor was also deterred by its use as a dumping ground for the city's sewage, sludge and stormwater. By the 1980s, Boston Harbor's water quality was so poor a court case was initiated for violations of the Federal Clean Water Act. The enforcement case, known as the Boston Harbor Case, resulted in a \$5.5 billion dollar effort to clean up the harbor through the separation of combined sewer overflow systems and the construction of the Deer Island Waste Water Treatment Plant. The Boston Harbor cleanup, administered by the Massachusetts Water Resource Authority, significantly improved water quality and clarity, providing for a healthier marine habitat and vastly increasing the number of swimmable beach days. The clean-up has removed psychological barriers as well, creating renewed interest in meaningful public waterfront access and recreation.

The 1980s also saw the initiation of the Central Artery/Tunnel Project, a \$15 billion dollar effort to suppress the highway and reconnect the Downtown to its waterfront. The last sections of the elevated artery were removed in 2004 and the redevelopment of the new open space parcels commenced soon thereafter. Based upon the Boston 2000 Plan, which served as the Master Plan for the Central Artery air rights, seventy-five percent of the 27-acre area has been developed as open space and the remaining twenty-five percent is designated for commercial and residential development, much of which has already been completed. The area now known as the Greenway District is anchored by the Rose Kennedy Greenway, which was formally completed in 2008. The Greenway now provides a 1.5-mile corridor of signature parks spanning just over 17 acres. Framed by surface roads and ramps, the plazas, gardens and tree-lined promenades serve to reconnect City districts and neighborhoods previously separated by the elevated highway. Given the quality and level of programming within the new parks, and the density of adjacent communities, the Greenway is currently one of the most active and vibrant open space areas within the City.

#### **2.4. Urban Context**

The Downtown Waterfront is one of the most historically significant and active waterfronts in New England. This district—one of the oldest in Boston—includes a diverse range of building styles and heights, streets, view corridors, micro-climates, and open spaces. The planning area is at the convergence of two of Boston's greatest open space resources, the Rose Kennedy Greenway and the Harbor. It connects neighborhoods as disparate as the North End and the Financial District, the Fort Point Channel and the South Boston Waterfront.

Buildings in the Downtown Waterfront and its surroundings vary in character and scale, from pre-war Romanesque commercial buildings to post-war residential and office towers to historic wharf structures. One of the defining features of the planning area is the freestanding pier-like structures and variations in scale, which contrast with the continuous urban blocks on the west side of the Greenway. Heights of buildings range from less than 100' to 400' in

the planning area, to 496' for the Custom House Tower and up to 600' across the Greenway and along the Channel. Older structures in the area, such as 400 Atlantic Avenue and the buildings of Town Cove, tend to have larger building footprints, covering the entire parcel, and lower heights. More recent buildings, such as Harbor Towers and the Federal Reserve Building, are often taller and have smaller footprints, but this can have an adverse effect on ground-level wind conditions and cast greater shadows.

Within the planning area there are key view corridors to the waterfront, and from the Harbor to the city. These include views of the water from the Greenway, from State Street to Long Wharf, and from Broad Street to Rowes Wharf. The Custom House Tower, which is on the National Register of Historic Places, sits at the edge of the historic shoreline, and has long welcomed visitors to Boston. Maintaining, and even increasing, porosity from downtown to the water, and to the Custom House Tower strengthens links between the city and the Harbor.

Given the scalar and stylistic inconsistencies of the planning area and the surrounding neighborhood, there are no simple metrics for determining building form within the planning area. A one-size-fits-all approach does not work in this context. Rather, what is required is carefully calibrated and exceptionally executed architecture and public realm assets that balances the need for activation with contextual sensitivity at the city and neighborhood scales.

"Appropriateness" must be measured not simply in terms of parity with the physical context, but should also include the building's performance with respect to environmental impacts, view corridors, and ground-level experience of the public realm. The height, density, massing, open space and shadow impacts of buildings within the planning area should be considered in terms of how they related to and enhance the activation of the public realm, relate to the broader city, affect views and visual porosity from the Greenway and the Harbor, and impact waterfront access, both from within the planning area and in the context of downtown Boston and the Harbor.

Given such, this Plan includes allowance for massings that do not necessarily resemble their neighbors, but can act in a stand-alone,



iconic manner that could achieve multiple goals of the DTW MHP, and complement the broader urban context of the city in terms of light, shadow, quality of the public realm, and views to and from the waterfront.

## **2.5. Related Planning Efforts and Existing Zoning**

The DTW MHP builds on the decades of planning and advocacy for this district and its environs. It incorporates ideas from multiple stakeholders, City officials, and consultants, such as the continuous Harborwalk, the importance of certain cross streets—termed Crossroads—in linking neighborhoods, and the role of water transportation for Greater Boston. The plan seeks to advance these objectives through specific improvements within the study area.

This area has been the subject of numerous planning studies since the 1960s, including:

### *Downtown Waterfront – Faneuil Hall Urban Renewal Plan (1965)*

This Urban Renewal Plan pursuant to M.G.L. Chapter 121B outlines the first planning process for the revitalization for the downtown waterfront area.

Urban renewal dates back to the American Housing Act of 1949, when the federal government began to invest great sums of money to redevelop cities that were rapidly declining after World War II. Early urban renewal efforts attempted to tackle widespread blight by assembling land to develop massive infrastructure and public facilities. In 1964, Boston designated the Downtown Waterfront as an Urban Renewal area, with the original intent of revitalizing this key stretch of downtown; upgrading a pattern of land uses close to the North End residential community; establishing a functional connection between the unique adjacent neighborhoods: the North End, Government Center, and the Financial District; and to provide an environment suitable to the needs of the real estate market. This plan led to the development of Harbor Towers, Harbor Garage, and the New England Aquarium, which together assisted in the

redevelopment and reinvention of the then-declining Downtown Waterfront. The BPDA recently renewed the Downtown Waterfront Urban Renewal Plan, with a contemporary reframing of urban renewal as a relevant tool for planning and economic development. Goals for a renewed plan emphasize accessibility and connectivity; a quality public realm with built-in features to enhance resilience; an evolving waterfront designed to stimulate tourism, job creation, and redevelopment and enhance the public's connection to the Harbor Islands; and economic development.

Some of the objectives of this Urban Renewal Plan include:

- To provide public ways, parks, and plazas which encourage the pedestrian to enjoy the harbor and its activities;
- To create an unobstructed visual channel from the Old State House at Washington and State Streets down to Long Wharf and the harbor beyond;
- To provide paramount and careful consideration to pedestrian traffic.

*Boston Zoning Code, Harborpark District, Article 42A, 1990.* The planning area falls within the North End and Downtown Subdistricts of the Harborpark zoning district. The zoning emphasizes public access and water-dependent uses, and establishes height, massing, setback, and public realm requirements to advance these interests.

*Harborpark Plan: City of Boston Municipal Harbor Plan, 1991.* The central goal of the Harborpark Plan is to ensure public access to Boston's waterfront and open space, recreational, residential, and commercial uses. The Harborpark Plan re-establishes the historical ties between Boston residents and a waterfront that has always played a major role in the city's vitality. The primary urban design objectives for the North End/Downtown Waterfront are to: maximize public access to and activity along the entire waterfront area while preserving the original form and character of the area; promote active water-dependent uses such as public landings, commercial boating activities, and water taxi facilities; ensure that newly constructed buildings continue to reflect and blend with the existing

historic waterfront architecture; maintain view corridors to the harbor from significant streets in the North End neighborhood; and relate height, scale and massing of new development to the adjacent North End and Downtown Financial District areas.

*The Boston 2000 Plan, 1991.* The Boston 2000 Plan was adopted by the City as the land use master plan for the Central Artery air rights, covering the footprint of the elevated artery from Causeway Street to Kneeland Street. The Plan articulates broad principles for the development of the 27 acres of land after the removal of the elevated highway, devoting seventy-five percent of the land to open space and the remaining twenty-five percent for commercial and residential uses. A primary focus of the plan was to reconnect Boston's Downtown neighborhoods with the waterfront and Harborwalk.

*Boston Zoning Code, Central Artery Special District, Article 49, 1991.* Following the master plan outlined in the Boston 2000 Plan, the goals and objectives of this Article and the Central Artery Special District Plan are to direct Downtown development in a way that promotes balanced growth for Boston that is sensitive to surrounding neighborhoods, provides public access, connections, and public open spaces.

*Port of Boston Economic Development Plan, 1996.* A joint effort between the BPDA and the Massachusetts Port Authority, the Plan studied the maritime industrial economy of Boston and land use needs of Maritime businesses. The goal of the Plan was to make the port more competitive in the global market place by: promoting and encouraging development of the seaport economy; maintaining maritime jobs and preserving property for maritime industrial uses; providing waterside and landside public infrastructure to support the growth of the industrial seaport; promoting the port as a component of the Boston tourist trade; and redeveloping portions of the port for a mixed Harbor-wide economy.

*Boston Harbor Islands National Recreation Area, 1996.* The United States Congress designated the 34 harbor islands as a National

Recreation Area, to be managed by the National Park Service in 1996. The park also includes 16 islands of the Boston Harbor Islands State Park, which was established in the 1970's. The Downtown Waterfront serves as a key gateway to the Harbor Islands, with water transit terminals at Long Wharf and the opening of the Harbor Islands Pavilion on the Greenway in 2011, which provides maps, ticket kiosks and information on island programming, history and activities, and has helped to further boost awareness of the Harbor Islands' direct accessibility from Downtown.

*The Seaport Public Realm Plan, 1999 - and the North End Historic Piers Network Plan, 1999.* While not specific to the Downtown Waterfront District planning area, these initiatives involve communities adjacent to the Downtown Waterfront District and provide planning context. These plans emphasize improved connections to and along the waterfront, public amenities, and enhanced civic uses and open spaces. The North End Historic Piers Network Plan recognized the unique role each of the wharves and piers along the waterfront played in Boston's history.

*City of Boston Inner Harbor Passenger Water Transportation Plan, 2000.* The BPDA's Passenger Water Transportation Plan for Boston Inner Harbor is intended to address the growing appeal of water travel and promote access to the harbor by boat for residents, commuters, and visitors. To accommodate anticipated growth in ferry travel, the Plan focuses on expanding the capacity and quality of Boston's water transportation terminals and associated intermodal connections. Four Inner Harbor districts are analyzed in the Plan: Downtown, South Boston, Charlestown and East Boston. The Plan describes how and where to provide appropriate terminal and boating facilities to encourage the full growth of the ferry industry in response to the increasing demand for new routes and services. The Plan recommends mid- to long-term improvements to the water transportation terminal on the Downtown Waterfront, including Long Wharf, Central Wharf and Rowes Wharf.

*The Fort Point Channel Watersheet Activation Plan, 2002.* A collaborative effort between the BPDA, the Fort Point Channel

Working Group and Fort Point Channel Abutters Group, the Plan envisions the Channel as a location for a wide range of water's edge and "floating" public uses, including piers, docks and landings for cultural attractions, recreational boating and sightseeing. The Plan also endeavors to seamlessly balance these public uses with the existing water-dependent uses along the Channel, including the Gillette facility and Hook Lobster, as well as advancing water transportation initiatives.

*The Crossroads Initiative, 2004.* This effort focuses on enhancing the safety, accessibility, environmental quality, and the economic vitality of twelve of the streets that cross the Greenway, in order to provide seamless connections from Boston's downtown neighborhoods through the Greenway to the waterfront.

*Study of Cultural, Civic, and Nonprofit Facilities of Public Accommodation in Boston, 2005.* This study analyzed the network of public spaces on the waterfront in relation to the spatial needs of Boston's cultural, civic, educational and nonprofit organizations. Existing FPA space was inventoried as well as new space projected to come online in the next ten to fifteen years. Several themes specific to the Downtown Waterfront are referenced in the study, including the presence of numerous visitor destinations and a strong market for additional hotels, museums and restaurants; the presence of water-dependent uses and opportunities for new water-based recreation and historical interpretive elements; new residential development in the area and the need for FPA's that serve such populations; and the need to coordinate FPA planning with the new open space and development plans associated with the reclaimed Central Artery land. The study also provides suggestions for future cultural, recreational, entertainment and temporary uses in the planning area.

*Facilities of Public Accommodation: Commercial Retail & Restaurant Market Demand and Supply Analyses, 2006.* This study evaluated the market support for commercial FPA development within the Water's Edge Districts of Boston. The intent was to create an understanding of how much space the market can reasonably be expected to absorb in each District over the course of the next 25 years and the

conditions necessary for that space to be economically viable and sustainable in the long term.

*Boston Zoning Code, Green Buildings, Article 37, 2007.* The nation's first green building zoning is a key aspect of the City's climate mitigation and adaptation agenda. The zoning article requires that all new buildings over 50,000 square feet be certifiable at the LEED Silver standard. The code ensures that major building projects are planned, designed, constructed and managed to minimize adverse environmental impacts, conserve natural resources, and promote sustainable development and quality of life in Boston.

*City of Boston Open Space Plan 2015-2021, 2015.* Developed by the City's Parks Department and updated every five years, the Open Space Plan provides a comprehensive overview of all the City's open space resources regardless of ownership or type of use. The plan is an integrated effort reviewing open space areas on a community level and relating these resources to demographic and socio-economic trends and needs. Through the planning process new opportunities for open space are realized and prioritized.

*City of Boston Climate Action Planning (Ongoing).* As a coastal city, Boston is particularly vulnerable to rising sea levels and more frequent and intense coastal storms, which are anticipated with a warming climate. Boston has been at the forefront of climate change adaptation and mitigation planning. With the City's participation in the U.S. Conference of Mayors Climate Protection Agreement in 2005, and the 2007 Executive Order Relative to Climate Action in Boston, the City became committed to meeting or exceeding the emissions targets specified in the Kyoto Protocol, by reducing community greenhouse gas emissions 25% by 2020 and 80% by 2050. More recently under Mayor Martin J. Walsh's leadership, the City has joined the C40 Cities Climate Leadership Group and recently released the *Greenovate Boston 2014 Climate Action Plan Update*. The Update serves as the City's climate change mitigation and resiliency roadmap and prioritizes Boston's continued commitment to reducing Greenhouse gas emissions below 2005 levels; promoting healthy and equitable communities; advancing new means of tracking progress;

preparing for the impacts of climate change; and, increasing community engagement. The Mayor is also supporting several policies and initiatives to prepare the City for impacts related to sea level rise, including the Boston Living With Water design competition to develop innovative solutions for creating a more resilient and sustainable waterfront. More recent climate preparedness efforts include Climate Ready Boston, which has established a Climate Projection Consensus, Citywide Vulnerability Assessment and Resiliency Initiatives to better prepare buildings, infrastructure, environmental systems and residents for the challenges posed by long-term climate change and ensure Boston continues to thrive.

*State Street and Long Wharf Interpretive Plan (2007)* As the oldest continuously operated wharf in the nation, Long Wharf is a National Historic Landmark. The State Street and Long Wharf Interpretive Plan was developed to make Long Wharf more welcoming and accessible; to reestablish the historic link to State (King) Street and the Old State House that had been severed for half of a century by the Central Artery; develop themes unique to the site that complement the interpretation of adjacent sites and are cohesive within the Harborwalk continuum; and integrate the interpretive elements with the site furniture to communicate a singular vision. The themes emphasize commerce, industry, and activity to create a robust interpretation of Long Wharf as the gateway to Boston in the 18th and 19th centuries and as a vital commercial center throughout its history. Installation of interpretative signage, storyboards, and other elements is pending.

*The Old Northern Avenue Bridge Rehabilitation (Ongoing)*. In October 2015, the U.S. Coast Guard notified the U.S. Army Corps of Engineers that the structural condition of the bridge presented a public safety concern and recommended that elements of the bridge be taken down. In March 2016, the City of Boston announced the Northern Avenue Bridge Ideas Competition, through which the City solicited ideas from the public to shape and inform a Request for Proposals for the design, engineering, and construction of the future Northern Avenue Bridge. The overarching goals of the competition were to improve the mobility between the Downtown and South Boston

Waterfronts; honor the history of the existing structure; and create a destination on the Fort Point Channel that unites neighborhoods and celebrates Boston's connection to the sea. The winners of the competition were announced in May 2016, with the RFP expected to be issued by early 2017.

*Greenway District Planning Study Use and Development Guidelines, 2010.* The BPDA's Greenway District Planning Study sought to establish a set of guidelines to enable the positive redevelopment of the parcels adjoining the newly created Greenway. The study divided the area into the following subdistricts: Chinatown and the Leather District, Dewey Square, the Financial District, the Wharf District, Town Cove, the Market District and Government Center, and the North End. The resulting program and use guidelines generally encourage residential, hotel, and mixed-use development, with active ground-floor and streetscape designs, and ground floor retail programming with the goal of animating the park edges and contributing new populations to the Greenway and Downtown. Massing alternatives were explored for more than 20 key parcels along the corridor, with attention paid to the impacts from the perspective of the park user. Heights were carefully analyzed for their potential to cast large or lengthy new shadows on the park parcels. The Guidelines were implemented to work in conjunction with the BPDA's development review process, until such a time that zoning controls could be enacted.

*Boston Zoning Code, Greenway Overlay District, Article 49A, 2013.* Following the Greenway District Planning Study, the goals and objectives of this Article and the Greenway Overlay District are to activate the broader public realm in and surrounding the Greenway, preserve the character of the Greenway parks by setting design standards and guidelines for projects, ensure the long-term value of the public's investment in creating the Greenway parks by setting standards for the review of project impacts, and balance the development pressures in the Greenway Overlay District with other growth areas and development opportunities in the City of Boston as a whole.



*Central Artery Ramp Parcel Study, 2014-Ongoing.* In the November 1990 Final Supplemental Environmental Impact Report and the January 1991 Final Supplemental Environmental Impact Statement for the Central Artery/Tunnel Project, the Massachusetts Department of Public Works committed to covering the open boat sections of highway access ramps (CA/T Parcels 6, 12, and 18) in the Downtown area to mitigate the effect of environmental blight, “while meeting federal and state Ambient Air Quality Standards and in-tunnel air quality limits.” The Ramp Parcel Study, initiated in 2014 and still ongoing, is a shared effort between MassDOT and the BPDA to identify a plan that takes into account the CA/T Project’s MEPA commitments and develop recommendations for each of the ramp parcel’s permanent configuration. It is anticipated that a Notice of Project Change will be submitted to MEPA sometime in 2017.

## **2.6. Development Adjacent to the Planning Area**

Located between the Rose Kennedy Greenway and Boston Harbor, the DTW MHP area consists entirely of filled and flowed tidelands and is, therefore, all within Chapter 91 jurisdiction. Several existing developments were permitted and built prior to the 1990 revisions to the Waterways regulations and therefore do not necessarily conform to all current dimensional standards for nonwater-dependent projects, including those for Building Height, Building Footprint, Facilities of Private Tenancy (“FPTs”) over Private Tidelands, and Water-dependent Use Zones (“WUZs”).

To the west of the Rose Kennedy Greenway, in areas not subject to the Waterways regulations (*i.e.*, Downtown and the Financial District), office towers and other structures greatly exceed the types of dimensional standards that would normally be allowed within the DTW MHP. The predominant building typology is marked by much greater height and density; these large commercial structures play a significant role in shaping the Boston skyline. The combination of existing nonconforming Chapter 91 structures within jurisdiction and other large buildings adjacent or proximate to this MHP planning area help to form an area where high-density development, mixed with large contiguous open space areas, forms the dominant urban

design aesthetic.

## **2.7. The Magenta Zone**

A significant portion of the DTW MHP watershed area lies within the Magenta Zone, as represented in Figure 3, an area designated in 1968 by an Act of Congress (PL 90-312) as “non-navigable” and therefore not subject to the jurisdiction of the U.S. Army Corps of Engineers. The practical implication of this designation is that a greater degree of responsibility for the management of this watershed lies with the City of Boston.

Although no project proposed in the DTW MHP appears to impact the Magenta Zone, proposed water transportation facilities, potential public amenities as specified in the City of Boston design and use plan (see the amplification in Section 3.2.1 below), and additional public amenities that may be required as part of the Waterways licensing process may be located within the Magenta Zone, providing greater flexibility in permitting these public amenities.

Public Law 90-312 reads as follows:

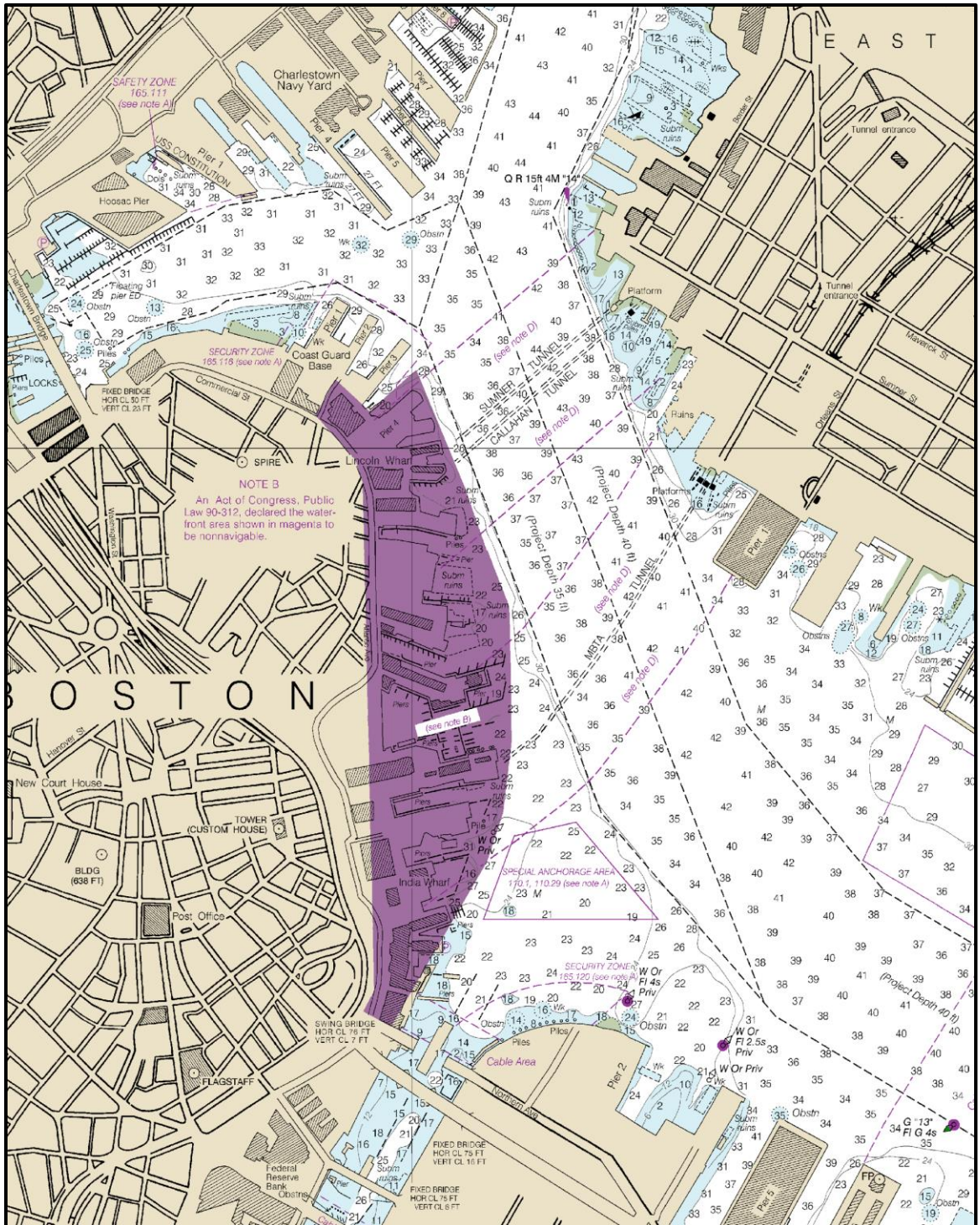
AN ACT To declare a portion of Boston Inner Harbor and Fort Point Channel non-navigable.

May 18, 1968 [H. R. 14681]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the portion of Boston Inner Harbor and Fort Point Channel in Suffolk County, Commonwealth of Massachusetts, lying within the following described area is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States: Beginning at the intersection of the northeasterly sideline of Northern Avenue and the westerly United States Pierhead Line of the Fort Point Channel and running northwesterly by the northeasterly sideline of Northern Avenue to the westerly sideline of Atlantic Avenue; thence turning and running northerly and

northwesterly by the westerly sideline of Atlantic Avenue and of Commercial Street to the southeasterly sideline of Hanover Street; thence turning and running northeasterly by the southeasterly sideline of Hanover Street to the southwesterly property line of the United States Coast Guard Base; thence turning and running southeasterly by the southwesterly property line of the United States Coast Guard Base to the southeasterly property line of the United States Coast Guard Base; thence turning and running northeasterly by the southeasterly property line of the United States Coast Guard Base extended to the United States Pierhead Line; thence turning and running southeasterly, southerly and southwesterly by the United States Pierhead Line, to the point of beginning. Approved May 18, 1968.

Figure 3 – USACOE Magenta Zone



## **2.8. MHP Process**

The Downtown Waterfront Municipal Harbor Plan Advisory Committee consists of members appointed by the Mayor from all of Boston's waterfront communities, as well as representatives from institutions, resident associations, and business organizations within the planning area. The Advisory Committee also includes elected officials and representatives from federal, state, and local regulatory agencies, harbor advocacy groups, and commercial interests.

From April 2013, through October 2016, the BPDA held a total of 40 regular public meetings with the DTW MHP Advisory Committee and conducted additional coordination meetings with stakeholders, officials, and agencies having jurisdiction over, and ownership interests in, the planning area. The Office of Coastal Zone Management (CZM) and DEP have been consulted throughout the planning effort.

As indicated in the list of meetings appearing below, the DTW MHP Advisory Committee was provided with an extensive background on the planning area and its context, including a review of the Greenway District Guidelines. Property owners within the planning area presented the committee with proposed modifications and development programs related to their property. The DTW MHP Advisory Committee was fully briefed on the Waterfront Activation and Public Realm Plan and the regulatory environment, including Chapter 91 and Municipal Harbor Plans. A number of presentations were made on possible Substitute Provisions, Offsets, and Amplifications that might be associated with proposed development programs.

A list of DTW MHP Advisory Committee members and their affiliations appears in the introduction of the DTW MHP. A list of DTW MHP Advisory Committee meetings and other public forums appears in Appendix B.

## 2.9. MHP Goals

The City of Boston articulated its goals for the DTW MHP in its Request for a Notice To Proceed (RNTP), submitted on July 31, 2013 to the Massachusetts Office of Coastal Zone Management (CZM). These six goals form the basis of the Downtown Waterfront MHP and consist of the following:

**Goal #1: Continue to Develop the District as an Active, Mixed Use Area that is an Integral Part of Boston's Economy.** It is the existing mix of commercial, retail, residential, cultural, and recreational uses that make the Downtown Waterfront one of the most attractive, successful districts within Boston. The District is the most active of Boston's waterfront communities due to its concentrations of attractions and adjacencies to Faneuil Hall Marketplace, the Rose Kennedy Greenway, Fort Point Channel, and the quickly developing South Boston Waterfront. Efforts must be made to further develop the mix of uses to attract new populations to the area and also support area residents. The removal of the elevated artery highway has left residual spaces that are underutilized and inactive building edges that are oriented away from the Greenway and waterfront. New programming concepts, design principals, and development that fronts on both the waterfront and the Greenway can reactivate these areas and enliven the public realm. Crucial to this effort will be the advancement of an active and diverse ground floor environment that mixes restaurant, retail, civic and cultural uses to engage the public and enhance the streetscape and adjacent open space areas. Additional residential and office uses will also be central to the economic advancement and continued year-round activation of the District. The current and future activation and programming of the District also has implications for congestion within the area requiring a review of means to improve pedestrian circulation and efficient multimodal transit opportunities. The redevelopment of properties within and adjacent to the planning area, and the possible reduction of public parking in Downtown, will require a focus on enhancing public transportation options and promoting alternative means of

transport.

**Goal #2: Promote Access to Boston Harbor, the Harbor Islands and Water Transportation.** The Downtown Waterfront District is the most active of Boston’s waterfront communities with over 12 million visitors frequenting the area and 1.4 million utilizing its water transportation services annually. Water transportation terminals at Long Wharf and Rowes Wharf, the Boston Harbor Island Alliance Pavilion on the Rose Kennedy Greenway, continuous Harborwalk and waterfront plazas, and facilities of public accommodation, such as the New England Aquarium, provide a significant amount of infrastructure in the area. Opportunities exist to build upon existing water transportation infrastructure and improve multi-modal transit connections to alleviate current and future congestion within the planning area. Underutilized areas along the harbor will also be reviewed to improve access, pedestrian circulation and create a more “user friendly” waterfront. Modifications could include permanent ticketing and waiting areas for water transportation, updated transit and ferry wayfinding signage, and programming, such as a waterside element of the Freedom Trail. Other improvements might include the reconstruction of historic T-Wharf, activating the underutilized dock on the south side of Central Wharf, and subsidies to provide for additional service to the Harbor Islands and Inner Harbor water transportation.

**Goal #3: Improve Waterfront Wayfinding and Open Space Connections.** The District’s waterfront has a continuous Harborwalk, providing a seamless connection from the Fort Point Channel and South Boston Waterfront to the North End. The Harborwalk at Rowes Wharf was some of the first sections of Harborwalk constructed in the City, and established the standard that is expected throughout Boston’s waterfront. The completion of the Marine Mammal Center at the Aquarium provides an example of some of the most recent, improved portions of the walkway system. The Harborwalk as a whole, however, lacks continuity in quality and a unifying design theme. The planning process will provide an opportunity to explore improved means of wayfinding signage so the Harborwalk system “reads” more intuitively to the public and makes

connections to the adjacent Greenway. The integration of Harborwalk into existing wayfinding initiatives such as Connect Historic Boston, and effort to better connect Boston's historic resources with transit, bike, and pedestrian paths, will also be reviewed. Portions of Harborwalk that present design challenges will also be addressed in the planning process. The southern extent of the planning area will be an area of particular focus due to the existing bridges, which create discontinuity in the Harborwalk sequence, as well as the waterside of 400 Atlantic Avenue where Harborwalk in the form of a stairway lacks universal access. Opportunities in this area also exist to establish a more formal gateway and connection between the Greenway and the South Boston Waterfront District. Access to the water and Harborwalk system can be improved upon with new development that is designed to increase visual access to the waterfront at building edges or through-building connections. The District also affords the potential for more extensive historic and interpretive signage to further engage the public and activate public spaces.

**Goal #4: Enhance Open Space Resources and the Public Realm.**

Opportunities for the creation of additional open space resources within the District will be explored through the planning process. The Boston Parks and Recreation Department's most recent Open Space Plan (2015-2021) indicates the Downtown Waterfront area has some of the highest concentrations of active and passive open spaces and recreational facilities and recommends the continued improvement and enhancement of Harborwalk as well as unifying pedestrian pathways and open spaces adjoining the waterfront with the Rose Kennedy Greenway. The Public Realm Plan also references a need for more playgrounds and larger, multi-use space in the Downtown district. The Chapter 91 Waterways open space performance standards for non-water-dependent projects will facilitate increases in open space within the planning area and ensure its activation and maintenance. New development programs should also address these needs and must serve to protect and enhance the quality of existing open space resources and promote the public's use of these areas. Throughout the planning process, design opportunities will be explored to improve the public realm



along the edges of existing buildings and create new “front doors” to remedy the condition of many properties along the Greenway, which have their parking entrances, loading docks, service entrances and mechanical systems facing the parks. Additionally, creative concepts and resources for further programming open spaces for year round, off-hour and weekend activation will also be addressed through the planning process.

**Goal #5: Create a Climate Resilient Waterfront.** With rising global temperatures, coastal cities such as Boston must prepare for increasing sea levels, more frequent and intense storm events, and heat waves. As much of the Downtown waterfront is comprised of historic fill placed at an elevation a few feet above mean high water, and with expected increases in sea level by 2100 ranging from 2.4 to 7.4 feet, the District is vulnerable to sea water inundation. The effects of higher seas is already apparent at Long, India and Central Wharves, portions of which are inundated during storm surges and high-high tide events. As the new building infrastructure planned for the District will have an anticipated lifespan of 50 to 100 years, the implementation of climate smart development principles as part of these projects will be a necessity. Opportunities will be explored to integrate climate resilience with energy conservation measures, such as combined heat and power and district energy system that will allow property owners to save on energy costs and also maintain building functionality during power outages due to storms or inundation. The planning effort will advance the priorities of the City’s Climate Action Plan and Climate Ready Boston initiative, allowing for a review of anticipated climate change impacts on existing and future built infrastructure and practical climate resilient strategies.

**Goal #6: Implement the Greenway District Planning Study Wharf District Guidelines.** The Greenway District Guidelines articulate four planning goals for the Wharf District: create and enhance access to the waterfront and South Boston; reinforce the openness represented by existing freestanding pier-like structures; facilitate the accessibility of Harborwalk and further diversify abutting uses. Guidance specific to the Wharf Subdistrict provides background on

existing urban design parameters and context for future development programs in the area. Reference is made to the unique free-standing pier-like structures along the waterfront that vary in height, uses, and architectural style, and contrast with the continuous urban blocks found on the east side of the Greenway. In order to enhance the relationship and connections between the waterfront, nearby open space parcels, and existing buildings, the Guidelines specify that new development should emulate the pier-based development patterns, including varied massing and openings to the harbor and create new perpendicular connections between the Greenway and Harborwalk.

## **2.10. Downtown Waterfront Public Realm & Watersheet Activation Plan Recommendations**

The Downtown Waterfront Public Realm & Watersheet Activation Plan identifies several types of public benefits. These public realm improvements were developed through robust discussions with stakeholders, property owners, MHPAC members, and the City.

The Downtown Waterfront can broadly be understood as four areas, each with its own character and potential:

- Northern Avenue, spanning from the Moakley Bridge to the Coast Guard Building
- Rows Wharf and India Row goes from 400 Atlantic Avenue to the Harbor Towers (which was the former India Wharf)
- Long and Central Wharves, which includes the Harbor Garage, the New England Aquarium, and the Long Wharf Marriott
- In addition, the watersheet is a highly active place, and this plan considers it as a distinct zone in itself that needs its own spatial clarity and organization, with consideration to the adjacent uses.

Each of the Downtown Waterfront's subdistricts has its own distinct features, uses, and building styles. Moreover, each of the subdistricts connects to vastly different parts of the city, from the South Boston Waterfront to the North End. The goals for each subdistrict are driven by a desire to reinforce the specific character of each

subdistrict and maximize the connections between neighborhoods. For example, the Northern Avenue section presents the opportunity to connect to the South Boston Waterfront; the India Row/Rowes Wharf area is mature and well-established and could benefit from clearer north-south connections and visual connections from the Greenway; Long and Central wharves are where the city meets the harbor; and the watersheet offers the opportunity to experience the city and the harbor in a whole new way.

**Northern Avenue:** The Northern Avenue section is a key gateway between the historic center of the city and the city's newest destination neighborhood, the burgeoning South Boston Waterfront. This area, bounded by the Northern Avenue Bridge and the Moakley Bridge, is the gateway between these destinations.

The challenges—and opportunities—here lie with how to facilitate passage between these neighborhoods, and create a sense of entrance or arrival. The planned renovation or replacement of the Old Northern Avenue Bridge offers the chance to strengthen pedestrian and bike links to the South Boston Waterfront and South Boston and create a model Complete Street. Creating an accessible Harborwalk path along the waterfront at both the Moakley Bridge and the Northern Avenue Bridge will allow more people to enjoy the waterfront. In addition, these accessible connections might present an opportunity to expand the public space along the waterfront, which is very narrow in this area.

**Rowes Wharf and India Row:** The Rowes Wharf and India Row area is a thin sliver of land between the Greenway and the water. It is home to a robust residential community and a range of restaurants and events venues at Rowes Wharf. Here, the focus is on facilitating passage from north to south, especially universal accessibility at the section of the Harborwalk behind the U.S. Coast Guard Building, and connections from the Greenway to the water. Clear pedestrian and visual connections will facilitate north-south connectivity. Drawing people from the Greenway and Downtown to the water might require improving the lateral links by adding programming, retail or restaurant uses, signage, and lighting.

In addition to facilitating connections, supporting the residential community and better integrating it into the city is a priority. Rowes Wharf is a premier gateway to the water and presents a wide range of public programs, which are supported by many of the residents. Harbor Towers allows public passage along the Harborwalk, but is otherwise physically isolated from its surroundings. Greater visual porosity through the property will help integrate the Harbor Towers into the city, and will visually connect Town Cove to the water. The challenge is balancing privacy for the residents with greater links with the public realm. More neighborhood services (e.g., pharmacies and grocery stores) should also be encouraged Downtown to support the growing residential community.

**Long and Central Wharves:** This is the most active and public area of the waterfront. With the Walk to Sea, the Rings Fountain on The Greenway, the Aquarium and the city's largest water transportation terminals and the Harbor Islands Pavilion, this is where Boston touches the water. The goal for Long and Central Wharves is to lead more people to the waterfront and fully utilize the space available, through programming, better wayfinding, and improved coordination.

Throngs of pedestrians, cyclists, residents, and tourists visit Long and Central wharves during the peak summer season. The challenge during the peak season is to manage the crowds and disperse the people throughout the area, while providing a high quality pedestrian and water-based experience. During the fall, winter, and spring, the challenge lies in how to draw more people here and encourage four-season use of the waterfront.

A range of strategies should be considered, such as a management group for this area, unified signage, and shared streets. In addition the end of Long Wharf can be better utilized and other areas offer the opportunity to create new open spaces (i.e., the Chart House parking lot) or higher- quality open spaces (i.e., the BPDA-owned land in front of the Harbor Garage and the Aquarium plaza).

The proposed design and use plan to be developed to implement the

amplification in Section 3.2.1 below and the provisions of 310 CMR 9.53(2) shall provide an opportunity to integrate the plan of NEAq including the development of the “Blueway” vision.

**The Watersheet:** Building on decades of work and the cleanup of Boston Harbor, the goal for the watersheet is to facilitate experiencing the harbor. This requires a careful balance of different types of marinas and vessels, and a strong management plan to make the harbor friendly and inviting to all.

Enhanced and coordinated water transit will bring more people to the waterfront and should be expanded as a transit option. Landside facilities, such as heated waiting areas, office and storage for operators are critical to making water transit a four-season option for commuters.

Perhaps most importantly, public agencies and private property owners must prioritize protecting the water’s edge. Climate change resilience and protection from storm surges is critical for both the public realm and the private properties in the area. New public spaces and buildings should be designed to withstand inundation and flooding. Retrofitting existing buildings and landscapes poses challenges, but should be encouraged. Significant research and analysis has been conducted on best practices – including reports by The Boston Harbor Association and the City’s Environment Department, and ongoing work by the Green Ribbon Commission – and these form a strong foundation for creating a resilient waterfront.

The recommendations that evolved out the Downtown Waterfront Public Realm & Watersheet Activation Planning process fall into three broad categories, which are interrelated and mutually reinforcing:

Connectivity: Strengthened connections from Downtown to the Harbor, Downtown to the South Boston Waterfront, from the Greenway to the waterfront, and from north to south.

Boston has an incredible wealth of linear park systems and paths,

from the Freedom Trail to the Walk to the Sea to the Rose Kennedy Greenway. This plan is an opportunity to enhance these connections and their relationship to the waterfront, and strengthen the Harborwalk and the Greenway—to draw people along the water’s edge and along one of the great park systems of the city. The key priorities are:

- North-south connections, along both the Harborwalk and the Greenway.
- East-west links between the Greenway and the waterfront, building on the Crossroads Initiative.
- Connections from Northern Avenue to the South Boston Waterfront.
- Increasing water transit opportunities and connections, both within the Inner Harbor and beyond to neighboring communities.
- Increasing accessibility by all modes, with a special emphasis on the pedestrian.

Legibility: Improved legibility of the public space and public passages through wayfinding (e.g., signage, materials), gateway elements, and public art.

The Downtown Waterfront, as an area that has organically developed over the years, lacks legibility both as coherent place and for its constituent parts. Indeed, this is a shared concern among residents, workers, and visitors that was voiced during numerous public meetings. Improved wayfinding and legibility can address many of these issues.

Wayfinding is not only signs, maps, and graphics, but also perceptual gateways, such as how buildings and trees frame a space, tactile cues, such as changes in paving, and landmarks. Wayfinding should be inherent in the spatial and visual grammar of a place. The Downtown Waterfront has many of the right elements to give the area the legibility it needs. With fine tuning, what is public, semi-public, or private as well as its rich wealth of amenities could be clearer.

Key to clarifying the public realm and circulation are:

- Improving the Long Wharf and Central Wharf area, including the plaza in front of the Aquarium, and the area's relationship to Central Wharf Park and the Greenway, and mitigating congestion and conflicts associated with garage access, bus/trolley staging, pedestrians and vendors.
- Creating landmarks and other visual clues or design elements, especially along key cross-paths to the harbor.
- Defining a unified wayfinding system for the various paths, transportation options (including water transit), and destinations.

Activation and Programming: Increased year-round ground-level and streetscape activation that reinforces the diverse uses in the study area.

This is one of the most activated waterfronts in New England. Since the opening of the Greenway, many property owners have introduced ground-level retail or restaurants, and others plan to do so. The new Greenway Overlay District Zoning (Boston Zoning Code Article 49A) will further encourage the ground-floor activation.

It is important to balance passive and active uses. Some areas within the district could be further activated, such as certain sections of the Harborwalk or the Northern Avenue area, and others, notably Central and Long Wharves, need to be better organized to manage the crowds, in particular watersheet and adjacent activation efforts, such as those in the emerging plans of the NEAq, should be incorporated into the overall activation efforts.

Ground-level activation and streetscape design should:

- Draw people, whether pedestrians or bicyclists, to the water's edge through programming/ground-level activity and maintaining view corridors.
- Encourage diverse uses, which includes a broad range of restaurants and retail, from casual to fancy, and amenities to support the residential community.

- Activate the waterfront year-round through four-season public programming and uses.

In addition, increased coordination and management among the different property owners, operators, and stakeholders will ensure that the Downtown Waterfront becomes a beautiful, well-organized, and welcoming district for all Bostonians.

### **3. AMPLIFICATIONS, SUBSTITUTE PROVISIONS AND OFFSETS**

#### **3.1. Approach**

This MHP is structured to implement the public realm goals developed in the Request for a Notice to Proceed, the public realm plan, and the specific objectives that were developed as a result of extensive analysis of proposed projects and their impacts, public comments, discussions with the state, and comments by project proponents. It uses a combination of baseline requirements, amplifications, substitute provisions, offsets, and fees associated with long-term licenses to ensure that public rights on filled and flowed tidelands are promoted with equal or greater effectiveness than what is required under the Waterways regulations.

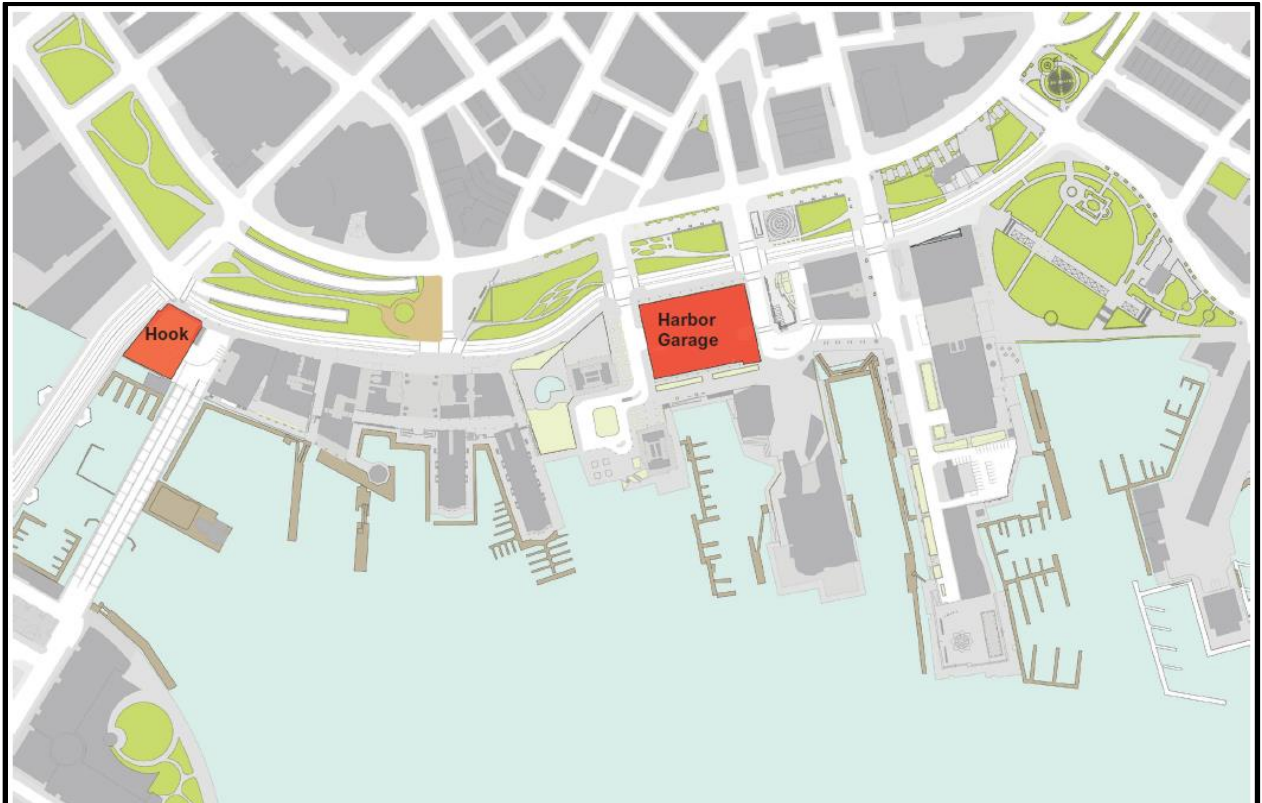
All new nonwater-dependent use projects provide baseline public benefits as stipulated in the Waterways regulations. Depending on the project, these baseline benefits include a pedestrian access network, or Harborwalk, Facilities of Public Accommodation (“FPA”) in many waterfront areas, activation of the waterfront as a year-round destination, water transportation, and the construction, maintenance, or repair of waterfront infrastructure. For the DTW MHP, the amplifications detailed in Sections 3.2.1, 3.2.2, and 3.2.3 below enhance baseline expectations and requirements for new developments within the planning area, implementing significant components of the public realm plan, protecting water-dependent uses, and enhancing climate resiliency regardless of any substitute provisions that may be required for a new proposed development.

Substitute provisions are required for new projects that exceed the



nonwater-dependent use standards, such as building height and lot coverage, and must provide offsets to ensure that tidelands are promoted with equal or greater effectiveness than what is required under the Waterways regulations. To the extent allowed, long-term Chapter 91-related license fees may also be used to promote specific public benefits within or directly related to the DTW MHP.

Figure 4 - Downtown Waterfront Planning Area Development Parcels



### 3.2. Amplifications and New Baseline Requirements

#### 3.2.1. Activation of Commonwealth Tidelands for Public Use (310 CMR 9.53(2)(b) and 310 CMR 9.53(2)(c))

To ensure the Downtown Waterfront district provides high-quality public areas, without noticeable differences in the quality of public spaces on Private or Commonwealth tidelands, and to the extent possible, exterior areas located on

Private tidelands within the MHP planning area that are planned for public access shall be considered as if they are on Commonwealth tidelands and be required to conform to the exterior public activation requirements under 310 CMR 9.53(2)(b) and if the square footage of lot coverage is increased under Section 3.3.2 for any floor at or below 55 feet in elevation, the interior public activation requirements under 310 CMR 9.53(2)(c).

To implement this amplification and the provisions of 310 CMR 9.53 (2), the City of Boston shall develop design and use standards for the area between, but not including, India Wharf and Christopher Columbus Park. These design and use standards shall, at a minimum, cover the following: (1) exterior design standards that relate to buildings within and adjacent to the DTW MHP area, especially any existing or proposed Special Public Destination Facility (“SPDF”), and other existing or proposed open space within or adjacent to the DTW MHP area; (2) public amenities that fully activate the area as a waterfront destination and create a sense of place for the Downtown Waterfront; and (3) water transportation facilities, including a water transportation and watersheet management plan. To the extent possible under applicable building codes, and subject to the amplification in Section 3.2.2 below, the design and use standards shall also provide direction and guidance on making interior Facility of Public Accommodation (“FPAs”) and exterior public realm areas climate resilient.

All SPDFs, FPAs, signage, amenities, landscaping features, wayfinding, and the location and size of public restrooms shall conform to the City’s design and use standards, which shall provide guidance to DEP to meet this amplification for Chapter 91 licensing decisions.

The design and use standards for all exterior areas subject to this amplification but not covered by the City’s design and use standards above shall be addressed in the Waterways licensing process. If completed, the City’s design and use

standards shall be used as guidance for any portion of the DTW MHP between and including Hook Wharf and India Wharf that is subject to a nonwater-dependent use Waterways license.

This amplification also clarifies that the New England Aquarium is the primary SPDF in the MHP planning area. The Aquarium, along with the numerous ferry routes, water-based excursions, water taxis, and marinas that serve this area, are collectively a diverse mix of water-dependent uses, and are afforded additional protection against displacement by nonwater-dependent uses in the Waterways regulations (310 CMR 9.00). The amplification to protect and promote the New England Aquarium (“NEAq”) as a water-dependent use will be implemented through a memorandum of understanding, or other mutually agreed upon binding agreement, between the City of Boston, NEAq and the project proponent of the Harbor Garage. This agreement shall address reasonable compensation for construction-related NEAq visitor and event revenue losses and other matters of mutual long range interest.

### **3.2.2. Engineering and Construction Standards (310 CMR 9.37(3)(c))**

The Waterways regulations at 310 CMR 9.37(3)(c) state that “in evaluating coastal and shoreline engineering structures, the Department shall require non-structural alternatives where feasible....” Given the entire shoreline of the DTW MHP consists of “shoreline engineering structures,” and given the importance of climate resilient public realm areas in activating the DTW MHP, this amplification seeks to elevate the ground level of exterior public areas wherever feasible, as a non-structural alternative, to be more resilient to coastal inundation. Accordingly, the City of Boston, as part of its design and use standards required in Section 3.2.1 above, shall recommend appropriate increases in elevation for public open spaces that have been improved under the DTW MHP.

### **3.2.3. Upper Floor Uses Over Flowed Commonwealth Tidelands**

The upper floors of any new nonwater-dependent use structure over flowed tidelands authorized under the DTW MHP shall provide offsets in accordance with Section 3.4.2, regardless of the actual upper floor uses of the new, nonwater-dependent use structure.

## **3.3. Substitute Provisions**

### **3.3.1. Building Height [310 CMR 9.51(3)(e)]**

To realize the City's goal of an activated, mixed-use neighborhood and consistent with a diversity of pre-existing and proposed building heights three substitute provisions for building height are proposed.

The Waterways Regulations prescribe specific height limitations for buildings located within Chapter 91 jurisdictional areas. DEP will waive these limitations if the project conforms to an approved Municipal Harbor Plan which specifies alternative height limits and/or other requirements which ensure that, in general, such buildings for nonwater-dependent use are relatively modest in size, in order that wind, shadow, and other conditions of the ground level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question. Projects benefiting from a height substitution must meet applicable Boston wind standards for pedestrians.

For shadow impacts the BPDA employed methodologies that have been adopted for municipal harbor planning along Boston Harbor including comparative shadow analyses on October 23<sup>rd</sup>. The date of October 23<sup>rd</sup> is employed as representative of seasonal conditions during which such shadow impacts might reasonably be considered a detriment

to the public use and enjoyment of the waterfront. In our analyses of the Downtown Waterfront we determined that there are few areas within the DTW MHP planning area that are not under continuous one hour shadow on October 23<sup>rd</sup>. Areas that are not under continuous one hour shadow on October 23<sup>rd</sup> include sections of Harborwalk at 408 and 400 Atlantic Avenue and Rowes Wharf. Also, the majority of Long Wharf including Harborwalk and the open space at the end of the wharf has limited shadow. One other section of the planning area not in shadow on October 23<sup>rd</sup> is the watershed in the cove between Central Wharf and Long Wharf (Figure 9).

This MHP establishes the open spaces on Long Wharf seaward of the Marriott Long Wharf Hotel as a shadow prohibition zone. New structures utilizing height substitute provisions shall be oriented to reasonably minimize net new shadow on other areas of the waterfront including open space, walkways and water-dependent use facilities in and along the water's edge.

The three substitute provisions for building height are provided as follows:

Harbor Garage: Chapter 91-compliant heights on this parcel range from approximately 110 feet up to approximately 150 feet. The Harbor Garage occupies a unique site in the City, and the redevelopment of the site must be exceptional. Given the scalar and stylistic inconsistencies of the surrounding neighborhood, there are no simple metrics for limiting the building's form. The opportunity to create a signature development in place of the Garage, while balancing the need for activation with contextual sensitivity at the neighborhood and City scales is paramount. "Appropriateness" on this site at the recommended scale must be measured not simply in terms of parity with the physical context, but should also include the building's performance with respect to environmental impacts, view corridors, and ground-level

experience of the public realm. To promote higher density development and a variety of building heights within the DTW MHP area, the maximum height allowed on this site is 585 feet as measured to the highest occupied floor. In no case shall any building structure exceed the Federal Aviation Administration (FAA) height limitations for structures, or 600 feet in height, whichever is lower. To facilitate greater site porosity and view corridors, building(s) of this height shall not exceed 50% of the project site. Location of building foot prints for new buildings included in a redevelopment of the Harbor Garage project site shall conform to the proposed design and use plans and allow a significant component of the project's open space to the north and east of the project site to increase views from the Greenway to Boston Harbor, better visibility and connectivity of the NEAq to the Greenway and long term plans to develop the NEAq "Blueway" vision.

However, canopies, awnings, and covers that create a more comfortable environment for the public shall not be considered to reduce the calculated open space for Chapter 91 purposes. The total floor area of the proposed structure shall not exceed 900,000 square feet and an FAR of 15.7, as compared to the Waterways-compliant maximum of approximately 370,000 square feet.

The structure shall be oriented to reasonably minimize net new shadow and to avoid net new shadow on Long Wharf seaward of the Marriott. Any proposed development shall meet applicable Boston wind standards for pedestrians.

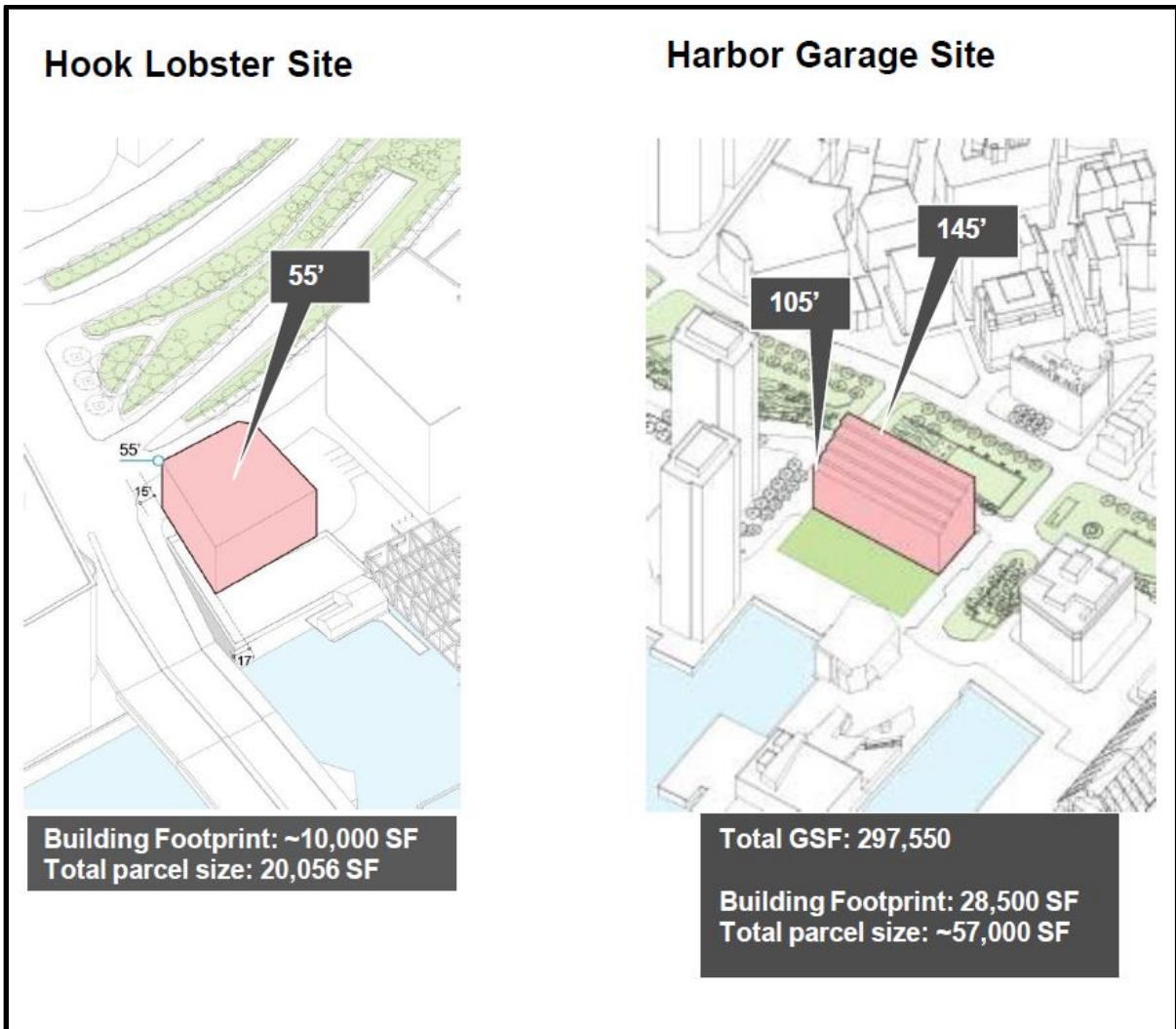
Building volume may range between 9,500,000 and 10,500,000 cubic feet, as compared to the Waterways-compliant maximum of approximately 3,400,000 cubic feet.

Hook Wharf: To accommodate a slender tower with a base podium, maximum building heights on this site shall be allowed as follows: (1) a maximum building tower height of 285 feet to the highest occupied floor, and 305 feet overall,

shall be allowed for an area not to exceed 55% of the current project site, prior to the inclusion of any open space offsets; and (2) a maximum building podium height of not more than 55 feet shall be allowed on an additional building footprint of not more than 15% of the current project site, prior to the inclusion of any open space offsets. The total floor area of the proposed structure shall not exceed 275,000 square feet and an FAR of 14.6, as compared to the Waterways-compliant maximum of approximately 50,000 square feet.

Building volume may range between 3,500,000 and 4,000,000 cubic feet, as compared to the Waterways-compliant maximum of approximately 550,000 cubic feet. The massing shall be oriented to reasonably minimize net new shadow. Any proposed development shall meet applicable Boston wind standards for pedestrians.

Figure 5 - Chapter 91 Baseline Massing and Height

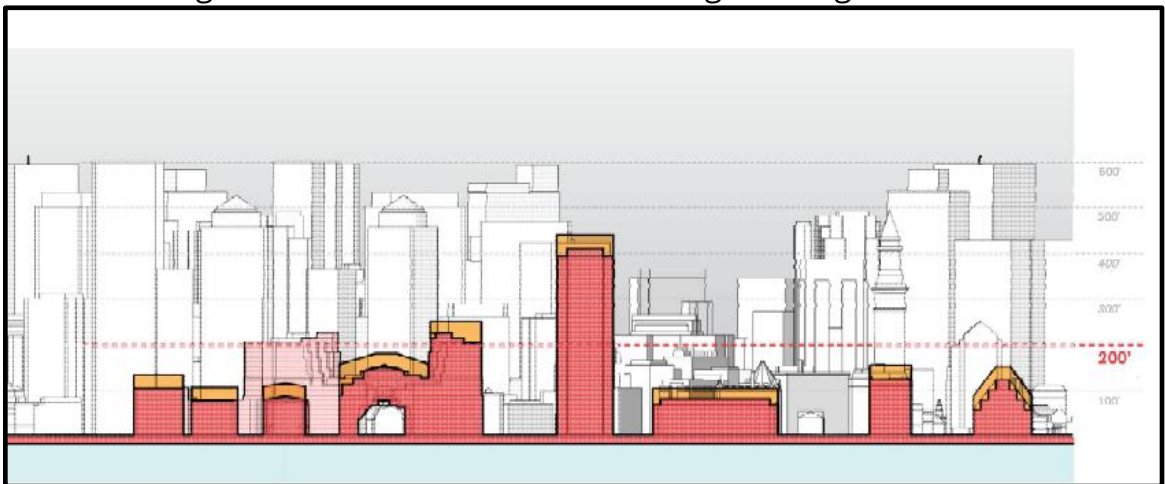


New Structures on Existing Buildings: New structures for non-water-dependent uses on existing buildings, excluding those receiving relief through other sections of this MHP, shall be limited to an additional two floors, not to exceed 30 feet above the existing building height, including mechanicals, and shall not in any event exceed 200 feet in height, provided that: (1) any ground level or below ground level mechanicals shall be relocated to an upper floor, or otherwise flood-protected, for purposes of climate sustainability; (2) all existing open space



on the project site shall be publicly accessible; (3) 100% of the interior ground floor area, minus upper level accessory uses as defined in 310 CMR 9.02, shall be FPA(s) or a water-dependent use, to comply with the provisions of Section 3.2.1 above; (4) any new structure shall be oriented to minimize net new shadow and to avoid net new shadow on Long Wharf seaward of the Marriott; and (5) any additional height shall be offset as described in Section 3.4.4 below. This additional building height is not “by right,” and shall only accommodate projects that have received all other applicable federal, state, and local approvals.

Figure 6 – New Structures on Existing Buildings



### 3.3.2. Lot Coverage/Building Footprint [310 CMR 9.51(3)(d)]

To meet the standards at 310 CMR 9.51(3)(d), and to comply with the CZM Director’s Notice To Proceed, a minimum of one square foot of open space shall be provided for every square foot of lot coverage, in the aggregate, within the DTW MHP. This standard will ensure that not less than 50% of the DTW MHP area, in the aggregate, shall be publicly accessible open space. In addition, each new project within the DTW MHP area must conform to the Waterways regulations or the applicable substitute provisions and offsets as set forth below.

Hook Wharf: Total lot coverage shall not exceed 70%. This substitution is recommended due to the constrained buildable area on the property. Lot coverage is also informed by the program of the first floor. The proponent of the project intends to accommodate the Hook family lobster business on the entire first floor including wholesale and retail facilities and a restaurant. For a project site of approximately 20,000 square feet, lot coverage shall not exceed 14,000 square feet, or approximately 4,000 square feet more than the Waterways standard. This additional amount of lot coverage of up to 20% of the site is allowed for fixed structures including canopies, awnings, building overhang or cantilevers and building podium with a maximum height of 55-feet provided podium ground floor uses serve as Facilities of Public Accommodation or are water-dependent uses.

All substitute provisions shall be offset in accordance with Section 3.4 below.

No substitute provision for lot coverage is proposed for the Harbor Garage project site, meaning that total lot coverage shall not exceed 50%. However, canopies, awnings, and covers that create a more comfortable environment for the public shall not be considered to reduce the calculated open space for Chapter 91 purposes. Building massing and lot coverage shall function to enhance open space, porosity and sight lines through the northern portion of the property to better connect the Greenway to Central Wharf and the New England Aquarium. If the Harbor Garage site is increased by the proponent acquiring additional land area on which an existing structure is presently located, the footprint of the Harbor Garage project may be increased correspondingly (up to 55 feet in height) if that existing structure is removed so the additional land area becomes publicly accessible open space.

The BPDA Director shall maintain an accounting of the open space characteristics within the harbor planning area and

provide a statement verifying compliance with this baseline requirement as part of the license application process for each project.

### **3.3.3. Facilities of Private Tenancy [310 CMR 9.51(3)(b)]**

Under 310 CMR 9.51(3)(b), Facilities of Private Tenancy (FPTs) are prohibited over flowed tidelands and within 100 feet of the project shoreline without a substitute provision.

Hook Wharf: FPTs on upper levels over flowed tidelands are allowed within the lot coverage and building heights specified in Sections 3.3.1 and 3.3.2 above. This provision is subject to the amplification in Section 3.2.3 above. Any substitute provisions shall be offset in accordance with Section 3.4 below.

### **3.3.4. Water-Dependent Use Zone [310 CMR 9.51(3)(c)]**

The WDUZ for a new or substantially new structure may be reconfigured, provided the overall area of the WDUZ is equal to or greater than that resulting from strict compliance with the dimensional standards of 310 CMR 9.51(3)(c). In no event shall the WDUZ be less than 12 feet in width.

Hook Wharf is the only proposed project in the MHP area with a WDUZ. Per the Waterways regulations, “a nonwater-dependent use project that includes fill or structures on any tidelands shall devote a reasonable portion of such lands to water-dependent use... [including] one or more facilities that generate water-dependent activity of a kind and of a degree that is appropriate for the project site, given the nature of the project, conditions of the water body on which it is located, and other relevant circumstances.” In addition to a Harborwalk, the Hook Wharf project will also include water transportation infrastructure, including water taxi slips and other slips for boating uses, free public touch-and-go docking for public access, and docking for dinghies and small craft, all designed to meet Inner Harbor Passenger Water

Transportation Guidelines.

In order to promote the public's access to the waterfront, the Hook Wharf project may require a reconfigured WDUZ. No offset is required.

Figure 7 - Existing Shadow

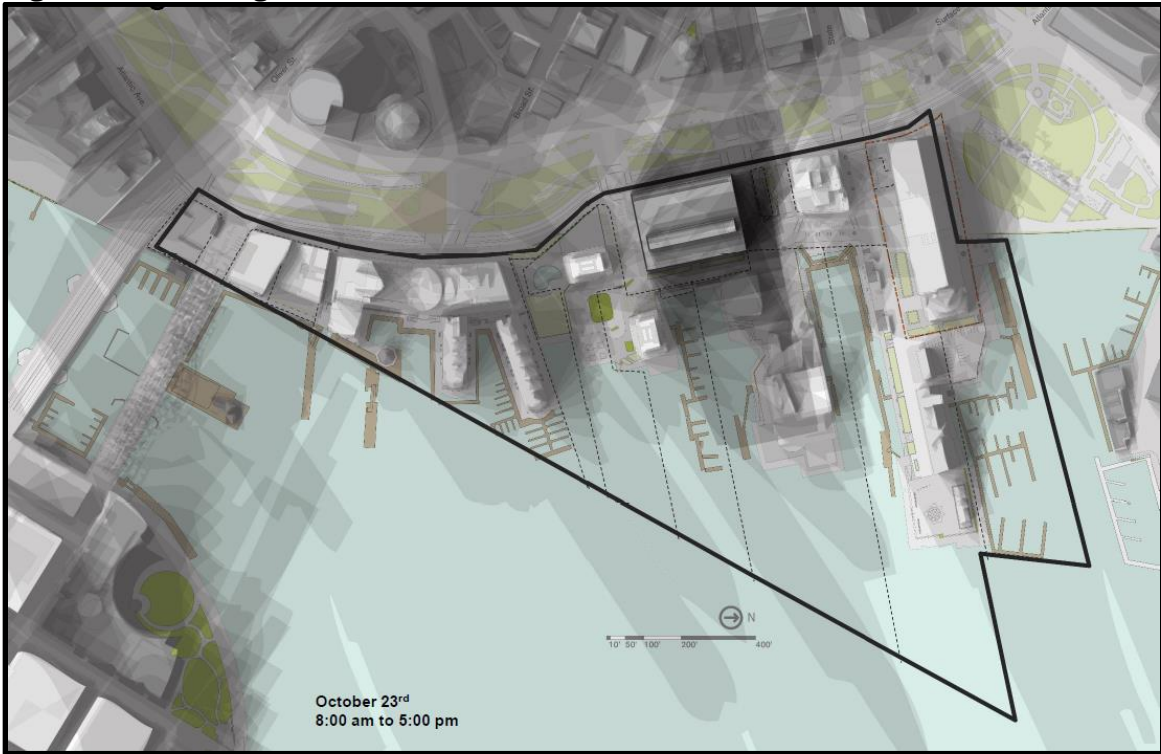


Figure 8 – Areas Without Continuous 1-Hour of Shadow (Oct. 23<sup>rd</sup>)



Figure 9 – Areas Without Continuous 1-Hour of Shadow (Oct. 23<sup>rd</sup>)



Figure 10 – Harbor Garage

*The following is one of many possible massing scenarios based upon the recommended dimensional substitutions for the Harbor Garage site*

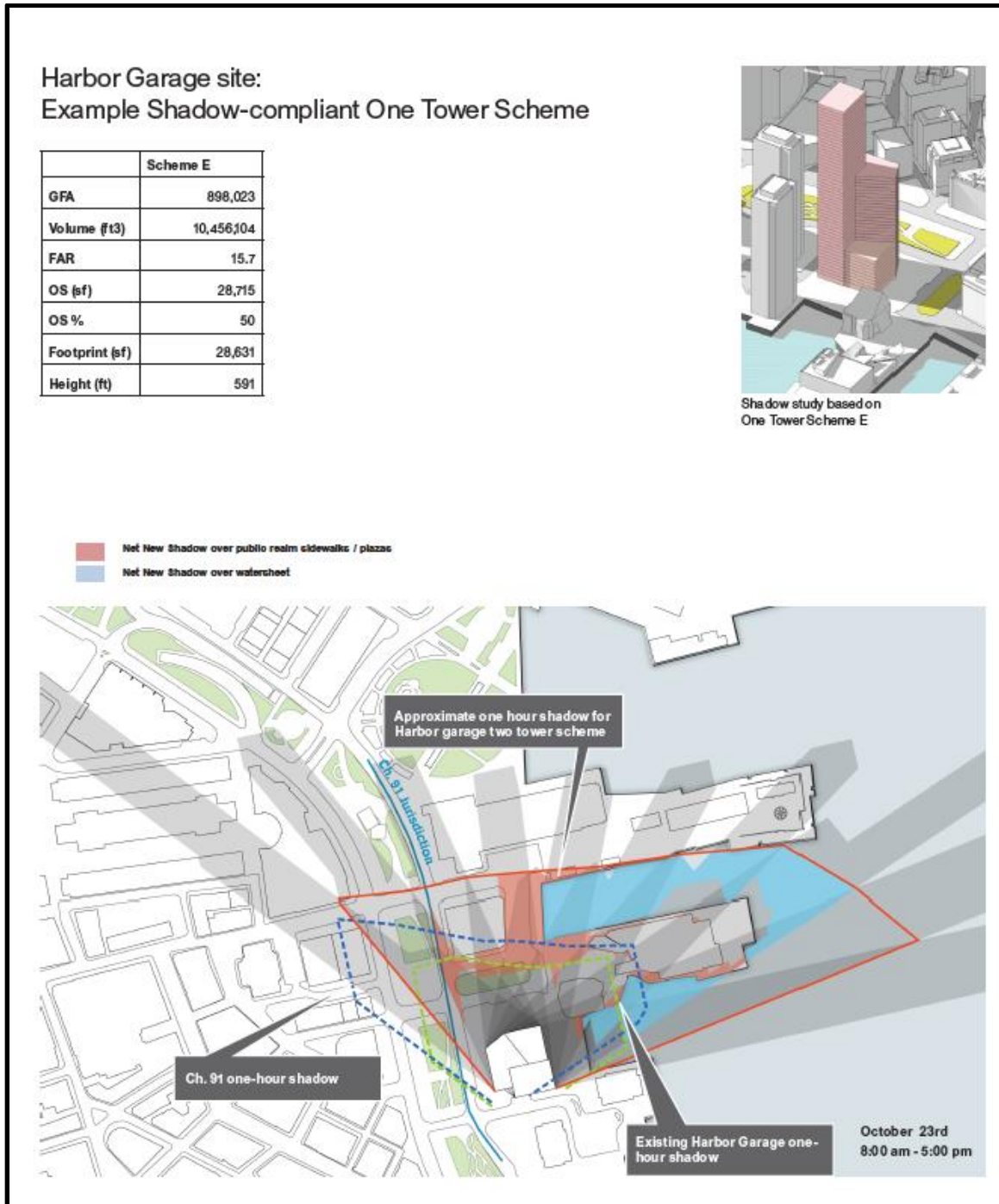
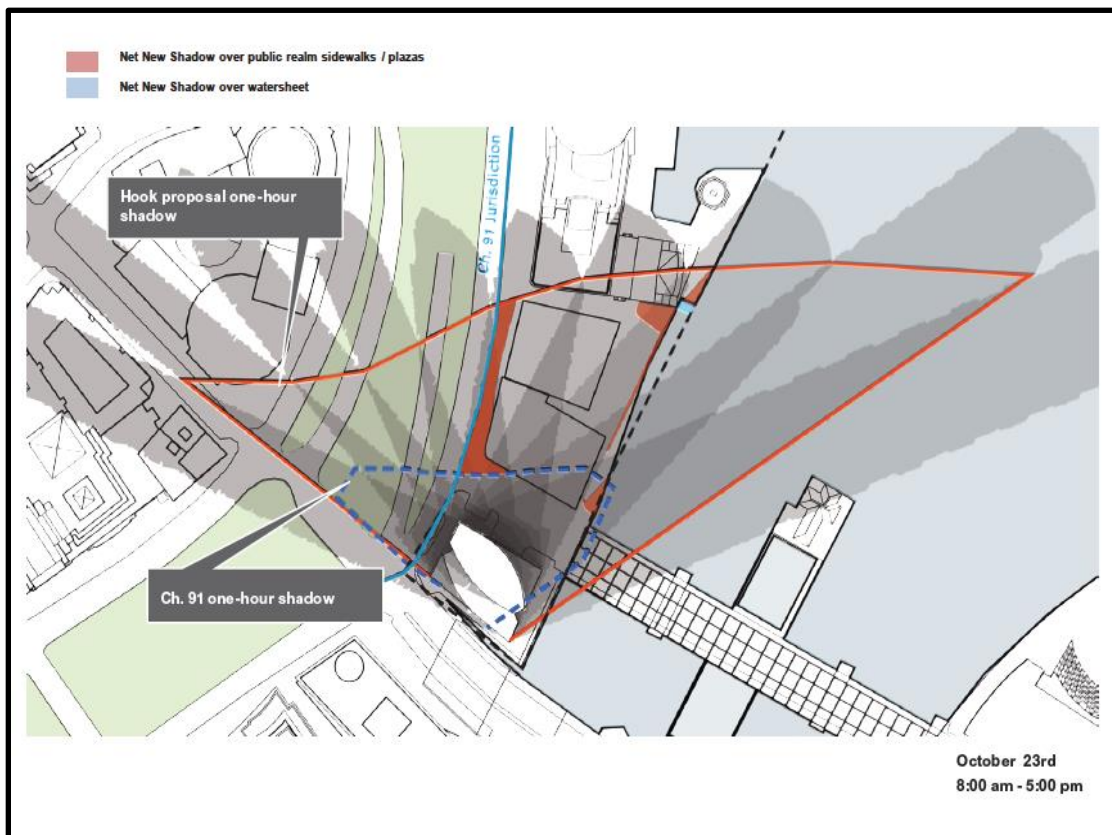
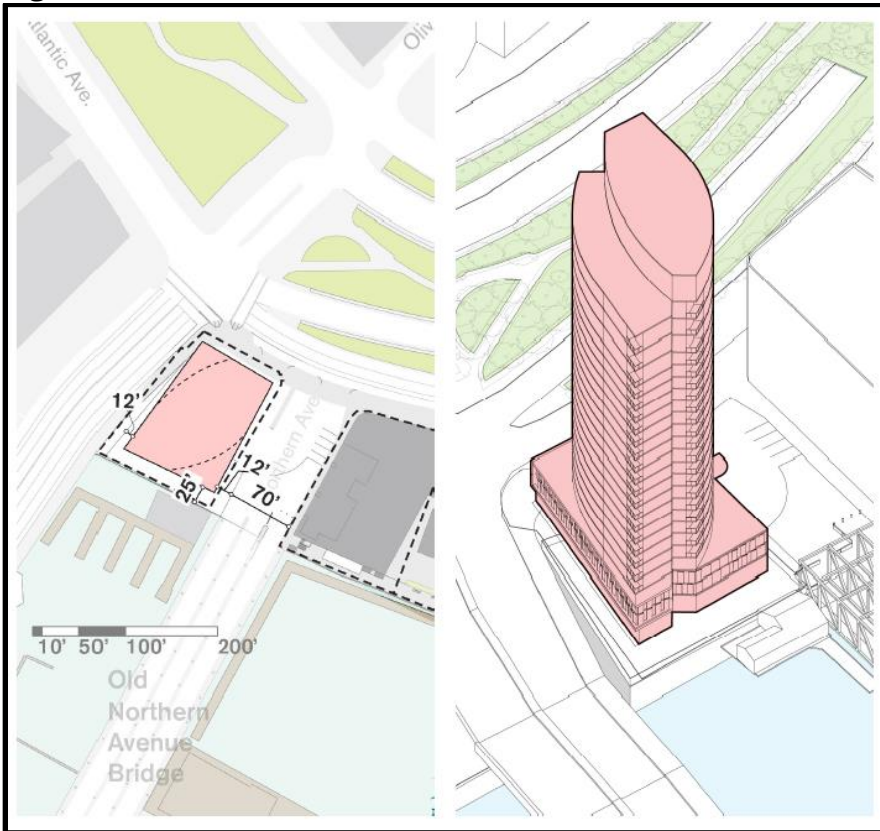


Figure 11 - Hook Lobster



### 3.4. Offsets

#### 3.4.1. Hook Wharf

As a “Crossroads” parcel connecting the downtown area with Fort Point, the South Boston Waterfront District, and South Station, all of the offsets for this proposed project are focused on site improvements to fulfill the parcel’s public realm potential.

To offset the impacts of increased building height, including net new shadow, lot coverage of up to 70%, and FPTs over flowed tidelands, and subject to the amplification in Section 3.2.3 above, the following offsets are required:

- Prior to the submission of an Environmental Notification Form (ENF) for the proposed project to the Massachusetts Environmental Policy Act (MEPA) office, funding for the City of Boston’s design and use standards in Section 3.2.1 above. The City of Boston and the project proponent shall determine the amount of funding that shall be provided, which in no case shall be less than \$100,000. The BPDA will match this amount up \$100,000 for a total contribution of no less than \$200,000. Completion of the design and use standards is required before the issuance of any new nonwater-dependent-use Waterways license, or before the approval of any change to open space or FPAs described within an existing nonwater-dependent use Waterways license.
- The creation of an interior and exterior Special Public Destination Facility that shall include enhanced open space areas and a ground floor with a deeded restriction for waterfront uses.
- Expanding the publicly accessible deck south to connect with Moakley Bridge pedestrian connections as offset for FPT’s;
- Promotion of the public’s access to and enjoyment of the waterfront through the following projects in order



of priority, at an inflation-adjusted 2017 cost of \$1.5 million:

- o An over-the-water, fully accessible connection between the project site and 470/500 Atlantic Avenue, to ensure a safe, continuous Harborwalk;
- o the implementation of the vision for Channel Walk West, as presented in the Fort Point Channel Watersheet Activation Plan;
- o Activation of the Fort Point Channel watersheet and the future Northern Avenue Bridge.

Alternative offsets to be determined in licensing shall be selected from the list of public realm improvements in Section 3.4.3 below.

Additional support for water transportation and other public amenities is covered under Section 4.

### **3.4.2. Harbor Garage**

The redevelopment of the Harbor Garage project site has certain inherent public benefits, such as a reduction in lot coverage from the existing 100% level to a maximum of 50%. However, the building height exceeds the nonwater-dependent standards of the Waterways regulations, requiring offsets that are off-site but adjacent and relevant to the proposed project.

To offset the impacts of increased building height the following offsets are required:

1. Prior to the submission of an Environmental Notification Form (ENF) for the proposed project to the Massachusetts Environmental Policy Act (MEPA) office, funding for the City of Boston's design and use standards in Section 3.2.1 above. The City of Boston and the project proponent shall determine the amount of funding that shall be provided, which in no case shall

be less than \$300,000. Completion of the design and use standards is required before the issuance of any new nonwater-dependent-use Waterways license, or before the approval of any change to open space or FPAs described within an existing nonwater dependent use Waterways license.

2. The conversion of the Chart House Parking Lot to public open space, subject to the amplification in Section 3.2.1, at an inflation-adjusted 2017 estimate cost of \$5 million;
3. A contribution to the advancement of the NEAq's Blueway vision, at an at an inflation-adjusted 2017 estimate cost of \$5 million.
4. If the IMAX theater is not removed the offset could be used to fulfill other components of the New England Aquarium "Blueway" design concept (Figure 12); to enhance the Chart House parking lot open space with improved marine infrastructure and access including the restoration of T Wharf; or the renovation of Old Atlantic Avenue for public open space, at an inflation-adjusted 2017 estimate cost of \$3.2-million.

Alternative offsets to be determined in licensing shall be selected from the list of public realm improvements in Section 3.4.3 below.

Additional support for water transportation and other public amenities is covered under Section 4.

### **3.4.3. Alternative Offsets**

This Section applies to the following:

- All new projects for which no substitute provisions have been identified in Sections 3.4.1 and 3.4.2, above;
- All additions to existing structures for which no substitute provisions have been identified in Sections 3.4.1 and 3.4.2 above; and
- All new projects with specific offsets in Sections 3.4.1

and 3.4.2 above, for which additional offsets are deemed appropriate, based on the impacts to the pedestrian environment and water-dependent activities as determined at the issuance of the Waterways license.

Offset for public realm improvements under this section, if required, shall be determined based on the design of the structure, its impacts on the pedestrian environment, and other conditions, developments, or public works projects that are in progress or planned. Offsets shall also be determined based on proximity to the impacts being offset, with consideration also given to improving the public realm throughout the DTW MHP.

Specific projects that are eligible for offsets are:

- Any of the offsets listed in Sections 3.4.1 and 3.4.2 if the offset(s) has/have not been completed in a timely manner. In the event a project does not fulfill its offset obligation(s) under Sections 3.4.1 or 3.4.2, a different offset of equal or greater value shall be substituted.
- Additional open space improvements, including the Northern Avenue Bridge, the current non-universally accessible section of the Harborwalk behind the U.S. Coast Guard building at 408 Atlantic Avenue, and the seaward end of Long Wharf.
- Water transportation facilities, including docks, piers, and waiting rooms that are resilient to the impacts of coastal inundation.
- Subsidies for water transportation, including scheduled service within Boston's Inner Harbor, water taxis, and ferries to the Boston Harbor Islands.
- Programming or capital improvement funds for exterior public open space areas, within the DTW MHP or within Christopher Columbus Park, the Rose Kennedy Greenway, and the Boston Harbor Islands.

Figure 12 – New England Aquarium Blueway



### 3.5. Summary of Chapter 91 Substitutions, Offsets and Amplifications

The following table summarizes the proposed amplifications, substitutions and the associated public benefits that will offset those substitutions

<b>Waterways Regulation</b>	<b>DTW MHP Location</b>	<b>Amplification</b>	<b>Substitute Provision</b>	<b>Offset</b>
<b>Engineering and Construction Standards [310 CMR 9.37 (3)(c)]</b>	All	For open space improvements, elevate exterior areas as feasible as a non-structural alternative to increase coastal resiliency	None	None
<b>Facilities of Private Tenancy (FPTs) [310 CMR 9.51 (3)(b)]</b>	Hook Wharf	Offsets for Hook Wharf, including FPTs over flowed tidelands, shall be provided regardless of upper floor uses over flowed tidelands	Upper floor FPTs shall be allowed only on a portion of the Hook Wharf site	The creation of an interior and exterior Special Public Destination Facility that shall include enhanced open space areas and a ground floor with a deeded restriction for waterfront uses. Expanding the publicly accessible deck beyond the project site south to connect with Moakley Bridge pedestrian connections as offset.
<b>Water-Dependent Use Zone (WDUZ) [310 CMR 9.51 (3)(c)]</b>	Hook Wharf	None	Any reconfigured WDUZ shall have an area that is equal to or greater than a compliant WDUZ and in no case shall it be less than 12 feet wide	None
<b>Lot coverage (building footprint) [310 CMR 9.51 (3)(d)]</b>	Hook Wharf	None	Lot coverage shall not exceed 70%	Offsets for all substitute provisions excluding for the FPTs over flowed tidelands, at the Hook Wharf site include (1) funding for the City's design and use standards; and (2) \$1.5-million to promote the

				public's access to and enjoyment of the waterfront, such as an over-the-water Harborwalk connection under Moakley Bridge, Channel Walk West, and activation of the Fort Point Channel, potentially including the future Northern Avenue Bridge.
<b>Building Height [310 CMR 9.51 (3)(e)]</b>	Harbor Garage	None	Up to 585' to the highest occupiable floor, but no more than 600' overall; oriented to minimize net new shadow and avoid net new shadow on Long Wharf seaward of the Marriott	Offsets for all substitute provisions at the Harbor Garage site include: (1) funding for the City's design & use standards; (2) open space improvements to Chart House Parking lot, and (3) contribution to advancement and implementation of NEAq's Blueway vision, or potentially other open space improvements.
<b>Building Height [310 CMR 9.51 (3)(e)]</b>	Hook Wharf	None	Up to 285' to the highest occupiable floor, but no more than 305' overall; oriented to minimize net new shadow	Offsets for all substitute provisions, excluding for the FPTs over flowed tidelands, at the Hook Wharf site include (1) funding for the City's design and use standards; and (2) \$1.5-million to promote the public's access to and enjoyment of the waterfront, such as an over-the-water Harborwalk connection under Moakley Bridge, Channel Walk West, and activation of the Fort Point Channel, potentially including the future Northern Avenue Bridge.
<b>Building Height [310 CMR 9.51 (3)(e)]</b>	New Structures on Existing Buildings	None	Additional building height of not more than 30 1/2 additional floors; oriented to minimize net new shadow and avoid net new shadow	To be determined at licensing but including any unfinished offsets identified for other projects in this MHP, other open space improvements, water

			on Long Wharf seaward of the Marriott	transportation, & programming or capital improvements for open space within or adjacent to the DTW MHP
<b>Building Height [310 CMR 9.51 (3)(e)]</b>	New Structures Seaward of the Marriott on Long Wharf	None	Additional building height over existing building heights of not more than 30'2 additional floors; oriented to minimize net new shadow and avoid net new shadow on Long Wharf seaward of the Marriott	To be determined at licensing but including any unfinished offsets identified for other projects in this MHP, other open space improvements, water transportation, & programming or capital improvements for open space within or adjacent to the DTW MHP
<b>Activation of Commonwealth Tidelands for Public Use [310 CMR 9.53 (2)(b) &amp; (2)(c)]</b>	Private Tidelands	Given the highly public nature of the DTW MHP area, exterior private tideland areas that are planned for public access shall be held to the public activation standard used for Commonwealth Tidelands	None	None
<b>Activation of Commonwealth Tidelands for Public Use [310 CMR 9.53 (2)(b) &amp; (2)(c)]</b>	All	The City shall develop design & use standards to ensure maximum public use and enjoyment of this area	None	None

#### 4. CHAPTER 91 LONG-TERM LICENSE FEES

The fees associated with the long-term Chapter 91 license, including those for Commonwealth tidelands occupation, water transportation, and waterfront activation shall, to the extent possible, be directed to: (1) water transportation improvements for services to and from the DTW MHP area; and (2) open space programming for areas within the DTW MHP or within Christopher Columbus Park, the Rose Kennedy Greenway, and the

Boston Harbor Islands.

## **5. PREPARING FOR CLIMATE CHANGE**

The effectiveness of an MHP is based to a large degree on the document's use of specific components of the Waterways regulations. However, climate resiliency is not a focus of the Waterways regulations, so there are few provisions that can be substituted or amplified with a direct effect on climate resiliency, and an MHP cannot supersede applicable building codes with enforceable provisions.

In spite of these limitations, the DTW MHP addresses two specific elements of climate resiliency in Section 3.2.2, which amplifies the engineering and construction standards, and in Section 3.3.1, which provides a substitute provision for building height. In the first case, the amplification specifies that areas improved for public open space shall also be incrementally elevated, to improve resiliency. In the substitute provision, additional building height is allowed for existing structures as long as steps are taken to flood-proof mechanicals and provide additional public benefits. In addition, to the extent possible, the City of Boston will encourage design standards and construction methods that improve the resiliency of interior FPA space within the DTW MHP.

The sections below outline flood level conditions within the DTW MHP, assessments and programs at the local, state, and federal levels designed to address resiliency, and steps that may be taken to further protect this area from coastal inundation.

Overall, with rising global temperatures, coastal cities such as Boston must prepare for increasing sea levels, more frequent and intense storm events and heat waves. Much of the Downtown Waterfront is comprised of historic fill placed at an elevation a few feet above mean high water, making the district particularly vulnerable to storm surge and inundation with predicted increases in sea level ranging from 2.4 to 7.4 feet by 2100 under moderate to high emissions scenarios. The effects of higher seas are already apparent in the Downtown Waterfront with portions of Long, Central and India Wharves being partially inundated during coastal storms and high-high tide events. As the new building infrastructure



planned for the district will have an anticipated life span of 50 to 100 years, the implementation of climate smart development principles as part of these projects is a necessity. The City expects new development and infrastructure improvements in the Downtown Waterfront planning area to be designed, constructed and maintained with adequate climate preparedness and resiliency measures that will function to protect health and safety, prevent damage to the surrounding environment and built infrastructure, and limit disruptions to service and use of public spaces and buildings.

### **5.1. Existing City and State Climate Preparedness Requirements**

At a minimum, new projects in the district governed by the MHP must address and comply with the following climate change mitigation and preparedness policies and requirements:

- City of Boston Climate Action Plan (CAP) - The 2014 CAP update requires that all city planning processes include an analysis of preparations for the effects of climate change. New buildings should function to advance the City's goal of reducing CO2 emissions from large buildings and institutions 14% by 2020. Large buildings and institutions are of specific concern regarding climate mitigation as this sector contributes approximately 50% of Boston's greenhouse gas emissions.
- Climate Ready Boston – A City initiative to develop resilient solutions for buildings, infrastructure, environmental systems and residents to address the challenges posed by long- term climate change and ensure Boston continues to prosper and thrive. The program will look to develop guidance for the City's climate preparedness policies and initiatives based upon an ongoing analysis of climate projections and scenarios, and integration of local and regional vulnerability assessments. Climate Ready Boston will also review and identify applicable resilient design measures and practices for vulnerable location and come forth with an implementation plan that also prioritizes solutions based upon costs and benefits.
- City of Boston Zoning Code - All new buildings over 50,000 square feet are subject to the City's Green Building Zoning Code Article

37 and are expected to show that their building can achieve equivalent performance at the LEED Silver rating for their new assets to improve tenant comfort, safety and reduce energy demand, carbon emissions, and limit negative environmental impacts associated with stormwater runoff and heat island effect. Any project subject to Article 80 of the City's zoning code must also comply with the City's Climate Change Preparedness and Resiliency Checklist. Due to the Downtown Waterfront District's existing vulnerability to flood and storm surge conditions and future sea level rise, proponents will be expected to address and implement strategies and mitigation methodologies under Checklist Section B – Extreme Weather and Heat Events, and Section C – Sea Level Rise and Storms. All projects must also adhere to any flood resistant construction elevations as determined by the city.

## **5.2. District Vulnerability**

The Downtown Waterfront is particularly vulnerable to inundation from coastal storms and future sea level rise due to its orientation to open water at the base of the Harbor and the area's elevation. FEMA's most recent Flood Insurance Rate Maps (FIRMs - March 2016) delineate much of the planning area, within a Special Flood Hazard Area, subject to the 100-year storm event. As the FIRMs are based upon analysis of historic storms of record, they do not account for future sea level rise in the delineation of the flood hazard areas or base flood elevations. Additionally the FIRMs represent most all of the ends of the district's wharves within a Velocity Zone where storm wave heights up to 3 feet. Projects in the planning area will therefore need to implement design and structural measures to mitigate wave action and energy.

To estimate vulnerability and risk associated with future sea level rise the City has developed climate projections and a vulnerability analysis through the Climate Ready Boston (CRB) initiative, which will be utilized for any new development within the planning area. The CRB findings and guidance provide relative sea level rise estimates for Boston, based upon the Global Sea Level Rise Scenarios for the

United States National Climate Assessment and adjusts the scenarios and other sea level rise research. Moderate to high emission scenarios anticipate 7 inches to 1.5 feet by 2050 and 2.4 to 7.4 feet by 2100. Project proponents should reference the CRB guidance and utilized the moderate to high emission scenario estimates for future sea level elevations and in developing a Design Flood Elevation above FEMA Base Flood Elevations to function as a datum for determining the project's base floor elevation and location of critical building systems. For more specific modeling information on future sea level rise scenarios, proponents should reference CRB guidance and the Massachusetts Department of Transportation's Boston Harbor Flood Risk Model (BH-FRM) to determine inundation risk and review dynamics and flood pathways in and around their property.

There are several state owned transportation assets in and around the planning area that will be vulnerable to sea level rise and storm surge, including the MBTA's Aquarium Station egress on State Street, and their Blue Line ventilation building at the end of Long Wharf, along with MassDOT's I-93 Central Artery tunnel ramps. The state has developed a Climate Change Vulnerability Assessment to determine the extent of vulnerability of these facilities. The City of Boston has also engaged Woods Hole Group to conduct a flood and storm surge modeling effort to better assess FEMA's Preliminary FIRM's, which can be used to better determine the nature and extent of flooding under a variety of future flood conditions. The City will continue to work with the State transportation agencies and coordinate efforts to prepare and protect public transportation infrastructure, the public realm and area properties.

### **5.3. Climate Preparedness Strategies and Expectations with New Development**

Any property owner within the planning area filing for a new Chapter 91 License or Amended License, regardless of whether they are subject to the provisions of the MHP, shall conform with the climate change preparedness and resiliency standards specified in the MHP.

To determine a baseline of climate change preparedness and

resiliency, property owners within the planning area shall complete an Existing Conditions Climate Change Preparedness Plan within one year of the Secretary's approval of the MHP. The plan shall reference the MHP climate preparedness best practices specified below and best practices currently being employed or planned for implementation and installation within the next year. Within five years, or upon the filing of any document with the BPDA or MEPA office for a project, all property owners shall file a Climate Change Preparedness Plan for Future Conditions specifying measures referenced in the list below which will be incorporated into the project, including the climate preparedness best practices referenced below. The resiliency measures submitted as part of the plan for new development must be implemented as part of the development program for the proponent to utilize approved substitute provisions specified in the MHP for the project site.

Public open space and accessible areas must be designed and constructed with materials that will ensure their continued use by the public after periods of inundation. As much of the Downtown Harborwalk and shoreline is within areas designated by FEMA as subject to wave action, public plazas, walkways and Harborwalk should be designed and constructed with materials that can withstand wave action and function, to the extent practicable, to mitigate wave and tidal energy to assist in limiting damage to adjoining buildings and structures. Waterside infrastructure such as new docks, piers, as well as bulkhead and seawalls, shall be designed and constructed to withstand storm surge, wave action and future sea level rise. Materials for public spaces should also be of a higher albedo to assist in limiting heat island effect and incorporate vegetation and structural elements that provide shade and refuge from summer heat, as well as wind and precipitation.

All new projects shall incorporate additional freeboard in developing a Design Flood Elevation (DFE) and determining the base floor elevation for buildings, as well as elevations for underground garage portals, ventilation and exhaust systems, building mechanicals and utility connections. The level of freeboard shall be determined in accordance with the sea level rise ranges associated with the

moderate to high emissions scenarios specified by Climate Ready Boston guidance documents. Consideration shall be given to the design life of the building and the most conservative, applicable range of anticipated sea level rise.

For purposes of measuring building height within the planning area, project proponents shall utilize the base, or first floor elevation rather than the surrounding grade elevation to facilitate the incorporation of freeboard, or elevation of base floor height above the FEMA Base Flood Elevation. Project proponents may extend building height by the amount of freeboard provided above the FEMA Base Flood Elevation without having to offset shadow related to the added building height.

Existing property owners who wish to relocate vulnerable building mechanical systems or uses from the ground floor or below grade elevations to higher floors may construct additional heights to the building to compensate for loss of space without having to offset any new shadow created by the height, provided the ground floor is flood proofed and there is no loss of space on the ground floor dedicated to facilities of public accommodation. Vertical expansion of any building within the MHP area shall be in accordance with the *MHP Section 3.3.1 Building Height*.

The Downtown Waterfront should also serve as the city's first Flood Resiliency District, with property owners collectively evaluating risks of future sea level rise, district wide measures that can be implemented to reduce the risk and potential future damage, as well as funding mechanisms for area-wide infrastructure enhancements. Measures to consider could include offshore storm surge barriers and wave attenuators to break up wave action; armoring and fender systems at the ends of piers and wharves; and the elevation and utilization of waterfront plazas and Harborwalk as a heightened seawall that can protect the district from inundation while continuing to provide public waterfront access.

The following resiliency and adaptive measures and requirements may be revised over time in response to advancements in scientific

research and findings on climate change, advancements in resiliency mitigation technology and measures, and changes in adaptation regulations and initiatives undertaken by the City, Commonwealth or Federal Government.

#### **5.4. Existing Conditions Climate Change Preparedness Plan**

Property owners should address the feasibility of implementing the following climate preparedness best practices:

- Temporary watertight window and door barriers.
- Temporary deployable flood management measures such as sandbags, flood barriers and adjustable parapet walls.
- Sealed electrical, communications and fuel line wall penetrations.
- Septic line backflow prevention valves.
- Sump and discharge pumps.
- Alternative electrical lines for pumps to an external or emergency generator.
- Back-up utility connections for temporary generators.
- Use of dry and wet flood proofing coatings and materials on the ground floor and at sub-grade elevations.
- Measures for passive survivability in times of power and utility failure.
- Viability of fire suppression systems in flood conditions.
- Flood emergency plan to ensure worker and tenant safety and limit damage to building systems and infrastructure.
- Protection of building records and inventory.

#### **5.5. Climate Change Preparedness Plan for Future Conditions**

Property owners and project proponents shall evaluate and provide information on the following climate preparedness best practices:

- Design of ground floor as a sacrificial level that can be hardened in the future to prevent inundation, and elevate primary entrances to the building's second floor.
- Design of floor to floor heights on the ground level to accommodate future raised floor level on the ground floor.
- Determine Design Flood Elevation (DFE) for the property and related elevations for the following:

- o Building mechanicals: heating, HVAC, elevator systems
- o Ventilation exhaust and intakes
- o Utilities, telecommunication systems, electrical and plumbing
- o Back-up power systems and emergency generators
- o Fuel storage systems and hazardous materials
- o Points of egress and underground garage portals
- Dry and or wet flood proofing per FEMA construction standards up to DFE.
- Structural reinforcement measures up to the DFE to ensure building is designed to support hydrostatic and flood loading.
- Measures to limit inundation of underground parking garages such as drainage pumps and floodgates.
- Deployable flood management measures such as sandbags, flood barriers and adjustable parapet walls.
- Storage of hazardous materials outside or above flood hazard areas.
- Installation of watertight utility conduits and elevation of utility connections and exterior auxiliary hookups for portable generators above DFE.
- Cogeneration and backup power systems.
- Sewage backflow preventers.
- Building materials and measure to withstand direct and indirect impacts of high winds and limit damage from flood or wind induced debris.
- Use of high albedo pavers and roofing surfaces to manage heat gain.
- Operable windows to allow for air circulation in times of power outage.
- Use of saltwater tolerant landscape vegetation that also provides shade and mitigates the effects of wind.
- Implementation of Low Impact Design storm water measures and rainwater recycling
- Design elements for public outdoor areas including shade structures and measures to limit damage from inundation and wave action.
- Measures for passive survivability in times of power and utility failure.

- Viability of fire suppression systems in flood conditions.
- Flood emergency plan to ensure worker and tenant safety and limit damage to building systems and infrastructure.
- Protection of building records and inventory.

## **6. MHP CONSISTENCY**

### **6.1. Consistency with State Agency Plans**

An MHP must include all feasible measures to achieve compatibility with plans or planned activities of all state agencies owning real property or responsible for the implementation or development of plans and projects within harbor planning area.

The Massachusetts Bay Transportation Authority (MBTA) is the only state agency that owns property within the MHP amendment area.

### **6.2. Consistency with State Tidelands Policy Objectives**

As required by 301 CMR 23.05(3), the DTW MHP must be consistent with state tidelands policy objectives and associated regulatory principles set forth in the state Chapter 91 Waterways regulations at 310 CMR 9.00. As promulgated, the Waterways regulations provide a uniform statewide framework for regulating tidelands projects. Municipal Harbor Plans and associated amendments present communities with an opportunity to propose modifications to these uniform standards through the amplification of the discretionary requirements of the Waterways regulations or through the adoption of provisions that, if approved, are intended to substitute for the minimum use limitations or numerical standards of 310 CMR 9.00. The substitute provisions of Municipal Harbor Plans, in effect, can serve as the basis for a waiver of specific use limitations and numerical standards affecting nonwater-dependent use projects, and thereby reflect local planning goals in decisions involving the complex balancing of public rights in and private uses of tidelands.

The DTW MHP contains clear guidance that will have a direct bearing on Chapter 91 licensing decisions within the harbor planning area.



Included in this guidance are provisions that are intended to substitute for certain minimum use limitation and numerical standards in the regulations.

These provisions are each subject to the approval criteria under 301.CMR 23.05(3)(b)-(e), and as explained below.

The general framework for evaluating all proposed substitute provisions to the Waterways requirements is established in the Municipal Harbor Plan regulations at 301 CMR 23.05(2)(c) and 301 CMR 23.05(2)(d). The regulations, in effect, set forth a two part standard that must be applied individually to each proposed substitution in order to ensure that the intent of the Waterways requirements with respect to public rights in tidelands is preserved.

For the first part, in accordance with 301 CMR 23.05(2)(c), there can be no waiver of a Waterways requirement unless the Secretary determines that the requested alternative requirements or limitations ensure that certain conditions—specifically applicable to each minimum use limitation or numerical standard—have been met. The second part of the standard, as specified in 301 CMR 23.05(2)(d), requires that the municipality demonstrate that a proposed substitute provision will promote, with comparable or greater effectiveness, the appropriate state tidelands policy objective.

A municipality may propose alternative use limitations or numerical standards that are less restrictive than the Waterways requirements as applied in individual cases, provided that the plan includes other requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate for, or otherwise offset adverse effects on water-related public interests.

Under 301 CMR 25.5(2)(a), a MHP must be consistent with the relevant primary state tidelands policy objectives. For substitute provisions relative to the minimum use and numerical standards of 310 CMR 9.51(3)(a)–(e), 310 CMR 9.52, and 310 CMR 9.53, any proposal must ensure that nonwater-dependent uses do not

unreasonably diminish the capacity of tidelands to accommodate water-dependent uses. Similarly, substitute provisions for nonwater-dependent projects on Commonwealth Tidelands must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

The DTW MHP is consistent with the relevant primary state tidelands policy objectives as described below.

***Categorical Restrictions on Fill and Structures – 310 CMR 9.32***

None of the proposed site uses or improvements are categorically restricted in previously filled or flowed tidelands.

***Environmental Protection Standards – 310 CMR 9.33***

310 CMR 9.33 states all projects must comply with the applicable environmental regulatory programs of the Commonwealth. The regulatory programs specifically applicable to the Project are:

- The Massachusetts Environmental Policy Act (MEPA);
- The Massachusetts Wetlands Protection Act (a notice of intent will be filed with the City of Boston Conservation Commission);
- Massachusetts Historical Commission Act; and
- Coastal Zone Management Consistency Review.

***Conformance with Municipal Zoning and Harbor Plans standards – 310 CMR 9.34***

The Project meets the requirements set forth in Section 27P – 15 and Section 42E – 5 of the Zoning Code for the issuance of the Boston Planning and Development Agency’s section 18 recommendation.

All projects within the DTW MHP shall conform with the substitute provisions for nonwater-dependent uses included in the Secretary’s approval of the DTW MHP.

***Standards to Preserve Water-Related Public Rights – 310 CMR 9.35***

The Waterways regulations at 310 CMR 9.35 are designed to preserve the public’s rights to navigation, free passage over and through the water and access to Town landing, and to insure that public open spaces are properly managed and maintained.

All projects within the DTW MHP will comply with the appropriate components of this section.

***Standards to Protect Water-Dependent Uses – 310 CMR 9.36***

The regulations at 310 CMR 9.36 are designed to protect any water-dependent uses occurring at or proximate to the site. This includes water-dependent uses within the five years prior to the filing of the license application.

There are several water-dependent uses within the DTW MHP, including the New England Aquarium, the water transportation services of Boston Harbor Cruises, and ferry service to the Boston Harbor Islands. The DTW MHP includes specific provisions to protect and enhance these water-dependent uses through offsets and long-term Chapter 91 license fees.

***Engineering Construction Standards – 310 CMR 9.37***

All structures will be designed and constructed in a manner that is structurally sound and will be certified by a Registered Professional Engineer. Given the entire shoreline of the DTW MHP consists of shoreline engineering structures and given the importance of climate resilient public realm areas in activating the DTW MHP, the DTW MHP includes an amplification to recommend appropriate increases in elevation of public open spaces within the DTW MHP area.

***Nonwater-dependent Uses on New Pile Supported Structures – 310 CMR 9.51(3)(a)***

Nonwater-dependent structures on new pile-supported structures generally shall not extend beyond the footprint of existing, previously authorized pile-supported structures or pile fields. No new pile-supported structures are required within the DTW MHP with the exception of the Hook Wharf site, where new pile-supported

structures to extend the water-dependent use zone and the Harborwalk are accomplished by reconfiguring and existing structure so that the new area is landward of the previous pile field and of equal size.

***Nonwater-dependent Facilities of Private Tenancy – 310 CMR 9.51(3)(b)***

For nonwater-dependent uses on pile-supported structures, 310 CMR 9.51(3)(b) prohibits Facilities of Private Tenancy on any pile supported structure on flowed tidelands, or on ground floor of any filled tidelands within 100 feet of a project shoreline. The DTW MHP includes a substitute provision to allow upper level FPTs over flowed tidelands at the Hook Wharf site.

***Water-dependent Use Zone – 310 CMR 9.51(3)(c)***

For the water-dependent use zone, 310 CMR 9.51(3)(c), the MHP must specify alternative setback distances and other requirements that ensure that new or expanded buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that sufficient space along the water's edge will be devoted exclusively to water-dependent use and public access associated therewith, as appropriate for the harbor in question.

Hook Wharf is the only proposed project in the MHP area with a WDUZ. The WDUZ for a new or substantially new structure may be reconfigured, provided the overall area of the WDUZ is equal to or greater than that resulting from strict compliance with the dimensional standards of 310 CMR 9.51(3)(c). In no event shall the WDUZ be less than 12 feet in width. In order to promote the public's access to the waterfront, the Hook Wharf project may require a reconfigured WDUZ. No offset is required.

***Lot Coverage – 310 CMR 9.51 (3)(d)***

For the lot coverage standard at 310 CMR 9.51(3)(d), an MHP must specify an alternative lot coverage, ratios and other requirements, that ensure, in general, buildings for nonwater-dependent use will be relatively condensed in footprint, and must demonstrate that the substitution provisions set forth will, with comparable or greater

effectiveness, make available an amount of open space to accommodate water-dependent activity, and associated public access, commensurate with that occupied by buildings containing nonwater-dependent uses.

The DTW MHP specifies a maximum lot coverage of 70% at the Hook Wharf site, provided that the appropriate offsets have been completed and the overall lot coverage for the MHP planning area is not less than 50%.

***Building Height – 310 CMR 9.51(3)(e)***

For the building height standard at 310 CMR 9.51(3)(e), an MHP must specify an alternative height limit that ensures that, in general, new or expanded buildings for nonwater-dependent use will be relatively modest in size, as appropriate for the harbor in question, in order that wind, shadow, and other conditions of the ground-level environment will be conducive to water-dependent activity and public access. The approval standards focus on how a building's mass will be experienced at the public open spaces on the project site, especially along the waterfront and key pathways leading thereto. New building heights that exceed that Waterways standards also include appropriate offsets and depend on the implementation of appropriate amplifications.

***Utilization of Shoreline for Water-dependent Purposes – 310 CMR 9.52***

This section of the Waterways regulations requires that “a nonwater-dependent use project that includes fill or structures on any tidelands shall devote a reasonable portion of such lands to water-dependent use, including public access in the exercise of public rights on such lands.” Under subsection (1)(a), nonwater-dependent use projects with a WDUZ must include “...one or more facilities that generate water-dependent activity of a kind and to a degree that is appropriate for the project site, given the nature of the project, conditions of the water body on which it is located, and other relevant circumstances”. The DTW MHP meets this standard.

***Activation of Commonwealth Tidelands for Public Use – 310 CMR 9.53***

Under 310 CMR 9.53, a nonwater-dependent use project “...that includes fill or structures on Commonwealth tidelands...must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures the private advantages of use are not primary but merely incidental to the achievement of public purposes.” In addition, the project “...shall attract and maintain substantial public activity on the site on a year-round basis, through the provisions of water-related public benefits of a kind and to a degree that is appropriate for the site, given the nature of the project, conditions of the waterbody on which it is located, and relevant circumstances.” Under 310 CMR 9.53(2)(a), the proposed project must also “promote water-based public activity” including but not limited to ferries, cruise ships, water shuttles, public landings and swimming/fishing areas, excursion/charter/rental docks, and community sailing centers. The DTW MHP meets this standard.

***Implementation Strategies – 301 CMR 23.05(4)***

Pursuant to 301 CMR 23.05(4), the Plan must include enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and coordinated manner to offset the effect of any plan requirement less restrictive than that contained in 310 CMR 9.00. The project will be subject to the requirements of the Boston Zoning Code, including provisions authorizing planned development areas that will ensure implementation of the offsets.

**6.3 Consistency with State Coastal Policies**

The DTW MHP complies with all applicable enforceable policies, as revised in 2011, of the approved Massachusetts Coastal Zone Management (CZM) program and will be implemented in a manner consistent with such policies.

### **Coastal Hazards 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.*

The DTW MHP is characterized almost exclusively by a structural waterfront. To the extent practical, projects within the DTW MHP will utilize the waterfront area to enhance storm damage prevention.

### **Coastal Hazards Policy #2**

*Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Flood or erosion control projects must demonstrate no significant adverse effects on the project site or adjacent or downcoast areas.*

Projects within the DTW MHP shall comply with all applicable water circulation and sediment transport standards.

### **Coastal Hazards 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.*
- *Not promote growth and development in hazard-prone or buffer areas, especially in velocity zones and Areas of Critical Environmental Concern.*
- *Not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structure in a manner inconsistent with the Coastal*

*Barrier Resource/Improvement Acts.*

Not applicable.

**Energy Policy #1**

*For coastally dependent energy facilities, assess siting in alternative coastal locations. For non-coastally dependent energy facilities, assess siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.*

Not applicable.

**Energy Policy #2**

*Encourage energy conservation and the use of renewable sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.*

Projects within the DTW MHP shall comply with all applicable energy conservation and renewable energy use standards.

**Growth Management Policy #1**

*Encourage sustainable development that is consistent with state, regional, and local plans and supports the quality and character of the community.*

Projects within the DTW MHP shall comply with all applicable state, regional, and local plans. A central goal of the DTW MHP is to support the urban quality of the Downtown Waterfront area.

**Growth Management Policy #2**

*Ensure that state and federally funded infrastructure projects in the coastal zone primarily serve existing developed areas, assigning highest*



*priority to projects that meet the needs of urban and community development centers.*

Not applicable.

### **Habitat Policy #1**

*Protect coastal, estuarine, and marine habitats—including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds, and other ocean habitats—and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes.*

The DTW MHP is characterized almost exclusively by a structural waterfront. To the extent practical, projects within the DTW MHP will protect coastal and marine habitats consistent with this policy.

### **Habitat Policy #2**

*Advance the restoration of degraded or former habitats in coastal and marine areas.*

The DTW MHP is characterized almost exclusively by a structural waterfront. To the extent practical, projects within the DTW MHP will advance the restoration of coastal marine habitats consistent with this policy.

### **Ocean Resources Policy #1**

*Support the development of 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 significant ecological resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse effects on the coastal and marine environment and other water-dependent uses.*

Not applicable.

### **Ocean Resources Policy #2**

*Except where such activity is prohibited by the Ocean Sanctuaries Act, the Massachusetts Ocean Management Plan, or other applicable provision of law, the extraction of oil, natural gas, or marine minerals (other than sand and gravel) in or affecting the coastal zone must protect marine resources, marine water quality, fisheries, and navigational, recreational and other uses.*

Not applicable.

### **Ocean Resources Policy #3**

*Accommodate offshore sand and gravel extraction needs in areas and in ways that will not adversely affect marine resources, navigation, or shoreline areas due to alteration of wave direction and dynamics. Extraction of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment or shoreline stabilization.*

Not applicable.

### **Ports and Harbors Policy #1**

*Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity, and public health and take full advantage of opportunities for beneficial re-use.*

Not applicable.

**Ports and Harbors Policy #2**

*Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given highest priority in the allocation of resources.*

Not applicable.

**Ports and Harbors Policy #3**

*Preserve and enhance the capacity of Designated Port Areas to accommodate water-dependent industrial uses and prevent the exclusion of such uses from tidelands and any other DPA lands over which an EEA agency exerts control by virtue of ownership or other legal authority.*

Not applicable.

**Ports and Harbors Policy #4**

*For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes.*

The DTW MHP preserves and enhances the immediate waterfront activity for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes by requiring sites with WDUZ to provide such facilities and by directing offsets and license fees to these uses.

**Ports and Harbors Policy #5**

*Encourage, through technical and financial assistance, expansion of*

*water-dependent uses in Designated Port Areas and developed harbors, re-development of urban waterfronts, and expansion of physical and visual access.*

The DTW MHP requires sites with WDUZ to provide facilities for water-dependent uses, including water transportation and the Harborwalk. Offsets and license fees are directed to increasing water transportation within the DTW MHP.

### **Protected Areas Policy #1**

*Preserve, restore, and enhance coastal Areas of Critical Environmental Concern, which are complexes of natural and cultural resources of regional or statewide significance.*

Not applicable.

### **Protected Areas Policy #2**

*Protect state designated scenic rivers in the coastal zone.*

Not applicable.

### **Protected Areas Policy #3**

*Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of the designation and that potential adverse effects are minimized.*

Projects within the DTW MHP shall respect the intent of any registered historic places and minimize potential adverse impacts.

### **Public Access Policy #1**

*Ensure that development (both water-dependent or nonwater-dependent) of coastal sites subject to state waterways regulation will*

*promote general public use and enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine.*

A central focus of the DTW MHP is to improve and expand public access opportunities to the waterfront, including water transportation, and increase water-dependent opportunities for the public. Offsets to substitute provisions ensure that general public use and enjoyment of the waterfront will be promoted with equal or greater effectiveness than strict adherence to the Waterways regulations.

### **Public Access Policy #2**

*Improve public access to existing coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation and trail links (land- or water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Ensure that the adverse impacts of developments proposed near existing public access and recreation sites are minimized.*

A central focus of the DTW MHP is to improve and expand public access opportunities to the waterfront, including water transportation, and increase water-dependent opportunities for the public.

### **Public Access Policy #3**

*Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities, giving highest priority to regions of high need or limited site availability. Provide technical assistance to developers of both public and private recreation facilities and sites that*

*increase public access to the shoreline to ensure that both transportation access and the recreation facilities are compatible with social and environmental characteristics of surrounding communities.*

A central focus of the DTW MHP is to improve and expand public access opportunities to the waterfront, including water transportation, and increase water-dependent opportunities for the public.

### **Water Quality Policy #1**

*Ensure that point-source discharges and withdrawals in or affecting the coastal zone do not compromise water quality standards and protect designated uses and other interests.*

Projects within the DTW MHP are shall comply with all applicable nonpoint source pollution standards.

### **Water Quality Policy #2**

*Ensure the implementation of nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests.*

Projects within the DTW MHP are shall comply with all applicable nonpoint source pollution standards.

### **Water Quality Policy #3**

*Ensure that subsurface waste discharges conform to applicable standards, including the siting, construction, and maintenance requirements for on-site wastewater disposal systems, water quality standards, established Total Maximum Daily Load limits, and prohibitions on facilities in high-hazard areas.*

Projects within the DTW MHP shall comply with all applicable subsurface waste discharge standards.

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**APPENDIX A – DOWNTOWN WATERFRONT PUBLIC REALM & WATERSHEET ACTIVATION PLAN**

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# Downtown Waterfront Public Realm and Watersheet Activation Plan



CITY OF BOSTON  
Martin J. Walsh  
Mayor



boston planning  
& development  
agency

January 2017



**City of Boston**

Mayor Martin J. Walsh

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<b>A Vision for the Downtown Waterfront</b>	4
Purpose of Study	6
Planning Context	8
The Study Area	10
<b>Activating the Downtown Waterfront</b>	12
Northern Avenue	20
India Row and Rowes Wharf	22
Long and Central Wharves	24
The Watersheet	26
<b>Implementation</b>	28
District-Wide	31
Northern Avenue	32
India Row/Rowes Wharf	34
Long/Central Wharves	36
Watersheet	38
<b>Process</b>	40
<b>Appendix</b>	
A Comprehensive Legend	48

# A Vision for the Downtown Waterfront

4

The Downtown Waterfront is Boston's front door to the world. It should host a rich mix of uses that complement and support two of Boston's greatest open space resources, the Rose F. Kennedy Greenway and the Harbor, and that build on the decades of planning and design work in the area.



## For the Downtown Waterfront, we envision:

### **A waterfront district accessible to all by bike, transit, foot, and boat.**

- A walkable, well-organized pedestrian district, with beautiful, high-quality sidewalks.
- Water transit to a variety of destinations, arriving and departing every few minutes to neighboring waterfront communities, cultural institutions, and seasonal destinations, such as the Boston Harbor Islands.
- Accessible, well-marked HARBOWALK and other paths, building on the beautiful design of the Walk to the Sea.

### **Clearly defined connections** to the Greenway, the harbor, Quincy Market, the North End, the Financial District, and the Innovation District.

- Pedestrian links from the harbor, the Rose F. Kennedy Greenway, and the surrounding neighborhoods, from Chinatown to Town Cove to the West End.
- Visual corridors that allow views from key downtown streets to the harbor, and views from the water to landmarks such as Custom House Tower.
- Preserve and enhance the significant historical connections.
- Key gateway moments that are defined visually and spatially.

### **A district and watershed that are resilient to climate change,** designed and built to withstand inundation and storm surges.

- Protection for the public realm, waterfront assets, cultural resources, and private properties.
- Showcase the latest thinking on climate change and resilient landscapes and technologies.

### **Four-season destinations and programming** that are welcoming to Bostonians and visitors of all ages and support the growing residential community.

- Creative programming, from public art installations to seasonal festivals, building off of the successful Fort Point Channel arts initiatives, the educational programming at the NEAq, the interpretative signage along the Walk to Sea, and the year-round public programs at Rows Wharf.
- Destinations that attract families, residents of all ages and abilities, and visitors.
- A careful balance of uses and programming, with active and passive recreation areas, quiet contemplative zones and family-friendly zones.

### **A district and watershed that is flexible and can accommodate innovative uses** in the future, and supports equally the residential, business, and visitor communities.

- A place with a strong identity, so it is a destination in and of itself.
- A vibrant twenty-first-century community that will draw generations of future Bostonians to live, work, and visit.



# Purpose of Study

6

With the Central Artery dismantled and the Rose Fitzgerald Kennedy Greenway complete, downtown Boston is now reconnected to the harbor. The Fort Point Channel area and South Boston Innovation District are coming into their own as lively mixed-use neighborhoods. Now it is time to turn attention to what lies between these centers of activity: the Downtown Waterfront.

The City embarked on this planning process for three primary reasons:

- ❶ **The center of the city has shifted.**  
The Downtown Waterfront is now a key gateway to the historic center of the city, the new Innovation District, and the newly revitalized harbor.
- ❷ **The Downtown Waterfront should be a premier waterfront destination in North America,** where people of all walks of life come. It has a lot of the right ingredients but has not reached its full potential.
- ❸ **This section of the city must be guided by the Massachusetts Public Waterfront Act** (also known as Chapter 91), which provides public access to the waterfront.

The public realm and watersheet activation plan incorporates the best ideas from plans for the study area over the past twenty years, and takes into consideration the ongoing efforts by the various property owners, operators, and stakeholders. It builds upon the significant improvements made along Boston's waterfront. The Central Artery/Tunnel Project cleared an intrusive highway cutting through downtown, and the Rose Fitzgerald Kennedy Greenway restitches the scar left by the elevated highway. The Boston Harbor cleanup, water transportation investments in Long and Central Wharves, the Fort Point Channel Watersheet Activation Plan, the HARBORWALK, and other enhancements have knit the public realm closer together on both the land and water sides of the shoreline.

Many parts of the district are already mature—both from a development standpoint as well as in terms of programming—and other sections will benefit from more strongly defining their character and physical form.

Because of these factors, a one-size-fits-all planning approach is not appropriate. This is a strategic and tactical planning project, rather than an abstract visioning exercise. The public realm and watersheet activation plan identifies priority areas and objectives, situates the waterfront as a neighborhood within the broader context of the city, and focuses on both finetuning the Downtown Waterfront through strategic interventions and reimagining certain areas as destinations and places where people live and work.

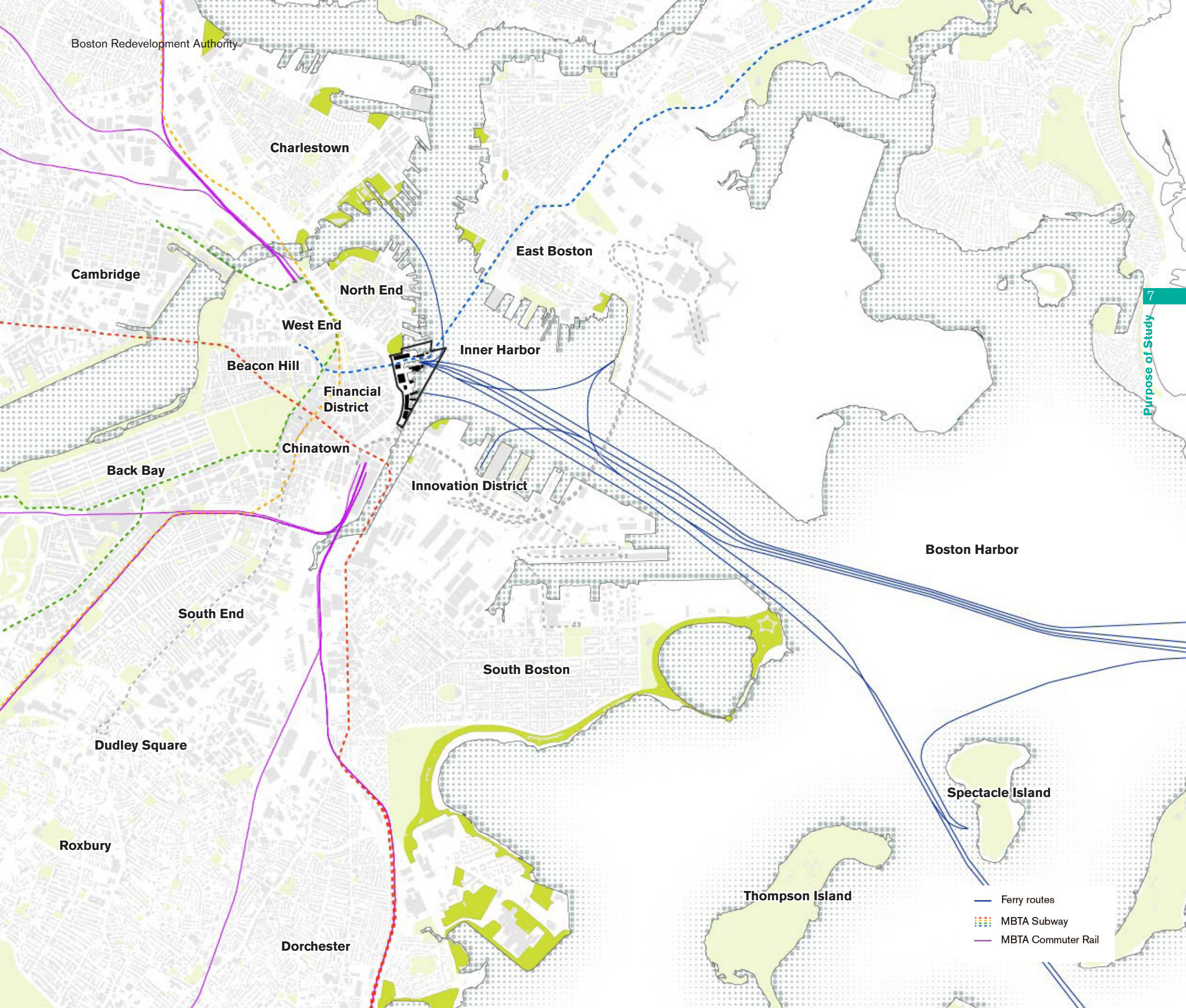
## Regulatory Context

This section of the city, at the water's edge, is subject to the Commonwealth's General Law Chapter 91, the Massachusetts Public Waterfront Act. Chapter 91 protects the public's interest in waterways of the Commonwealth, and provides public access to the waterfront. A state-approved Municipal Harbor Plan (MHP) establishes a community's objectives, standards, and policies for guiding public and private use of land and water within the jurisdiction of Ch. 91, and allows deviation from strict compliance with Ch. 91 standards.

Concurrent to this public realm plan, the City has started the process for a municipal harbor plan for the Downtown Waterfront. The public realm and watersheet activation plan will inform the MHP by identifying appropriate public uses and goals for the Downtown Waterfront, including the watersheet. Along with the MHP, the City will propose new zoning for this area, which will enforce the development guidelines established with the MHP. Together, these three components—❶ **the public realm and watersheet activation plan**, ❷ **the MHP**, and ❸ **zoning**—will serve to protect the public interest in the waterfront and enrich the public realm.

In addition to these three planning mechanisms, any proposed projects will go through the **Article 80** process, which will further protect the public interest by analyzing the project's impacts on transportation, the public realm, the environment, and historic and cultural resources.





Boston Redevelopment Authority

Charlestown

Cambridge

East Boston

North End

West End

Beacon Hill

Inner Harbor

Financial District

Chinatown

Back Bay

Innovation District

Boston Harbor

South End

South Boston

Dudley Square

Spectacle Island

Roxbury

Thompson Island

Dorchester

- Ferry routes
- MBTA Subway
- MBTA Commuter Rail

# Planning Context

8

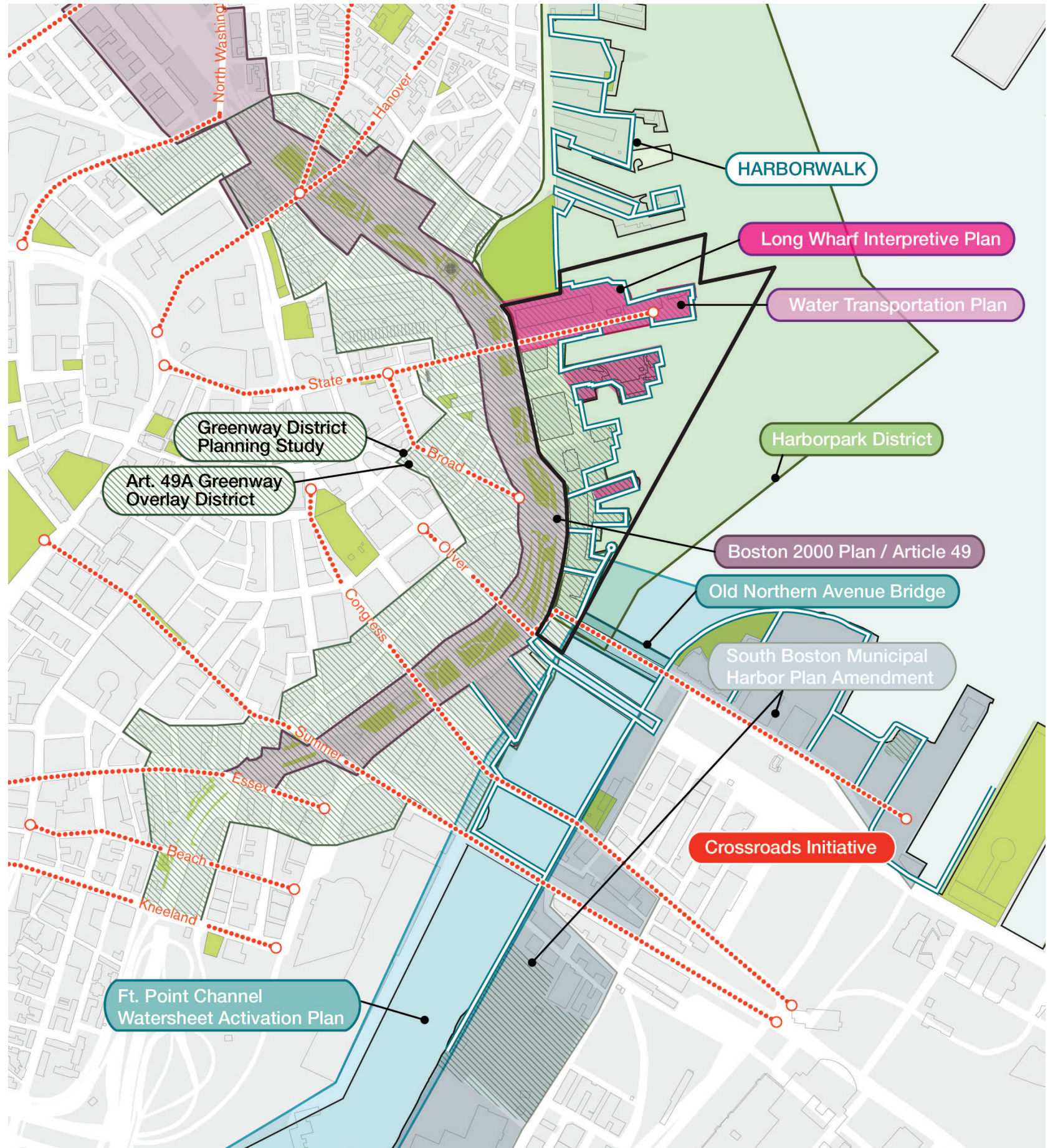
The public realm and watersheet plan builds on the decades of planning and advocacy for this district and its environs. It incorporates ideas from multiple stakeholders, City officials, and consultants, such as the continuous HARBORWALK, the importance of certain cross streets—termed Crossroads—in linking neighborhoods, and the role of water transportation for Greater Boston. The plan seeks to advance these objectives through specific improvements within the study area.

This area has been the subject of numerous planning studies since the 1960s, including:

- **Greenway District Planning Study (2010):** The Greenway District study focused on the edges of the Greenway and healing the scarred edges left by the interstate and decades of construction.
- **Crossroads Initiative (2004):** The Crossroads Initiative identified several key streets that, combined with the creation of the Greenway, have the potential to strengthen connections between neighborhoods. Planned improvements to these streets will extend the public realm benefits of the Greenway into these abutting neighborhoods and create vital links between districts. Several Crossroads go through or near the Downtown Waterfront, including State, Broad, and Oliver/Northern.
- **Fort Point Channel Watersheet Activation Plan (2002):** This plan established a robust framework or activities on the Channel and along its edges. Much of the plan has been realized in the intervening years.
- **Boston Inner Harbor Passenger Water Transportation Plan (2000):** This plan recognizes the importance of water transportation for Boston.
- **Harborpark Plan (1991):** City of Boston Municipal Harbor Plan
- **Wharf District | Financial District Edges Study (2004):** This was one of the early studies that focused on healing the edges of the interstate and developed a vision and implementation strategies for the Wharf and Financial districts.
- **The Old Northern Avenue Bridge Rehabilitation (Ongoing):** The City has been working on the rehabilitation of the Northern Avenue Bridge for a number of years and the project is proceeding into design. The current scenario proposes two travel lanes and one lane for pedestrians and bicyclists.
- **HARBORWALK (Ongoing):** The HARBORWALK is a long-term collaborative project that involves the City, the State, and a myriad of private property owners. The section within the study area varies in quality and legibility. This plan recognizes the importance of the HARBORWALK as the primary pedestrian access to the waterfront, and seeks to enhance and strengthen the HARBORWALK.
- **Central Artery/Tunnel Project (CA/T):** The CA/T reconnected Boston to the harbor and accelerated the rehabilitation and development of the Downtown Waterfront. It also created the Greenway, a 1.5-mile-long corridor park that runs from Chinatown to the North End.

In addition, the Downtown Waterfront is subject to existing zoning code and the Commonwealth's Chapter 91 Waterways License Regulations:

- **Chapter 91**
- **Boston Zoning Code Article 49 –** Central Artery Special District (1991)
- **Boston Zoning Code Article 49A –** Greenway Overlay District (2013)
- **Boston Zoning Code Article 42A –** Harborpark District, North End/ Downtown Waterfront (1990)



# The Study Area

10

The Downtown Waterfront is one of the most historically significant and active waterfronts in New England. This neighborhood—one of the oldest in Boston—has had many lives.

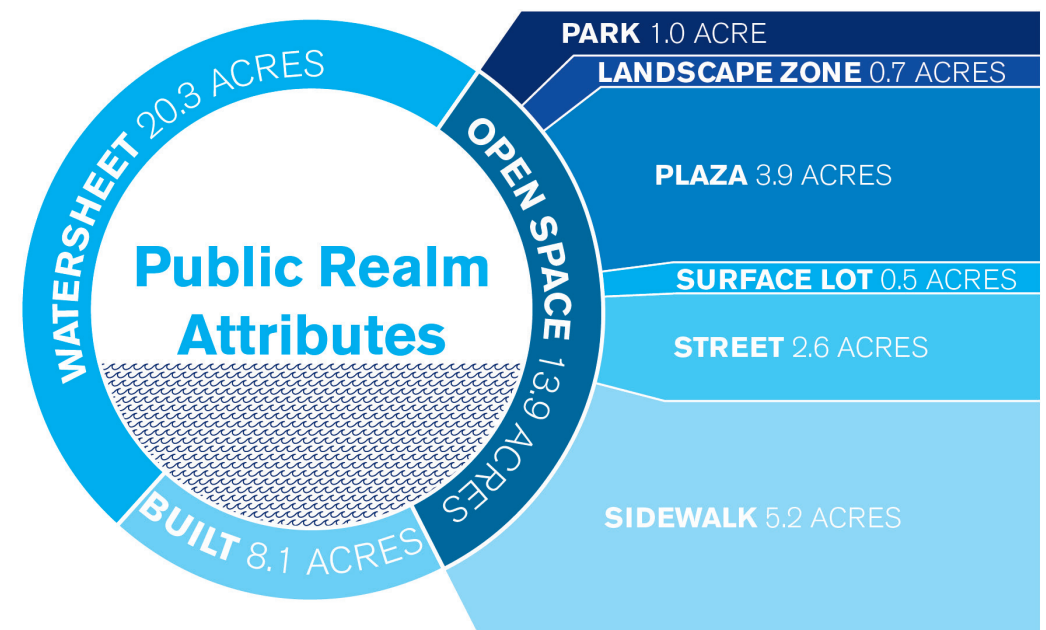
It started as the shore of Town Cove and Fort Hill and became the site of the first land-filling project in Boston. It then developed as a center of international trade. Its current incarnation is as a home of hotels, residences, restaurants, offices, marinas, water transportation hubs, and the New England Aquarium. It is one of the most complex and historically significant urban environments in North America, and one of the most activated waterfronts in New England.

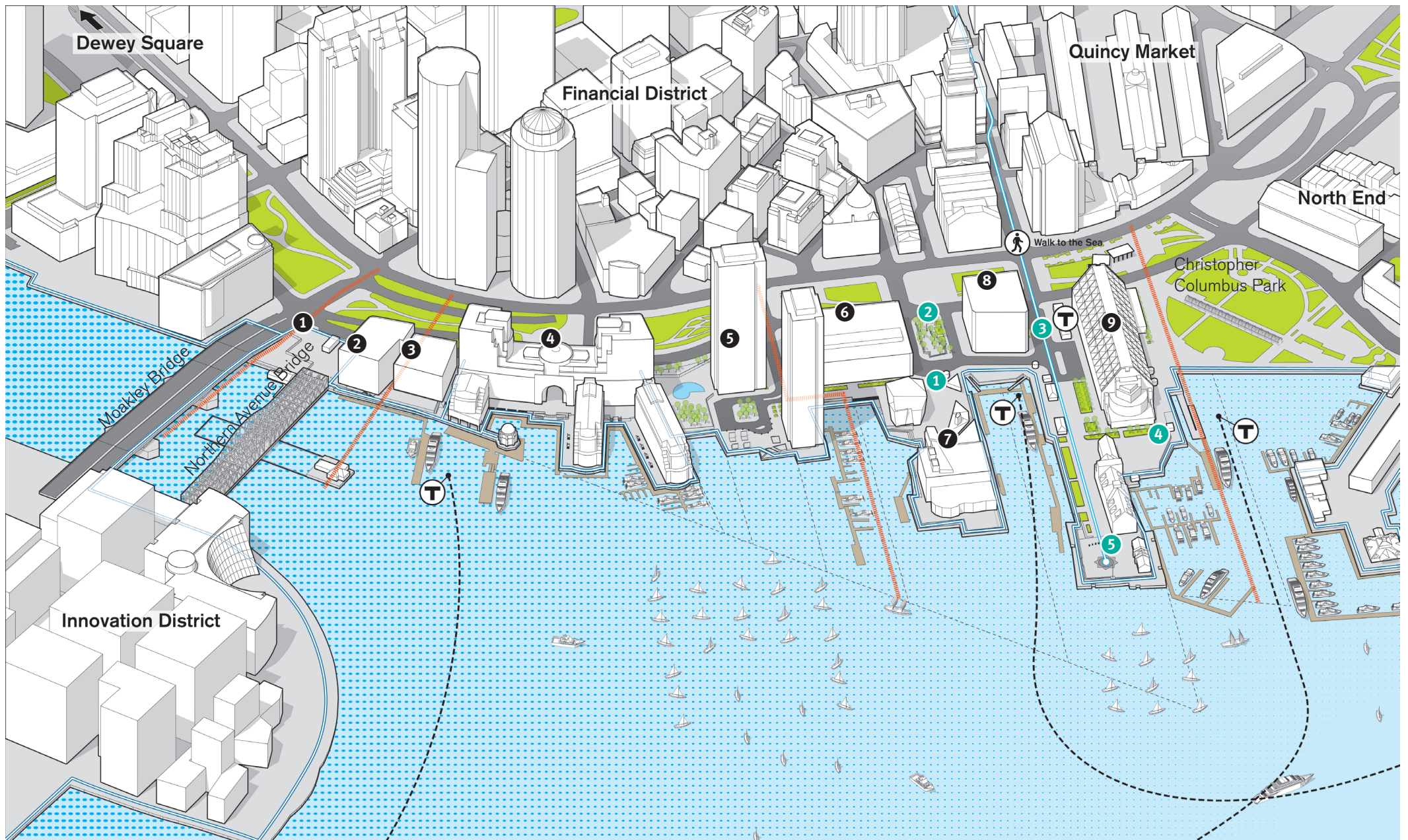
The study area is bounded by the Evelyn Moakley Bridge on the south, Christopher Columbus Park on the north, the Greenway on the west, and Boston Harbor on the east. It is surrounded by several of the most vibrant areas of the city, including the North End, the burgeoning Market District, Government Center, the Financial District, and the Fort Point Channel neighborhood. The Moakley Bridge and Northern Avenue Bridge are important gateways to the South Boston Innovation District and the Fort

Point Channel neighborhood. The study area is approximately 42 acres—20 acres of watersheet and 22 acres landside area—and includes more than 26 individual parcels. The parcels include ❶ Hook Lobster, ❷ the United States General Service Administration's Captain John F. Williams Coast Guard Building, ❸ 400 Atlantic Avenue, ❹ the Rowes Wharf Condominium and Boston Harbor Hotel, ❺ the Harbor Towers Condominium, ❻ the Boston Harbor Garage, ❼ the New England Aquarium (NEAq), ❽ 255 State Street, and ❾ the Marriott Long Wharf Hotel, and significant open space parcels.

The study area is an active mixed-use district with residential and commercial uses, as well as a variety of destinations and amenities including ❶ the NEAq and Simons IMAX Theatre, ❷ Central Wharf Park, ❸ the Walk to the Sea, ❹ the HARBORWALK, ❺ Long Wharf, and water transportation hubs at Rowes Wharf and Long Wharf.

It includes a diverse range of building types and styles (from early 19th-century granite warehouses to 20th-century skyscrapers), streets (in terms of character, width, length, and orientation), view corridors, micro-climates (due to wind and shadow conditions caused by orientation, adjacent building forms, and other environmental factors), and open spaces. Freestanding pier-like structures, which contrast with the continuous urban blocks on the east side of the Greenway, are one of the defining features of the study area.





# Activating the Downtown Waterfront

12

To achieve the shared vision for the Downtown Waterfront, this plan identifies opportunities to clarify, better utilize, or further activate the public realm and the watersheet. The plan suggests ways to make the existing cultural and open space assets of the district more accessible. The intent is to draw more people—Boston residents, workers, and visitors—to the water’s edge and support the growing residential and commercial community in the area.



The recommendations that follow fall into three broad categories, which are interrelated and mutually reinforcing:

- **Strengthened connections** from Downtown to the Harbor, Downtown to the Innovation District, from the Greenway to the waterfront, and from north to south.
- **Improved legibility** of the public space and public passages through wayfinding (signage, materials), gateway elements, and public art.
- **Increased ground-level and streetscape activation** that reinforces the diverse uses in the study area.

In addition to the above, increased coordination and management among the different property owners, operators, and stakeholders will ensure that the Downtown Waterfront becomes a beautiful, well-organized, and welcoming district for all Bostonians.

## Connectivity

Boston has an incredible wealth of linear park systems and paths, from the Freedom Trail to the Walk to the Sea to the Rose Kennedy Greenway. This plan is an opportunity to enhance these connections and their relationship to the waterfront, and strengthen the HARBORWALK and the Greenway—to draw people along the water’s edge and along one of the great park systems of the city. The key priorities are:

- north-south connections, along both the HARBORWALK and the Greenway.
- east-west links between the Greenway and the waterfront, building on the Crossroads Initiative.
- connections from Northern Avenue to the South Boston Innovation District.
- increasing water transit opportunities and connections, both within the Inner Harbor and beyond to neighboring communities.
- increasing accessibility by all modes, with a special emphasis on pedestrian.

## Legibility

The Downtown Waterfront, as an area that has organically developed over the years, lacks legibility both as coherent place and for its constituent parts. Indeed, this is a shared concern among residents, workers, and visitors that was voiced during numerous public meetings. For example, how does a pedestrian going from a day at the Aquarium to dinner at Rowes Wharf traverse the Harbor Towers property? Where does a ferry passenger coming from Charlestown connect to a ferry to the Harbor Islands or Hingham? What is the pedestrian zone on Long Wharf, and what is the taxi or vehicular zone? Improved wayfinding and legibility can address many of these issues.

Wayfinding is not only signs, maps, and graphics but also perceptual gateways such as how buildings and trees frame a space, tactile cues such as changes in paving, and landmarks. Wayfinding should be inherent in the spatial and visual grammar of a place. The Downtown Waterfront has many of the right elements to give the area the legibility it needs. With finetuning, what is public, semi-public, or private as well as its rich wealth of amenities could be more clear.

Key to clarifying the public realm and circulation are:

- Improving the Long and Central wharves area, including the plaza in front of the Aquarium, its relationships to Central Wharf Park and the Greenway, and managing the bus/trolley parking and vendors.
- Creating landmarks and other visual clues or design elements, especially along key cross-paths to the harbor.
- Defining a unified wayfinding system for the various paths, transportation options (including water transit), and destinations.

## Activation and Programming

This is one of the most activated waterfronts in New England. Since the opening of the Greenway, many property owners have introduced ground-level retail or restaurants, and others plan to do so. The new Greenway Overlay District (Article 49A) will further encourage the ground-floor activation.

It is important to balance passive and active uses. Some areas within the district could be further activated, such as certain sections of the HARBORWALK or the Northern Avenue area, and others, notably Central and Long wharves, need to better organize to manage the crowds.

Ground-level activation and streetscape design should:

- Draw people, whether pedestrians or bicyclists, to the water’s edge through programming/ground-level activity and maintaining view corridors.
- Encourage diverse uses, which includes a broad range of restaurants and retail, from casual to fancy, and amenities to support the residential community.
- Activate the waterfront year-round through four-season public programming and uses.



## Subdistricts

The Downtown Waterfront can broadly be understood as four areas, each with its own character and potential:

- **Northern Avenue**, spanning from the Moakley Bridge to the Coast Guard Building
- **Rowes Wharf and India Row** goes from 400 Atlantic Avenue to the Harbor Towers (which was the former India Wharf)
- **Long and Central Wharves**, which includes the Harbor Garage, Aquarium, and the Long Wharf Marriott
- In addition, the **watersheet** is a highly active place, and this plan considers it as a distinct zone in itself that needs its own spatial clarity and organization, with consideration to the adjacent uses.

Each of the Downtown Waterfront's subdistricts has its own distinct features, uses, and building styles. Moreover, each of the subdistricts connects to vastly different parts of the city, from the Innovation District to the North End. The goals for each subdistrict are driven by a desire to reinforce the specific character of each subdistrict and maximize the connections between neighborhoods. For example, the Northern Avenue section presents the opportunity to connect to the Innovation District; the India Row / Rowes Wharf area is mature and well-established and could benefit from clearer north-south connections and visual connections from the Greenway; Long and Central wharves are where the city meets the harbor; and the watersheet offers the opportunity to experience the city and the harbor in a whole new way.

### Northern Avenue

The Northern Avenue section is a key gateway between the historic center of the city and the city's newest destination neighborhood, the burgeoning Innovation District. This area, bounded by the Northern Avenue Bridge and the Moakley Bridge, is the gateway between these destinations.

The challenges—and opportunities—here lie with how to facilitate passage between these neighborhoods, and create a sense of entrance or arrival. The planned renovation of the Old Northern Avenue Bridge offers the chance to strengthen pedestrian and bike links to the Innovation District and South Boston and create a model Complete Street. Creating an accessible HARBORWALK path along the waterfront at both the Moakley Bridge and the Northern Avenue Bridge will allow more people to enjoy the waterfront. In addition, these accessible connections might present an opportunity to expand the public space along the waterfront, which is very narrow in this area.

Gateway to  
the Innovation  
District

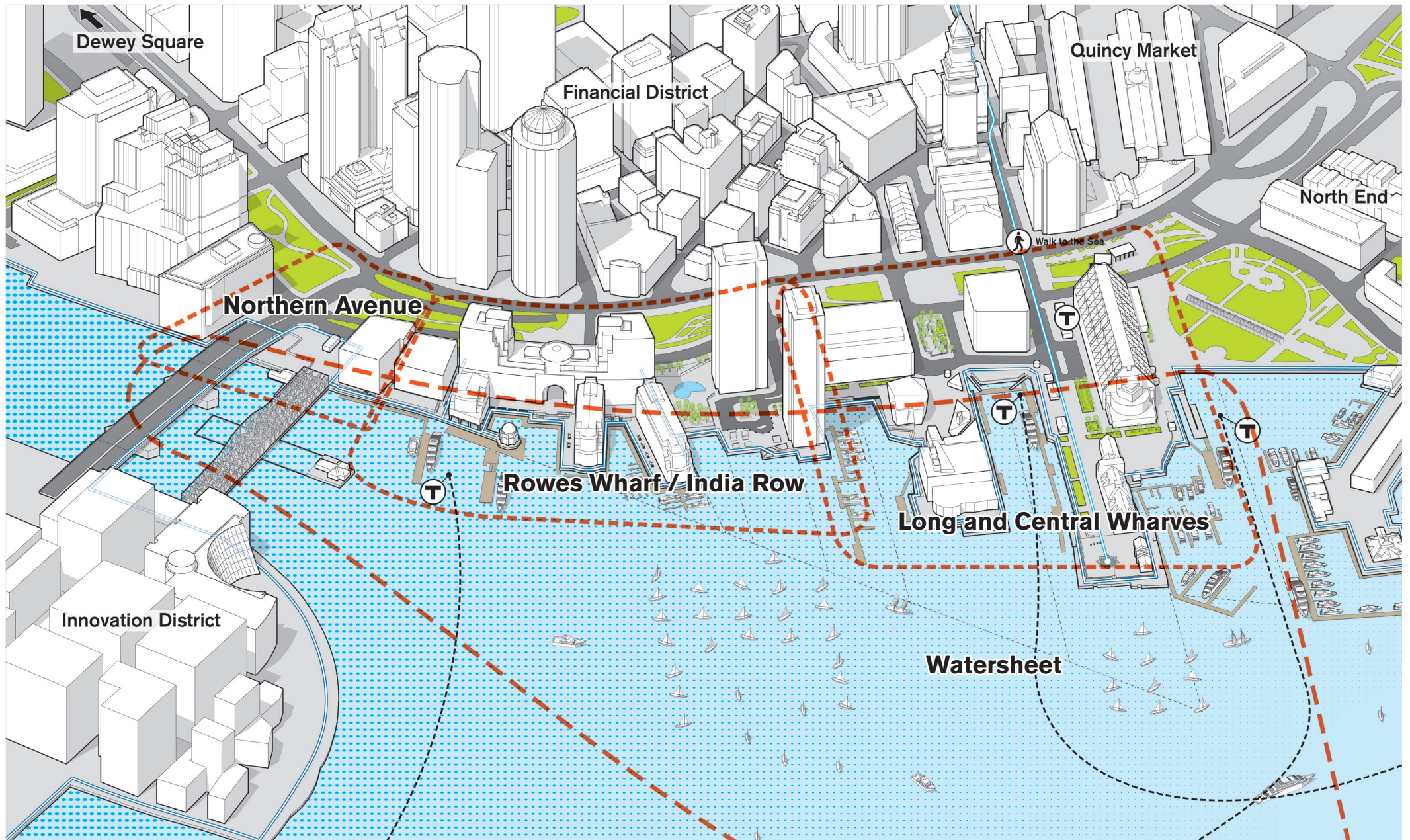
### Rowes Wharf and India Row

The Rowes Wharf and India Row area is a thin sliver of land between the Greenway and the water. It is home to a robust residential community and a range of restaurants and events venues at Rowes Wharf. Here, the focus is on facilitating passage from north to south, and connections from the Greenway to the water. Clear pedestrian and visual connections will facilitate north-south connectivity. Drawing people from the Greenway and Downtown to the water might require improving the lateral links by adding programming, retail or restaurant uses, signage, and lighting.

In addition to facilitating connections, supporting the residential community and better integrating it into the city is a priority. Rowes Wharf is a premier gateway to the water and presents a wide range of public programs, which are supported by many of the residents. Harbor Towers allows public passage along the HARBORWALK, but is otherwise physically isolated from its surroundings. Greater visual porosity through the property will help integrate the Harbor Towers into the city, and will visually connect Town Cove to the water. The challenge is balancing privacy for the residents with greater links with the public realm. More neighborhood services (e.g., pharmacies and grocery stores) should also be encouraged downtown to support the growing residential community, and will help to further integrate the Wharf District residential community with the city.

Connect  
the North  
and South, the  
Greenway and  
the water





### Long and Central Wharves

This is the most active and often-times chaotic area of the waterfront. With the Walk to Sea, the Rings Fountain on the Greenway, and the Harbor Islands Pavilion, this is where Boston touches the water. The goal for Long and Central Wharves is to lead more people to the waterfront and fully utilize the space available, through programming, better wayfinding, and improved coordination.

Throng of pedestrians, cyclists, residents, and tourists visit Long and Central wharves during peak season. The challenge during peak season is to manage the crowds and disperse the people throughout the area. During the fall, winter, and spring, the challenge lies in how to draw more people here and encourage four-season use of the waterfront.

A range of strategies should be considered, such as a management group for this area, unified signage, and shared streets. In addition the end of Long Wharf can be better utilized and other areas offer the opportunity to create new open spaces (i.e., the Chart House parking lot) or higher-quality open spaces (i.e., the BRA-owned land in front of the Harbor Garage and the Aquarium plaza).

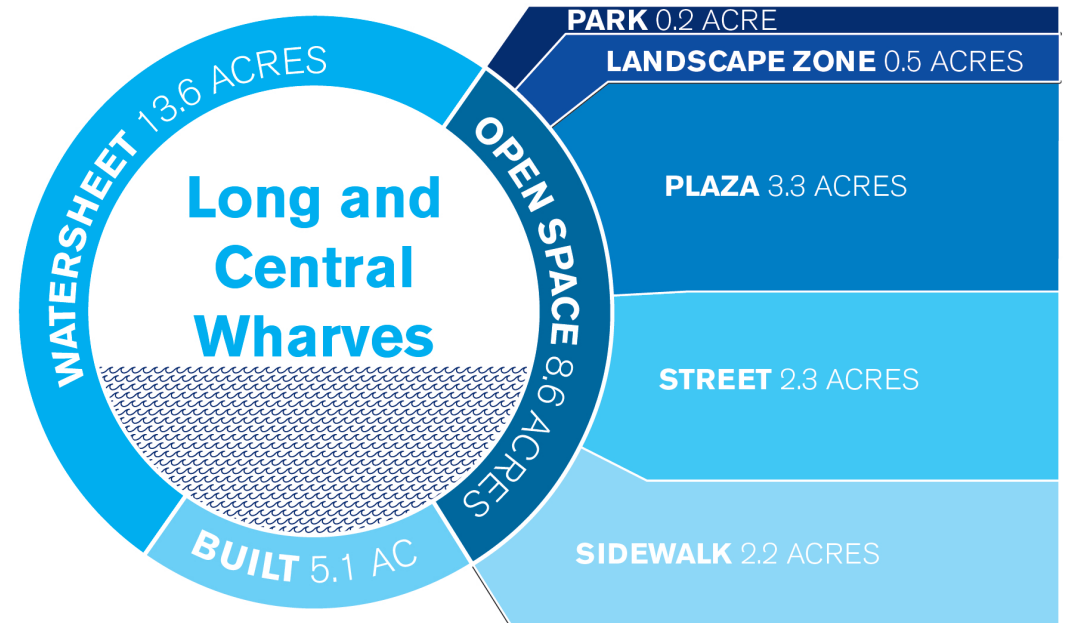
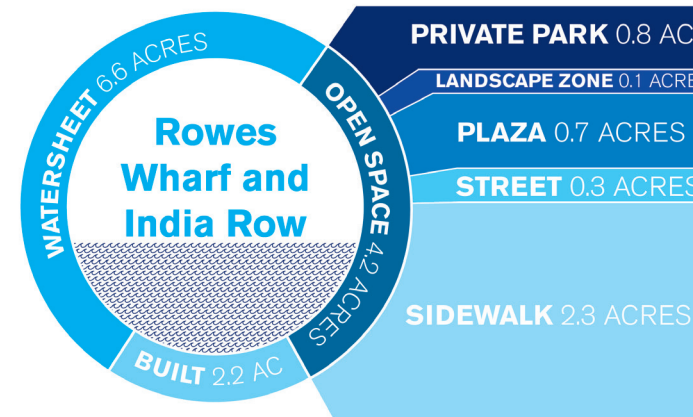
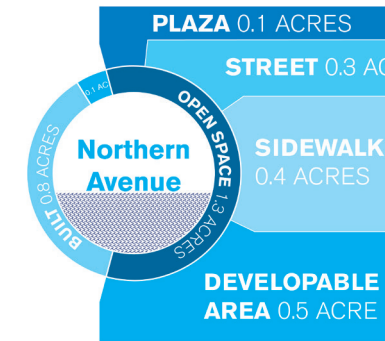


### The Watersheet

Building on decades of work and the clean-up of the Boston Harbor, the goal for the watersheet is to facilitate experiencing the harbor. This requires a careful balance of different types of marinas and vessels, and a strong management plan to make the harbor friendly and inviting to all.

Enhanced and coordinated water transit will bring more people to the waterfront and should be expanded as a transit option. Landside facilities, such as heated waiting areas, are critical to making water transit a four-season option for commuters.

Perhaps most importantly, protecting the water's edge must be prioritized by both public agencies and private property owners. Climate change resilience and protection from storm surges is critical for both the public realm and the private properties in the area. Storm surge barriers should be considered, and new public spaces and buildings should be designed to withstand inundation and flooding. Retrofitting existing buildings and landscapes poses challenges, but should be encouraged. Significant research and analysis has been conducted on best practices—including reports by The Boston Harbor Association and the City's Environment Department, and ongoing work by the Green Ribbon Commission—and these form a strong foundation for creating a resilient waterfront.



An analysis of the spatial attributes of the subdistricts, from open space to streets and sidewalks to built land, reveals vast differences among the subdistricts.



Rows Wharf



Rows Wharf and Harbor Towers



Long Wharf



Long and Central Wharves



Long and Central Wharves



Northern Avenue Bridge



Central Wharf Park



Long Wharf

## Public Benefits

Within this plan, several types of public benefits are identified. These public realm improvements came out of robust discussions with stakeholders, property owners, MHPAC members, and the City. The Implementation section provides a more detailed list of the benefits and priorities, which might be considered as improvements or mitigation during the MHP, Article 80, or other public approvals processes.

This public realm plan does not specify the improvements to be made (i.e., it does not propose a new design for the Aquarium plaza and Central Wharf). Rather, it provides guidelines for the types of improvements, finetuning, and programming that should be considered for this area. More importantly, it seeks to identify **how various ideas and initiatives can be creatively combined to create a richer, more vibrant public realm for all.**

## Key Development Sites

Two key development parcels are in this area: the Hook site (see page 20) and the Harbor Garage (see page 24). These parcels are catalytic sites with the potential to significantly impact their surrounding context. This plan identifies potential synergies and allied goals between stakeholders, the City, and the various property owners. The redevelopment of either of these parcels offers the opportunity to achieve a number of the public realm goals identified in this report.

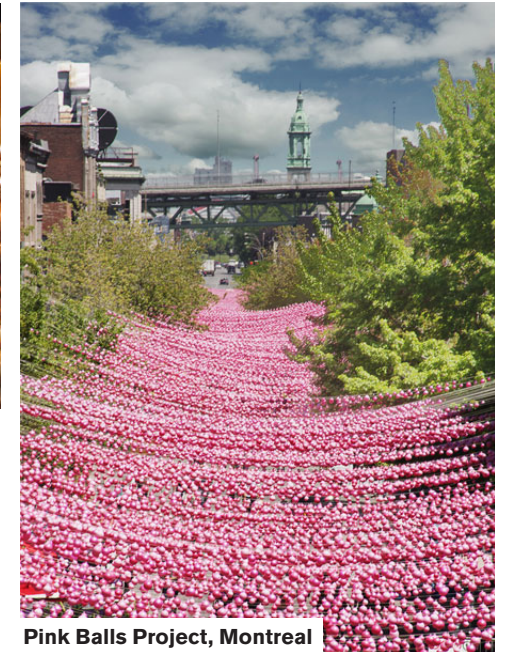




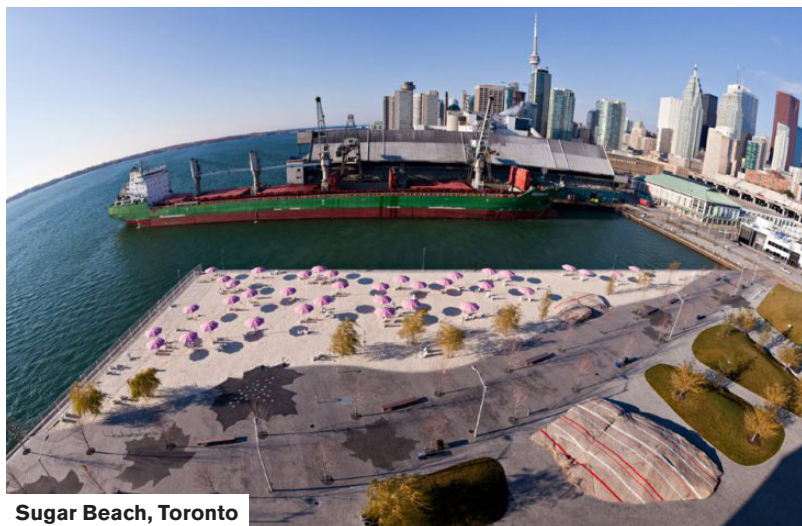
**The Rubber Duck Public Art Project, Pittsburgh**



**Food Truck Festival, Long Beach**



**Pink Balls Project, Montreal**



**Sugar Beach, Toronto**



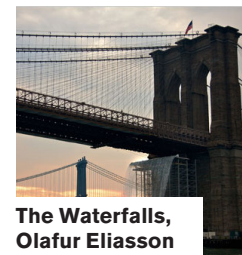
**Winter Festival, Quebec City**



**Wayfinding, New York**



**Art Installation, Howeler Yoon**



**The Waterfalls, Olafur Eliasson**



**Water Taxi Beach, Governor's Island**

*Creative four-season programming, public art, festivals, and comprehensive wayfinding systems are some of the many public benefits identified in this plan. This page offers examples from other cities.*

# Northern Avenue

## Gateway to the Innovation District

20

The Northern Avenue area of the Downtown Waterfront is geographically small but has immense potential for change with development and investment in the area. It includes the Hook development site, the Coast Guard Building, and the terminus of Northern Avenue and the Northern Avenue Bridge. Recent nearby developments such as Independence Wharf, Atlantic Wharf, the Intercontinental, and the Fan Pier developments have increased pedestrian connectivity to the area, improved the HARBORWALK, and brought new residents and workers to the area. Because of the aforementioned developments, as well as the completion of the Greenway, the area is full of new activity and street life. And because of these recent developments, this part of the Downtown Waterfront is a **key hinge between the burgeoning Innovation District and the Downtown and Financial Districts**.

Priorities for this area include improving Northern Avenue between the Coast Guard Building and Hook, as a multimodal street with appropriate greenscape; creating a fully accessible HARBORWALK on both sides of the Northern Avenue Bridge (whether this means going below the renovated bridge or on it); and creating an accessible HARBORWALK path across the Moakley Bridge (again, this may mean going below the bridge). Combined these improvements will increase pedestrian use of the HARBORWALK and pedestrian and bicyclist connections from Downtown to the Innovation District. With the Barking Crab across the Channel and water taxi stands nearby, this site—if it continues to house a water-dependent use—can add to Boston's long and rich history as a city connected to its harbor.

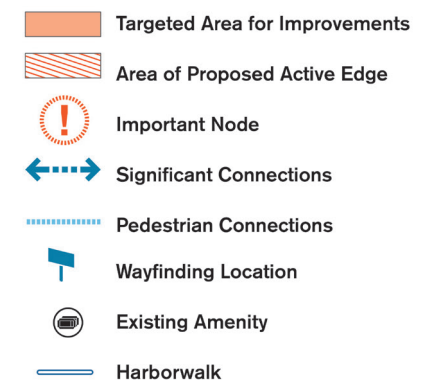
The plan for this area has the following goals:

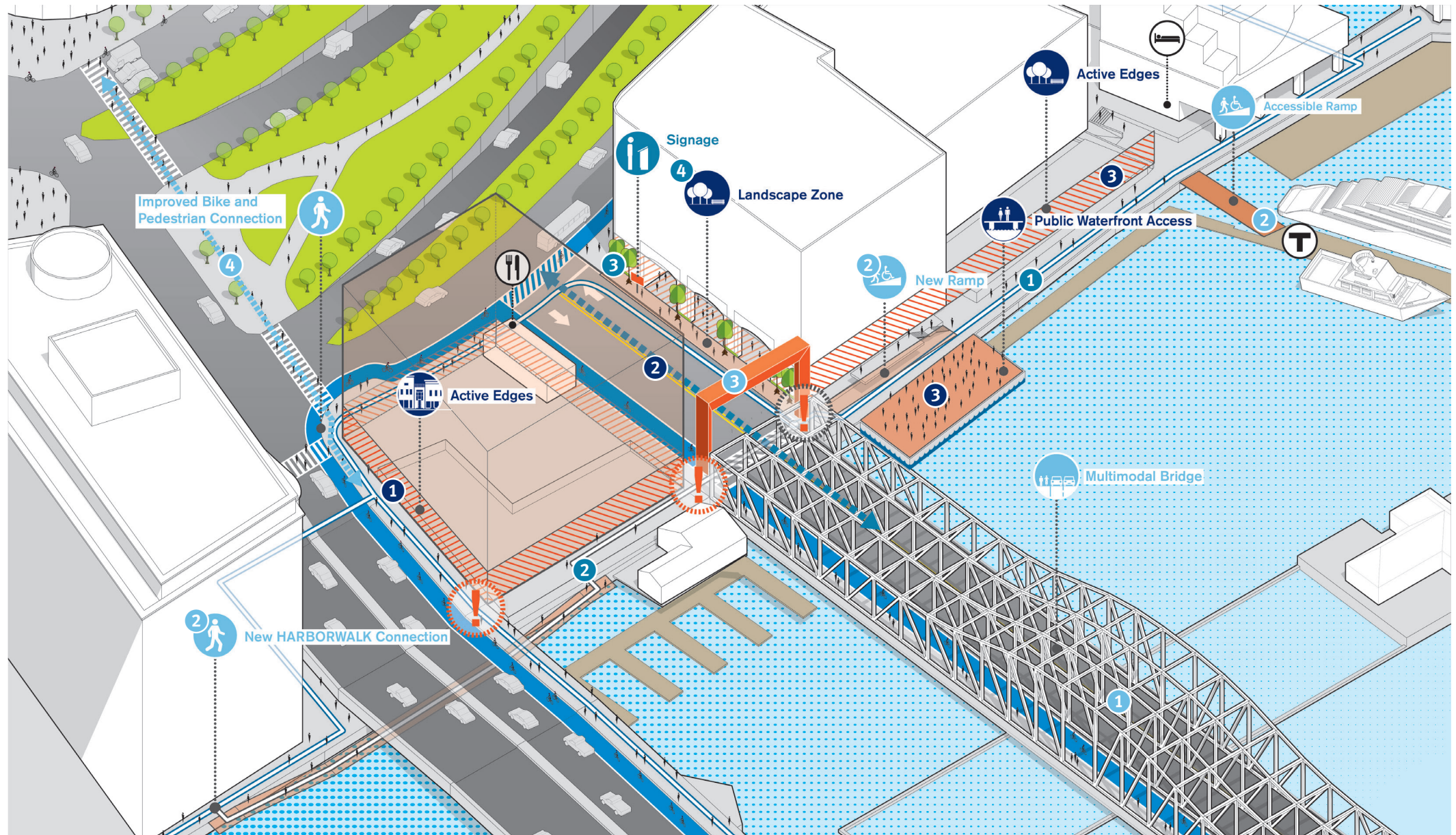
- **Strengthen the connection to the Innovation District** across both the Northern Avenue Bridge, which will soon be renovated, and the Moakley Bridge.
- **Create a gateway** to the City and to the Innovation District at Northern Avenue. This may be through the design of the Hook site, as well as the streetscape design of Northern Avenue.
- **Redesign the Northern Avenue terminus as a gateway and as Complete Street**. This may include robust public horticulture on the street edges.
- **Create accessible HARBORWALK connections** at both the Northern Avenue Bridge and across the Moakley Bridge.
- **Expand the public zone** along the waterfront (this can be coordinated with the accessible HARBORWALK connections, the Hook redevelopment, and the Northern Avenue Bridge renovation).
- **Activate the edges** around the Hook development parcel and the Coast Guard Building. The Northern Avenue edges of these buildings faces special challenges because of its narrow width and the location of loading docks.

### Key Development Site

#### Hook Site

The Hook site, coupled with the planned renovation of Northern Avenue Bridge, will serve as a critical link between the Innovation District and Downtown. The design of the Hook redevelopment will frame views to and from downtown along both the Moakley Bridge and the Northern Avenue Bridge. In addition, the facades along the waterfront and the Rose Kennedy Greenway face two of the city's most important open space resources. These facades should be designed with consideration to these factors. Principal building entrances should be considered along both Seaport Boulevard and the Greenway to strengthen connections along Seaport Boulevard to Oliver Street and along the Greenway. Careful placement and design of loading docks and service entrances is critical on such a tight site, and should be designed with consideration to both the future Northern Avenue and the Greenway.





## Connectivity

- 1 The Northern Avenue Bridge has the potential to become a model Complete Street. The renovation of this bridge could alleviate traffic congestion in South Boston and increase pedestrian and bicyclist connections to the Innovation District.
- 2 Accessible paths and continuous waterfront access are critical to making the public realm and waterfront a place for all people. Currently, the HARBORWALK jogs around the Moakley Bridge, and has an inaccessible area near the Northern Avenue Bridge. Creating ramps in both locations would add to HARBORWALK continuity and legibility.
- 3 Preserving and enhancing view corridors from the city to the harbor and along the HARBORWALK are key elements.
- 4 Connections to the Financial District through Oliver Street should be strengthened.

## Legibility

- 1 The HARBORWALK in this area is poorly marked, narrow, and inaccessible. New lighting and paving materials should be considered in this area. These would increase the sense of safety and the understanding of this as a public path.
- 2 The redevelopment of the Hook site should include a HARBORWALK connection along the waterfront.
- 3 Signage could direct pedestrians to the nearby attractions, such as the Aquarium, the Children's Museum, and the BSA Space, and offer interpretive information about the history of the area.
- 4 The renovation of the Northern Avenue Bridge will turn what now seems like an alley into a public thoroughfare. The renovation of the streetscape will contribute to the legibility of this as a street for all modes of transportation. Robust street trees should be considered.

## Activation and Programming

- 1 New developments should activate the public realm with retail and restaurant uses along the ground level. The Hook site in particular presents the opportunity to activate all four sides of the parcel. The Coast Guard Building contains a cafeteria that is open to the public but little known. Encouraging awareness of this amenity can add to the activity along Northern Avenue.
- 2 Designing Northern Avenue as a welcoming thoroughfare poses a challenge because it is faced with loading docks and service areas. Design of this street should focus on making it welcoming to pedestrians with visible entrances to these buildings on Northern Avenue.
- 3 Unwelcoming edges facing the HARBORWALK should be redesigned to open up to the waterfront, and an expanded public realm should be considered in "bottleneck" areas.

# India Row and Rowes Wharf

## Connect the North and South, the Greenway and the Water

22

The India Row and Rowes Wharf area includes a vibrant residential community and one of the most actively programmed places along the waterfront, Rowes Wharf. Improvements in this area need simultaneously to respect and enhance the residential community and leverage the programming and activity at Rowes Wharf.

Rowes Wharf is a very successful example of a waterfront development that was guided by Chapter 91 principles. Rowes Wharf is thoroughly integrated into its context, with an active waterfront edge, a wide range of water transit options, public programs, and a welcoming gateway from the Greenway.

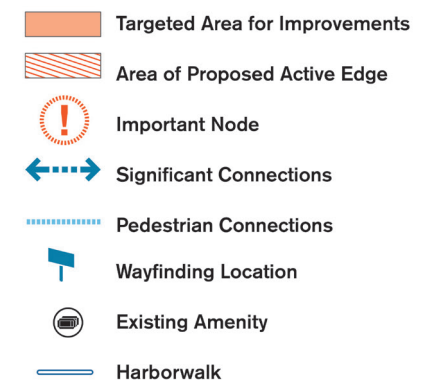
The Harbor Towers, on the other hand, remain aloof from its surroundings. When the towers were constructed, the neighborhood consisted of an elevated highway, a dirty harbor, surface parking lots, and a rundown warehouse district. As a result, the towers were designed as a towers in the landscape, walled off from the city. Now that the Downtown Waterfront and Wharf District are thriving neighborhoods, it is time to better integrate the Harbor Towers property into the urban fabric. The fences, paving, and landscaping create a great deal of ambiguity about what is private vs. public on this site, block views from the Greenway and Town Cove to the water, and appear unwelcoming. Smart design, landscape improvements, and clear wayfinding for public paths can ameliorate this situation and help make the Harbor Towers the center of the emerging downtown waterfront residential community.

This area is also one of the narrowest sections between the waterfront and the Greenway and should offer visual and physical connections from the Greenway to

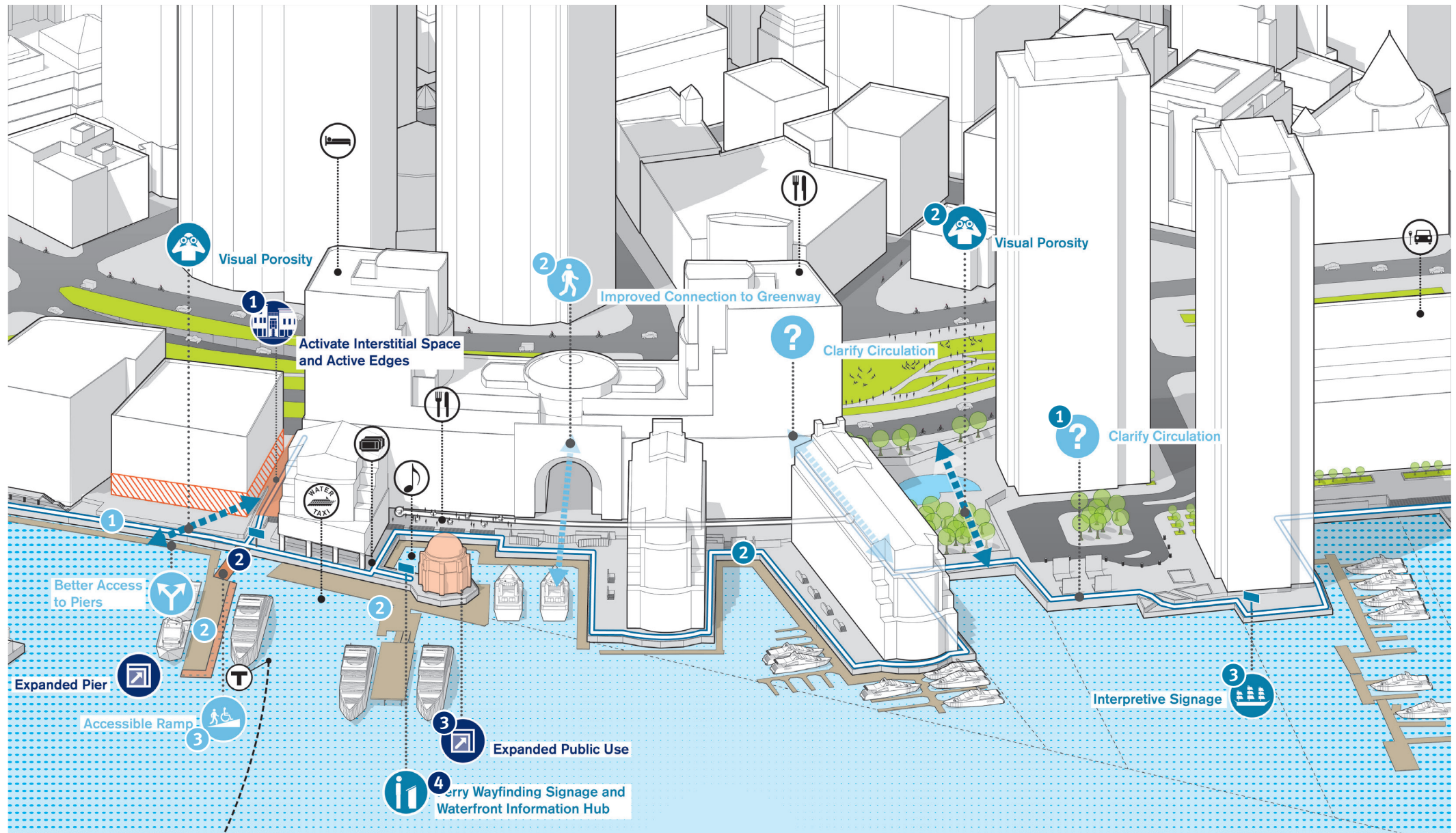
the harbor. It should **facilitate north-south pedestrian and bicycle movement, and encourage east-west movement and visual connections from the Greenway to the waterfront.**

The goals for India Row and Rowes Wharf are:

- **Strengthen north-south connections** across this area, both along the waterfront and along Atlantic Avenue.
- **Clarify circulation** in key areas, such as across the Harbor Towers parcel, and lateral connections between the Greenway and the harbor. This should include both the HARBORWALK itself and HARBORWALK “shortcuts.”
- **Strengthen lateral connections from the Greenway**, which may require programming or restaurant and retail uses in the interstitial spaces, or signage and wayfinding.
- **Integrate the Harbor Towers into the urban fabric.** This includes visual connections through the property to the waterfront, clearly marked public paths, and careful design of the landscape around the edges.
- **Protect and promote water-dependent uses**, including facilitating access, visibility, signage, and rents for ferry operators. A waterfront information hub should be considered as a ground-level use.
- **Increase awareness of the many activities and programs** at Rowes Wharf, and coordinate these activities with other activities along the waterfront and on the Greenway. In addition, increase access to the public facilities within Rowes Wharf, such as the rotunda and the pavilion.







## Connectivity

- 1 Strengthen the north-south connections along the HARBORWALK and Atlantic Avenue. Improving pedestrian connections between the south and the north of the downtown will relieve congestion on the roads and on public transportation, and relieve pedestrian bottlenecks.
- 2 Enhanced access to piers and water transit would enable more commuters and visitors to visit the area. This includes accessible ramps, better access to side piers, expanded transit piers, and better signage.
- 3 Accessibility to water transit is a priority. All docks and piers should be ADA compliant. In addition, better access to piers and docks should be considered.

## Legibility

- 1 Clarifying the pedestrian path through the Harbor Towers property is a priority for this area. The HARBORWALK is confusing and poorly marked. Proper signage will help, as will upgrades to the paving materials. If the Harbor Towers rethinks East India Row and the entryway to the Harbor Towers, it should consider how the landscape and streetscape can make clear the public path through this parcel.
- 2 Signage should make clear both the HARBORWALK as well as HARBORWALK “shortcuts,” such as through Rows Wharf. Overall maps of the HARBORWALK and the general district should be considered.
- 3 Visual connections from the Greenway to the waterfront should be enhanced and preserved wherever possible.
- 4 Interpretive signage or symbols (e.g., public art) about the history of the waterfront would add to the experience of visitors or passersby.

## Activation and Programming

- 1 The interstitial spaces in this area could benefit from programming, such as restaurant seating or benches. Adding programming to these areas could increase pedestrian activity between the water’s edge and the Greenway.
- 2 Improving access to the water transportation centers, with accessible ramps and better access to piers will greatly increase activity at the water’s edge.
- 3 Underutilized spaces, such as the pavilion at Rows Wharf, should be programmed or made available for public use.
- 4 A waterfront information hub should be prioritized. Possible locations include inside the ground-level of Rows Wharf, or outdoors near the piers. It should include a comprehensive map of all the water transit options in the Central Waterfront.

# Long and Central Wharves

## Touch the Water

24

Long and Central wharves are where the city has historically met the harbor. Throngs of tourists, families, residents, and workers pass through here on a daily basis, drawn by the rich historical significance of the area, the Aquarium and IMAX theater, the nearby Rings Fountain and Greenway Carousel, and the water transportation options. This is the most activated waterfront in Boston.

The primary objective is to **create an exemplary twenty-first-century waterfront, so generations to come can experience the water's edge**. This requires concerted efforts by the many operators and property owners to come together around common goals, such as managing the pedestrian, bicyclist, and ferry traffic; coordinated wayfinding; and preserving and enhancing key view corridors. Both incremental physical improvements as well as management strategies can help organize and clarify the public realm and movement through this area.

The goals for this area are to:

- **Improve signage and wayfinding and develop coordinated signage system.** This includes a unified water transit system and consistent wayfinding for the transit options. This may include new landmarks, such as public art or flagpoles, along the waterfront.
- **Diversify the uses within the area,** such as include a broader range of retail and food venues, ranging from casual (e.g., food trucks) to fine dining. Consider uses that support the residential community and local workers.
- **Improve the Aquarium plaza / Central Wharf Park area** through consistent paving, improved wayfinding, and enhancing key view corridors to

the Aquarium and the harbor from the Greenway.

- **Increase appreciation of the Harbor Islands and establish a permanent Harbor Islands ferry gateway** on Long Wharf North. In addition, more activities and seasonal programming should be considered for the Harbor Islands (e.g., Hubway or fall and winter nature walks).
- **Activate ground-levels** facing the waterfront, key public spaces (e.g., the Greenway and Christopher Columbus Park), and the waterfront.
- **Strengthen lateral connections to waterfront** through programming and ground-level activity and maintaining view corridors from the Greenway to the harbor.
- **Invest in ferries and water transportation,** including subsidies for infrastructure improvements and ongoing maintenance.
- **Strengthen management of the public realm,** such as the bus/trolley parking in the area and vendors. Develop management plan for vendors, trolley operators, seasonal services, etc.
- **Increase appreciation of the Downtown Waterfront** through interpretive signage (both historical and environmental). Physical improvements such as storm surge barriers or public spaces designed to withstand inundation are educational opportunities.
- **Create a range of open spaces,** from quiet and contemplative zones to active hardscaped areas to shared streets. For example, the Chart House parking lot might be redeveloped as a pocket park with seating, which could complement the restaurant in the Marriot Long Wharf and offer an outdoor waiting area for

ferry passengers. The end of Long Wharf should be a destination, with programming, such as food trucks or casual dining.









- **An innovative rotating public art program,** such as those organized by the Public Art Fund in New York and Friends of Fort Point Channel locally, might also be considered at the underutilized public spaces. This program could focus on art about climate change and sea level rise or the history of the harbor.
- **Improve connections to the North End** and Christopher Columbus Park. This may be through signage or increasing the visual porosity through the Marriott.

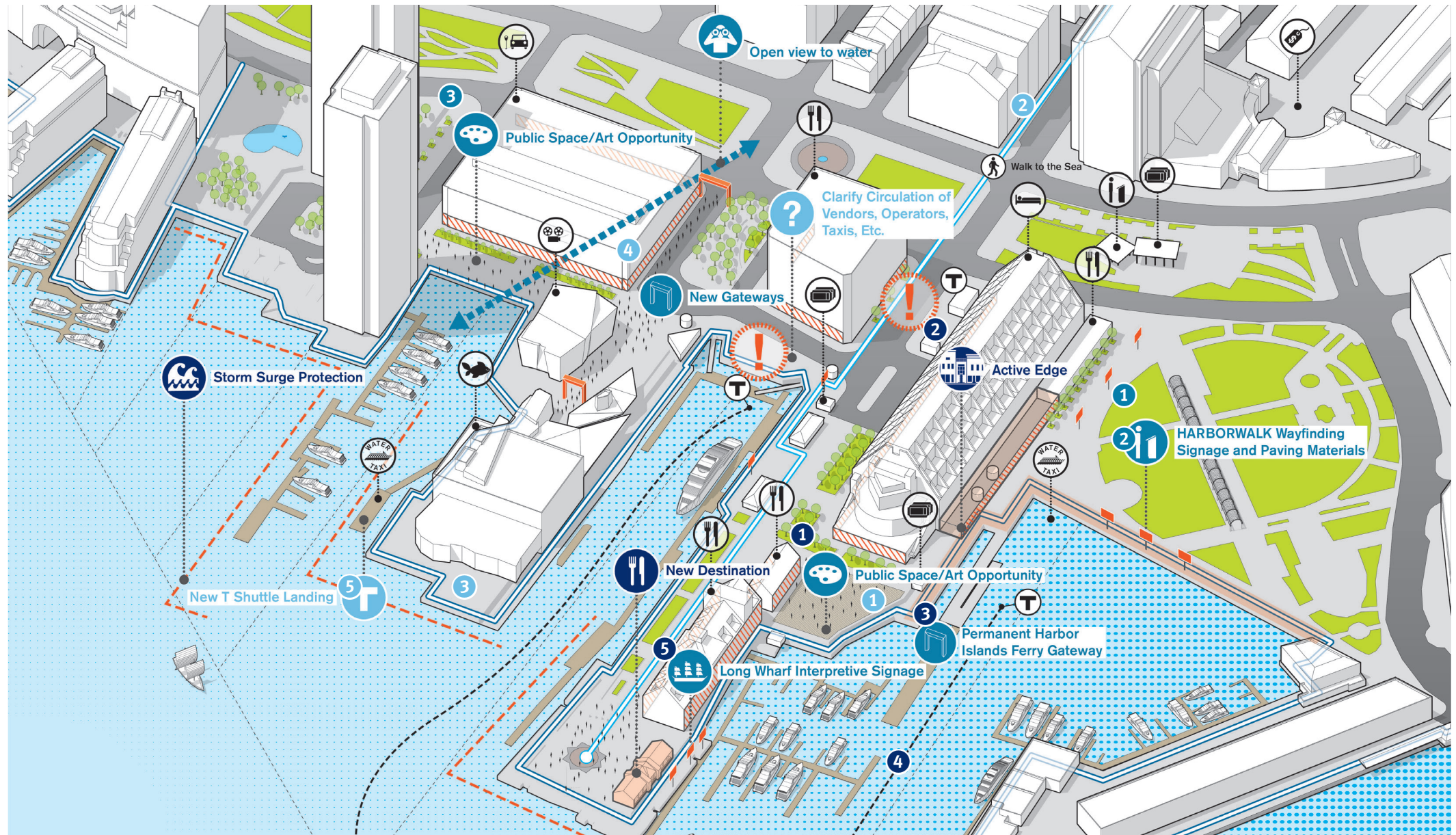


### Key Development Site

#### Harbor Garage

Redevelopment of the Harbor Garage site should respect both the residential uses of Harbor Towers and the activity of Central Wharf. It will form a key edge and gateway, linking the Town Cove neighborhood and the Rose Kennedy Greenway to the Aquarium and the waterfront. The edge along Milk Street, facing Central Wharf Park, needs to be designed with consideration to the streams of visitors heading to the Aquarium, the IMAX Theater, and the ferries on the wharves. This side of the parcel, as well as the edge facing the waterfront, are the most appropriate locations for new public open spaces on this parcel.

-  Targeted Area for Improvements
-  Area of Proposed Active Edge
-  Important Node
-  Significant Connections
-  Pedestrian Connections
-  Wayfinding Location
-  Existing Amenity
-  Harborwalk



## Connectivity

- 1 Strengthening the connection to the North End is critical. This can happen through encouraging walking through the Marriott lobby, and improving the space around the Marriott.
- 2 The Walk to the Sea should be strengthened and promoted. Encouraging more travel to the end of the wharf could relieve some of the pedestrian congestion and lead to a greater appreciation of the harbor.
- 3 The HARBORWALK should be strengthened to encourage north-south movement through the study area and to draw visitors to the ends of the wharves.
- 4 Gateway moments should be designed, such as along the approach to the NEAq.
- 5 Expanding the water transit options, both in terms of destinations and regularity of service, is a key priority. Water transit can connect the Downtown Waterfront to other Boston neighborhoods, such as East Boston and neighboring waterfront communities.

## Legibility

- 1 Signage should make clear both the HARBORWALK as well as HARBORWALK "shortcuts," such as through the Marriott lobby. Overall maps of the HARBORWALK and the general district should be considered.
- 2 Coordinated signage can also make clear the ferry locations and schedules. This will alleviate confusion in the area. The overall area can be improved through coordinating paving materials, signage, etc. This will help clarify the public realm and direct people to the key amenities and open spaces.
- 3 Key landmarks, such as public art, large-scale signs, and digital displays, should be considered as navigation and wayfinding devices.

## Activation and Programming

- 1 Improving underutilized spaces, such as the hardscaped plaza between the Harbor Garage and the water, and parking lot and the end of Long Wharf, is a priority. Each should have a different character, ranging from quiet contemplative spots to very active.
- 2 Activating the edges of buildings is key to drawing people to this area and distributing foot traffic.
- 3 The Harbor Islands would benefit from a permanent gateway on the wharf.
- 4 The reconstruction of T Wharf and a reconfiguration of waterside on uses should be considered on the north side of Long Wharf.
- 5 Interpretive signage and exhibitions should be considered. This can focus on the history of the wharves and the waterfront or on climate change resilience.

# The Watersheet

## Experience the Harbor

26

Experiencing the city from the water's edge and on the watersheet brings an entirely different perspective to the city, and the ability to experience this needs to be preserved and enhanced by encouraging watersheet activity and managing it appropriately. It is the shared home of commuter ferries, recreational ferries, marinas, recreational vessels, an Aquarium, and a rich maritime heritage, as well as serving as a diversified marine habitat. A wide range of stakeholders regularly use the water's edge and watersheet and, in both formal and informal ways, manage its use.

Climate change, sea level rise, and storm surges threaten the waterfront, but they also present the opportunity to **rethink the watersheet and water's edge as a twenty-first century resilient landscape**. This may include physical storm barriers or soft infrastructure and landscape that withstand regular flooding and inundation. Much as Boston's waterfront has evolved and changed dramatically over the centuries, it is time to imagine a new water's edge that incorporates the latest thinking about resilience.

**The Central Waterfront needs to be understood as a place in its own right.**

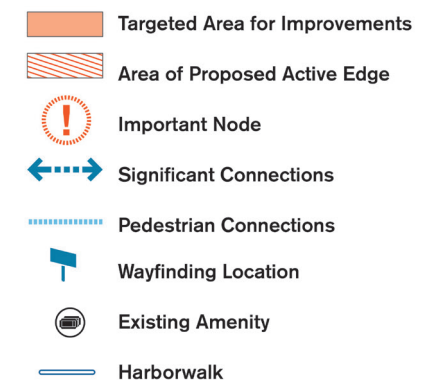
Uses within the Downtown Waterfront district must be linked to other waterfront destinations, such as the Children's Museum, the Institute of Contemporary Art, the Boston Harbor Islands National Recreation Area, and other harborfront communities. New transit options, new routes (both within the Inner Harbor and to Greater Boston), higher frequency of water transit, and better coordination of existing ferries will enable water transportation to become regular model of travel for Bostonians. The plan

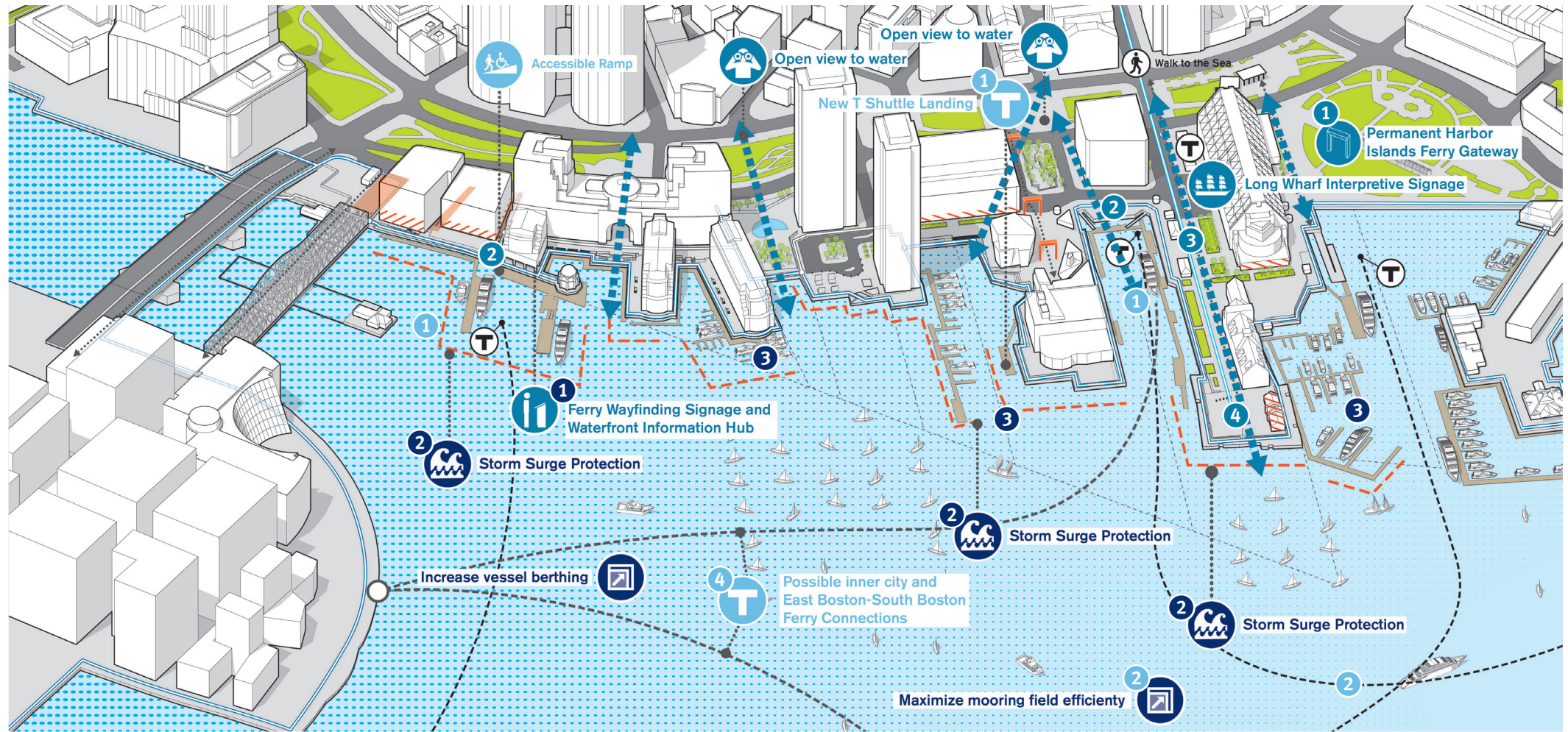
aims to strengthen and intensify Boston's relationship to the waterfront, and conversely the harbor's relationship to the city.

The goals for the watersheet are:

- **Designing a climate-change resilient waterfront for the twenty-first century.** Climate change resiliency for the harbor edge along the central waterfront and throughout Boston should be considered. This includes the design of landscapes and buildings to withstand flooding, and the piers and boardwalks at higher elevations. It requires proactive coordinated efforts by public, private, and nonprofit entities.
- **Improve and expand the role of the Central Waterfront as the primary public water transportation center** for Boston. This requires increasing vessel berthing opportunities both in quantity and quality and improving access through modifications to fairways and mooring fields. Landside improvements include indoor waiting areas and a unified wayfinding system.
- **Establish priorities for watersheet uses and management**, starting with working waterfront uses and then transit.
- **Increase access to and use of the Boston Harbor Islands** by subsidizing fares and creating a permanent gateway on Long Wharf North.
- **Create a clearer public understanding of the watersheet as a multifaceted marine gateway to and from Downtown Boston**, and the historic tradition of Long Wharf, by adding interpretive information about the central waterfront history and uses.

- **Expand recreational boating and fishing opportunities.** Expand berthing areas and overnight berthing opportunities. Fish-cleaning stations should be considered landside.
- **Enhance the public safety standards** to address current and future density of use for the HARBORWALK, bulkheads, docks, and floats, and including such additions as public awareness signage, additional bulkheads, and float ladders. This might include revised standards for water's edge safety equipment and training for abutter business personnel to monitor and offer emergency services for abutting watersheets.





## Connectivity

- 1 Water transportation facility improvements should include increased commercial vessel berthing capacity; addition of water taxi and touch-and-go landings; a unified system of ferry gate designations and signage; complete ADA accessibility to all public transit landings; and ticketing and waiting enhancements.
- 2 Circulation on the watersheet would be improved by coordinating needs with operators and Harbor Master; fairways; and mooring field optimization.
- 3 A watersheet use management plan for commercial and recreational vessel uses should be developed. This might limit small hand-powered vessel rental and use in or near commercial vessel fairways. This will require coordination among the operators and nonprofits in the area.
- 4 New transit routes should be considered, both within the Inner Harbor and to Greater Boston

## Legibility

- 1 A permanent Harbor Islands gateway on Long Wharf North would enhance the visitor experience to the Harbor Islands, and facilitate growth of the Harbor Islands ferry service.
- 2 A signage or wayfinding system for Harbor Islands gateway and other transit ferry landings would relieve pedestrian confusion and congestion.
- 3 Watersheet wayfinding and public art should be considered. Tall guide poles or banner displays for key view corridors and across harbor could serve as wayfinding devices and as public art infrastructure.
- 4 A revolving program of watersheet art installations could emphasize the rich maritime and environmental history of this area. This should be coordinated with Greenway Conservancy and City visual and performing arts initiatives.
- 5 Any new development or improvements should amplify and preserve key view corridors; including the Walk to the Sea, and from city to harbor and Harbor to city.

## Activation and Programming

- 1 Enhanced queuing and waiting areas (including heated waiting areas) near commuter and recreational ferry locations would encourage ferry use and extend the ferry season.
- 2 Climate change resiliency for bulkheads and edge conditions should be prioritized. This should include: elective treatment of wharf ends facing north and east; standards for float and piling construction; options for wave attenuation devices; and both short- and long-term strategies.
- 3 Marina and recreational boating facilities could be enhanced. Options to consider include marina dock expansion; potential increase in moorings with field optimization; increase in transient slips, public drop-off berths, and dinghy docks; support facilities including fueling locations; and optimization of sailing clubs for medium and larger boats.
- 4 Watersheet recreational programming should be enhanced. Year-round recreational events and programs, such as First Night on the Waterfront and Fireworks, will draw more people to the water's edge. Nearby areas, such as Fort Point Channel or Hook Lobster, can provide safe public small boat rental and operations.

# Implementation

28

This plan provides a framework for improvements and identifies potential synergies between properties, stakeholder interests, and physical improvements. The goal is to identify improvements that can be creatively combined and result in a whole greater than the sum of its parts. The overall plan will be implemented incrementally, as property owners and the City make improvements to their properties. The exception will be the two key development parcels, the Hook site and the Harbor Garage (see page 18). These offer the opportunity to change significantly the neighborhood and enact many of the public benefits identified in this plan.

## Coordination

Key linkages and synergies between properties should be considered. For example, on Long Wharf, adding ground-floor retail and restaurants to the Marriott, combined with the renovation of a parking lot into a public plaza, will greatly enhance the public use of Long Wharf. Furthermore, the end of Long Wharf, which is currently underutilized, presents the opportunity to insert public programming, such as a restaurant or creating a food truck plaza. Together, these projects will expand the public use of Long Wharf and potentially unlock some of the pedestrian bottlenecks that occur near the ferry docks and ticket booths. These projects, each with a different owner, are symbiotic and should be coordinated.

## Management

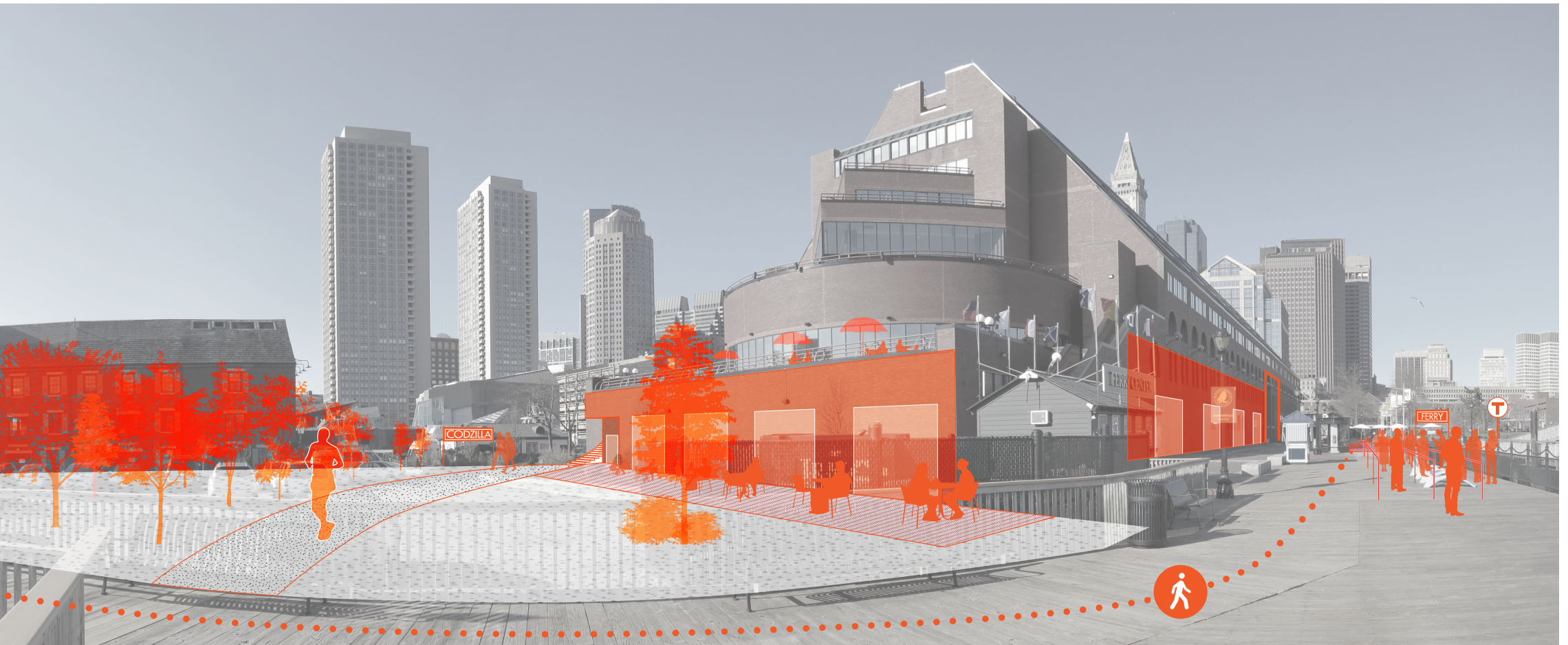
Overall, the district could benefit from a management or stakeholder group that could further the goals identified in this report. Coordination between the different stakeholders happens now in an informal manner. A more formalized system of informing neighbors and stakeholders of activities and plans for the area would enable potential shared interests or synergies to come to light.

## Sustainability and Climate Change Resilience

Another key concern in this area is climate change resilience and protecting against storm surges. In recent years, storms such as Hurricane Sandy have highlighted the vulnerability of the waterfront. All public amenities should be constructed to accommodate inundation associated with storm surges and sea level rise. Where possible, it is important to protect the waterfront and waterfront assets from inundation and storm surges. This will require significant public and private investment and should be considered on both a parcel-by-parcel basis as well as for the waterfront as a whole.

### A Vision for the Future of Long Wharf





*Long Wharf presents an opportunity where coordinated efforts could result in a whole that is greater than the sum of its parts. Currently, a surface parking lot exists on Long Wharf. This underutilized space could become a new pocket park on Long Wharf. With a range of seating options and robust public horticulture, it could serve as an outdoor waiting area for ferry passengers, or a lunch spot for*

*workers and residents. It could also be designed as a model landscape that incorporates best practices in climate change resiliency. Combined with added ground-level programs at the Marriott and a new destination at the end of Long Wharf, it could relieve pedestrian bottlenecks and add a new public space with a different character than the others nearby.*



**Long Wharf, existing conditions**

Underutilized Space

Underutilized Space

Inactive Edges

**How to evaluate and implement public benefits**

Key considerations with public benefits include whether it is 1) linked to significant development; 2) requires a partnership between various stakeholders; 3) poses management challenges; 4) is an idea that needs adoption; or 5) requires only money.

The following pages list public benefits that emerged from this planning process, and attempt to list what barriers or challenges there might be to their implementation and link their to the overall vision for the district.



*Implementation will require partnerships and creative sources of funding. An excellent example is the Harbor-Links Gardens on the Northern Avenue Bridge. This was funded by a grant from the Boston Committee of the Garden Club of America to The Boston Harbor Association, which envisioned the project and oversaw its development.*



- Strongly achieves this goal
- ◐ Medium support of this goal
- Provides little support of this goal
- Strong challenge
- ◐ Medium challenge
- Low link or challenge

## District-Wide

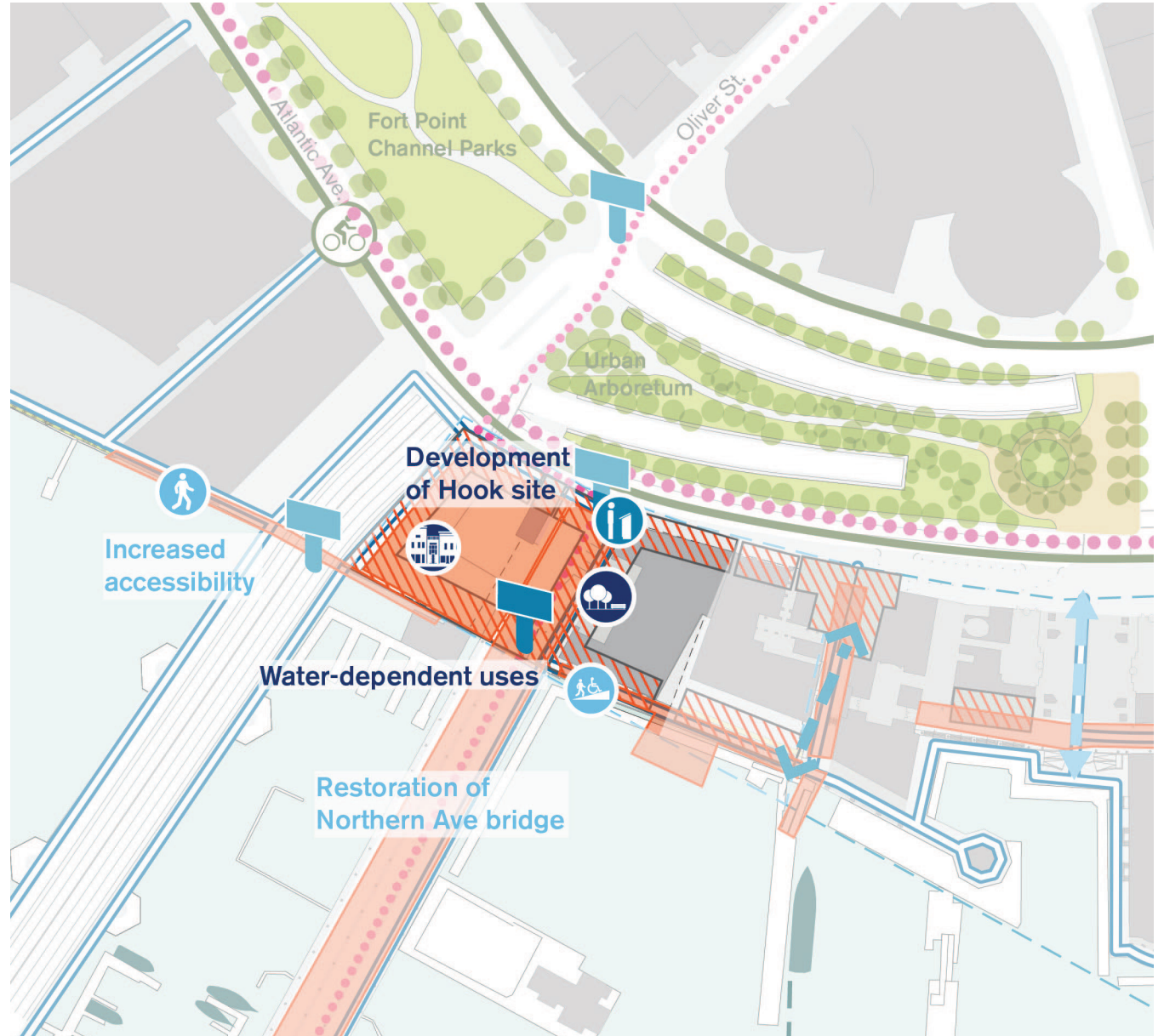
	Goals					Implementation Considerations and Challenges				
	A district accessible to all by foot, transit, water, and bike	Clearly defined connections	Climate change resilience	Four-season destinations and programming	Flexibility to accommodate future uses	Linked to significant development	Requires a partnership between stakeholders	Poses management challenges	Idea that needs adoption	Money
<b>Increase four-season activities</b> (e.g., ice skating rink, winter walking programs, Christmas market, nature walks, fall and winter nature tours of the Harbor Islands, fall cider festival)	◐	◐	◐	●	●	◐	◐	◐	○	◐
<b>More and higher-quality places to access the water.</b> For example, the BRA-owned land in front of the Harbor Garage and the end of Long Wharf could both be improved.	◐	●	◐	●	●	●	●	●	○	◐
<b>Develop a clear climate change resilience plan</b> that addresses sea level rise and storm surges. This may include the design of landscapes and buildings to withstand flooding, and the piers and boardwalks at higher elevations. It requires proactive coordinated efforts by public, private, and nonprofit entities.	●	◐	●	●	●	○	●	◐	○	●
<b>Regular north-south transportation links</b> , such as a South Station to North Station shuttle bus or Greenway trolley.	●	●	◐	○	●	◐	●	◐	○	●
<b>Broader range of retail and food venues</b> , ranging from casual (food trucks, etc) to fine dining, dining on the water; increase in neighborhood amenities, such as grocery stores and pharmacies.	○	◐	◐	●	◐	●	●	◐	◐	◐
<b>Unified wayfinding and identity for the district.</b>	◐	●	○	◐	◐	○	●	○	◐	○
<b>Better signage or markings for the HARBORWALK</b> , such as through blue brick path or uniform paving materials	●	●	○	◐	○	○	●	○	◐	○
<b>Unified signage system for ferries.</b> Uniform digital (i.e., ITS) system for ferry/boat operators. This should be coordinated with waterfront information hubs.	●	●	●	○	○	○	●	●	◐	◐
<b>Event venues.</b> For example, a floating barge could be coordinated with Fort Point Channel and serve double purpose as an event barge / art barge.	○	◐	●	●	●	◐	◐	●	◐	●
<b>Clear range of pedestrian and bike north-south routes.</b> For example, the "slow" pedestrian route along the water's edge, the "fast" pedestrian and bike route along Atlantic Avenue, and "medium-speed" routes on the Greenway and along the water with shortcuts through Rowes Wharf and Long and Central wharves.	●	●	○	○	○	◐	●	○	◐	◐







- Strongly achieves this goal
- ◐ Medium support of this goal
- Provides little support of this goal
- Strong challenge
- ◐ Medium challenge
- Low link or challenge

## Northern Avenue

	Goals					Implementation Considerations and Challenges				
	A district accessible to all by foot, transit, water, and bike	Clearly defined connections	Climate change resilience	Four-season destinations and programming	Flexibility to accommodate future uses	Linked to significant development	Requires a partnership between stakeholders	Poses management challenges	Idea that needs adoption	Money
<b>Restoration of the Northern Avenue Bridge</b> as a multimodal bridge with a dedicated barrel for pedestrians and cyclists	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">○</span>	<span style="color: teal;">◐</span>	<span style="color: black;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">○</span>	<span style="color: black;">●</span>
<b>Development of Hook site with active edges</b> on all four sides.	<span style="color: teal;">◐</span>	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">◐</span>	<span style="color: black;">◐</span>
<b>Careful design of the Northern Avenue face of the Hook site and Coast Guard Building</b> , in terms of loading dock placement, street relationship, entrances, lighting, etc.	<span style="color: teal;">●</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">◐</span>
<b>Active edges facing the Greenway, the water, and Northern Avenue for the Coast Guard Building.</b> This may include making the public cafeteria inside visible on the exterior through signage or opening up the facade.	<span style="color: teal;">◐</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">○</span>	<span style="color: teal;">●</span>	<span style="color: teal;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>
<b>Increased HARBORWALK accessibility at Northern Avenue Bridge</b> , which may require a ramp from the HARBORWALK to meet bridge level.	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">○</span>	<span style="color: teal;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">○</span>	<span style="color: black;">◐</span>	<span style="color: black;">●</span>
<b>Increased HARBORWALK accessibility at Moakley Bridge</b> , which may include ramping under bridge.	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">○</span>	<span style="color: teal;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">○</span>	<span style="color: black;">◐</span>	<span style="color: black;">●</span>
<b>Expanded public realm on this narrow section of the HARBORWALK.</b> Possibilities to explore include decking out over the water, which can also facilitate the HARBORWALK connections and address accessibility issues.	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">○</span>	<span style="color: teal;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>
<b>Short-term improvements to the Northern Avenue Bridge</b> , such as painted lighting, planters, and art installations.	<span style="color: teal;">○</span>	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">○</span>	<span style="color: teal;">○</span>	<span style="color: black;">○</span>	<span style="color: black;">●</span>	<span style="color: black;">○</span>	<span style="color: black;">○</span>	<span style="color: black;">◐</span>
<b>Design of Northern Avenue as an exemplary Complete Street.</b> This may be an appropriate location for a shared street.	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">◐</span>	<span style="color: black;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">◐</span>	<span style="color: black;">◐</span>
<b>Water-dependent uses</b> on the Hook site.	<span style="color: teal;">●</span>	<span style="color: teal;">○</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">●</span>	<span style="color: black;">◐</span>	<span style="color: black;">○</span>
<b>Reestablish public access to the dock and to the exterior stair</b> facing the water on the Coast Guard parcel.	<span style="color: teal;">●</span>	<span style="color: teal;">●</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">◐</span>	<span style="color: teal;">◐</span>	<span style="color: black;">◐</span>	<span style="color: black;">●</span>	<span style="color: black;">○</span>	<span style="color: black;">◐</span>	<span style="color: black;">○</span>



























































































*A selection of the public benefits recommended for Northern Avenue.*



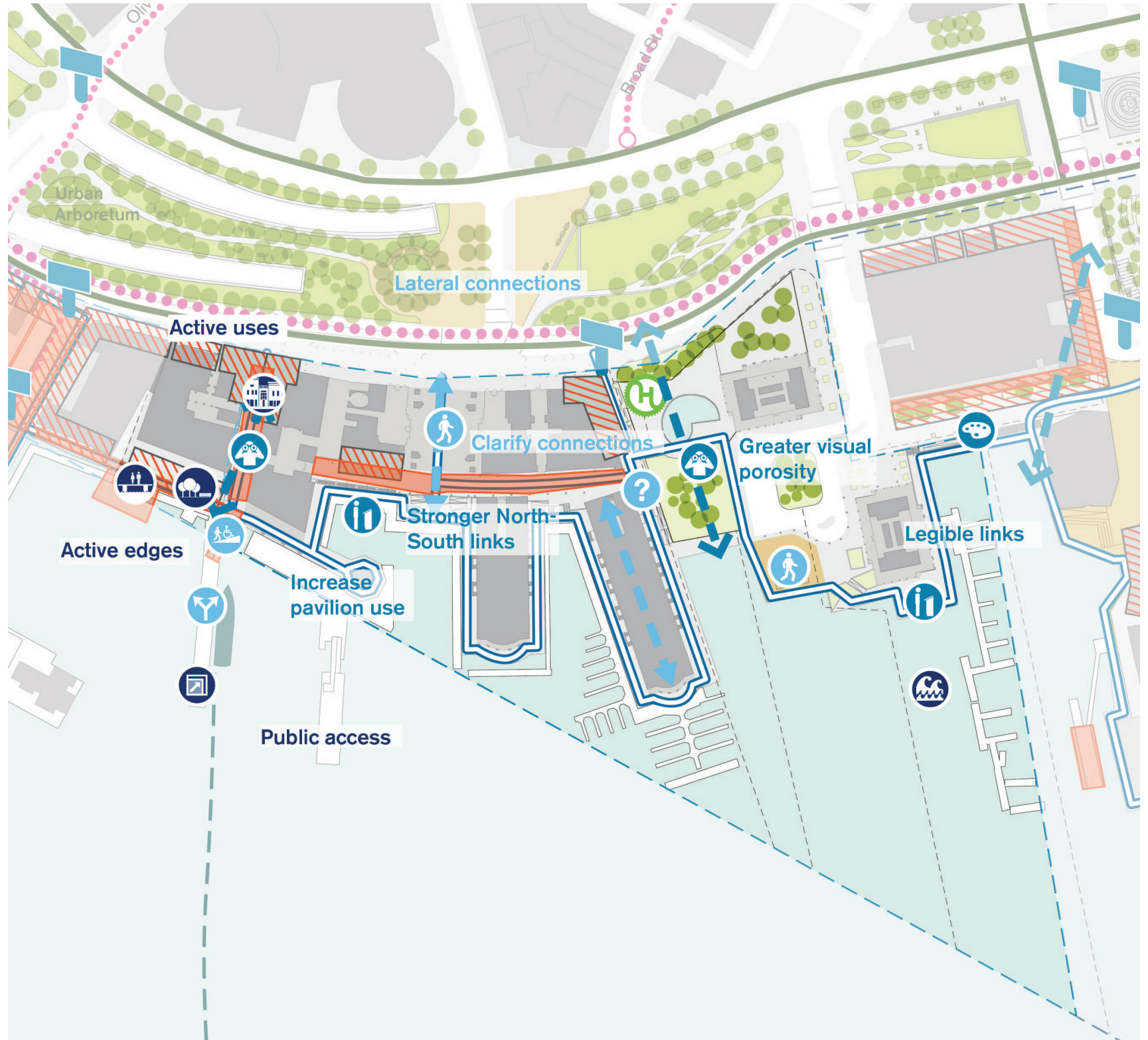
-  Strongly achieves this goal
-  Medium support of this goal
-  Provides little support of this goal
-  Strong challenge
-  Medium challenge
-  Low link or challenge

## India Row/Rowes Wharf

34

	Goals					Implementation Considerations and Challenges				
	A district accessible to all by foot, transit, water, and bike	Clearly defined connections	Climate change resilience	Four-season destinations and programming	Flexibility to accommodate future uses	Linked to significant development	Requires a partnership between stakeholders	Poses management challenges	Idea that needs adoption	Money
<b>Stronger north-south links</b> , both along Atlantic Avenue and along the waterfront. This may include “slow” (HARBORWALK), “medium,” and “fast” (Atlantic Avenue) pedestrian and bike paths, as well as north-south transit, such as a shuttle.										
<b>Stronger lateral connections to waterfront</b> from the Rose F. Kennedy Greenway through programming/ground-level activity and maintaining view corridors. Programming of the interstitial spaces, such as the space between Rowes Wharf and 400 Atlantic Avenue.										
<b>Develop a waterfront information hub</b> that provides up-to-date ferry schedules, maps, and information about waterfront destinations.										
<b>More active uses on Atlantic Avenue</b> and better landscaping (street trees, plants, etc.).										
<b>Legible public way through the Harbor Towers property.</b> More clear distinctions between public and private through landscaping and wayfinding.										
<b>Clarify East India Row and the boundary with the Harbor Towers.</b> This might be done through material changes or landscaping.										
<b>Greater visual porosity</b> through the fences of the Harbor Towers property.										
<b>Active uses and greater visual porosity</b> at 400 Atlantic Avenue, especially the fence that faces the watersheet.										
<b>Increased awareness, use, and public access</b> to the Rowes Wharf rotunda and increased use of Rowes Wharf Pavilion for seasonal events and public programs.										

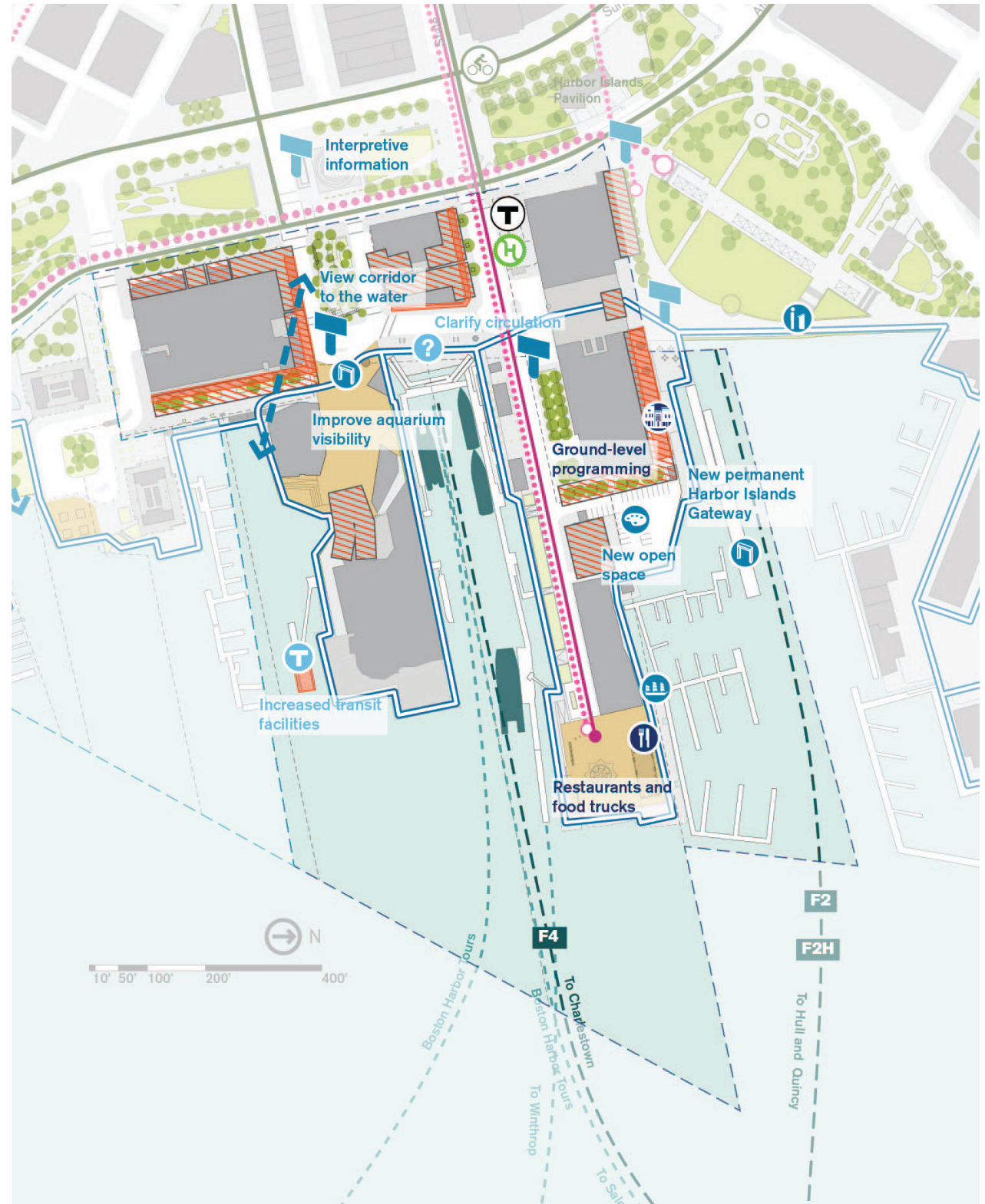
A selection of the public benefits recommended for Rowes Wharf and India Row.



# Long/Central Wharves

	Goals					Implementation Considerations and Challenges				
	A district accessible to all by foot, transit, water, and bike	Clearly defined connections	Climate change resilience	Four-season destinations and programming	Flexibility to accommodate future uses	Linked to significant development	Requires a partnership between stakeholders	Poses management challenges	Idea that needs adoption	Money
<b>Four-season programming or festivals</b> (e.g., cider festival in fall or ice sculpture festival in winter; see Quebec winter festival as example).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<b>Increased facilities for commuters and transit passengers</b> , such as an enclosed ferry waiting room, bike storage, and other passenger amenities. This might occur in the Marriot Long Wharf or Harbor Garage redevelopment.	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<b>Improve hardscape and add interpretive information</b> about history of BRA-owned land between the waterfront and the Harbor Garage. Redevelop Chart House parking lot into open space, and connect with the restaurant in Marriott Long Wharf.	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Improve Aquarium plaza through unified materials</b> , wayfinding, and visibility from the Greenway	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Unified wayfinding and intelligent transportation system</b> (ITS) for ferries.	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>A designated drop-off/pick-up area</b> for school and charter bus users of water transportation and the other amenities and attractions.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Introduce restaurant uses or food trucks</b> on Long Wharf and large sculptural element to draw visitors to end	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Create a permanent Harbor Islands Gateway</b> on the waterfront.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<b>Add ground-level programming and porosity</b> to the Marriott Long Wharf, such as retail and restaurant uses	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Interpretive signage</b> through this area, both environmental and historical. Should build on the Walk to the Sea.	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<b>Improve NEAq visibility from the Greenway</b> through gateway elements, with possible display on IMAX theatre.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<b>Active uses on the Harbor Garage site</b> facing Central Wharf and Atlantic Ave. Make visible the education programs and public uses inside.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<b>Create view corridor to the water</b> and NEAq in the Harbor Garage development site. Open space should be on the north side.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
<b>Create visible and legible links</b> from Harbor Islands Pavilion to the ferry locations	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

A selection of the public benefits recommended for Long and Central wharves.



# Watersheet

	Goals					Implementation Considerations and Challenges				
	A district accessible to all by foot, transit, water, and bike	Clearly defined connections	Climate change resilience	Four-season destinations and programming	Flexibility to accommodate future uses	Linked to significant development	Requires a partnership between stakeholders	Poses management challenges	Idea that needs adoption	Money
<b>Create ferry hubs and information centers</b> to expand the role of the Central Waterfront the primary water transportation center for Boston. Signage and wayfinding can assist commuters and visitors in finding the correct wharf and help better coordinate landside transfers. Sheltered and heated waiting areas landside will enable four-season use.	●	●	◐	○	◐	◐	●	◐	◐	◐
<b>Designing a twenty-first-century climate-change resilient waterfront.</b> This includes the design of landscapes and buildings to withstand flooding, and the piers and boardwalks at higher elevations. It requires proactive coordinated efforts by public, private, and nonprofit entities.	●	◐	◐	●	●	◐	●	◐	◐	●
<b>Increase transportation and transfer options</b> by adding more bus shuttles and water taxis or local ferries (small on-off vessels). This will attract more riders, especially during winter months. This may require additional water taxi docks.	●	◐	◐	○	◐	●	◐	◐	◐	◐
<b>Subsidize water transit</b> and add new routes, both Inner Harbor and within Greater Boston.	●	●	●	○	◐	◐	◐	◐	◐	●
<b>Subsidize Harbor Island ferries.</b> This will encourage use of one of Boston's great open space resources. In addition, more activities and facilities on the Harbor Islands (e.g., bathrooms and seasonal tours) should be considered.	●	●	●	○	◐	●	◐	◐	◐	●
<b>Develop landside facilities to support fishing and other recreational uses</b> of the watersheet. This may include fish cleaning stations and amenities for fishermen.	◐	○	○	●	○	○	◐	◐	◐	◐
<b>Develop services and facilities for recreational boaters,</b> including transient moorings and slips, dinghy docks, and "touch and go" docks.	○	●	○	◐	◐	◐	◐	◐	◐	◐
<b>Maximize utilization of the watersheet,</b> by developing a management plan and clear fairways. This may include redesigning the moorings to increase density of boat moorings in the harbor and coordination with the Harbor Master.	◐	●	○	◐	◐	◐	●	●	◐	◐
<b>Ensure accessibility (ADA compliance)</b> of docks, piers, and all water transit.	●	○	○	◐	◐	○	◐	○	○	◐
<b>Enhance public safety standards.</b> This might include revised standards for water's edge safety equipment and training for abutter business personnel to monitor and offer emergency services for abutting watersheets.						○	◐	○	◐	◐



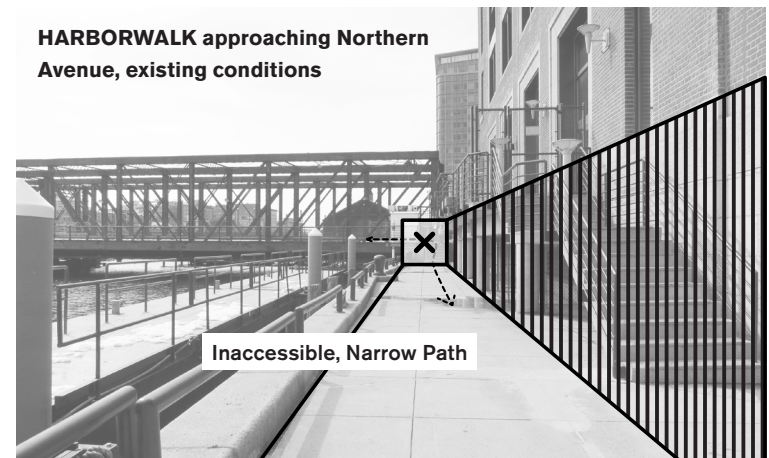
**A Vision for the Future of the  
HARBORWALK near the Northern  
Avenue Bridge**



*The HARBORWALK near the Northern Avenue Bridge is narrow, poor quality, and edged with blank building facades and fences. In addition, the HARBORWALK is inaccessible here, with stairs that lead up the Northern Avenue Bridge level. A number of improvements can be coordinated at this location. The Coast Guard Building might add ground-level programming and open up its ground-level facing the waterfront. When the Hook site is developed*

*and the Northern Avenue Bridge is renovated, an accessible HARBORWALK along the waterfront and active edges facing the water should be prioritized. A ramp for the HARBORWALK could deck over the water, forming and expanded public realm. Together, these improvements by multiple parties would result a expanded, more active and welcoming public realm and HARBORWALK.*

**HARBORWALK approaching Northern Avenue, existing conditions**



**Inaccessible, Narrow Path**

# Process

40

The plan evolved through a two-part process that focused equally on stakeholder engagement and analysis of the study area.

This plan recognizes the interests and efforts of stakeholders, property owners, operators, and the general public in the area. To that end, it began with an analysis of the existing conditions, resources, and activities in the district, followed by an extensive public process that included charrettes, comment cards, and a project webpage.

## Stakeholder Engagement

Public meetings and charrettes drew business owners, non-profit executives, residents, City officials, and other key stakeholders. A series of public charrettes generated ideas about potential public improvements and helped identify key areas of concern.

Concurrent with this effort, the City started preparing a Municipal Harbor Plan for the Downtown Waterfront—which this public realm and watersheet activation plan will inform. Through monthly meetings with the Municipal Harbor Plan Advisory Committee (MHPAC), property owners presented their plans for their properties, and this plan takes these ongoing efforts into account. The MHPAC included a broad bandwidth of stakeholders, included water transportation operators, residents, business owners, and representatives from the Greenway Conservancy, the Boston Harbor Island Alliance, the City's Environment Department, The Boston Harbor Association, and Save the Harbor/Save the Bay. These stakeholders, with their deep knowledge about the history and complexity of the study area, provided insights and suggestions that significantly shaped the plan.



## Meetings

- March 13, 2013 - Public Meeting on the Downtown Waterfront Planning Initiative
- March 14, 2013 - Public Walking Tours of the Study Area
- March 15, 2013 - Public Realm and Watersheet Activation Charrette
- April 24, 2013 - Downtown Waterfront MHPAC meeting
- May 17, 2013 - Charrette, in cooperation with the OneIN3 program
- May 22, 2013 - Downtown Waterfront MHPAC meeting
- June 12, 2013 - Downtown Waterfront MHPAC boat tour
- June 26, 2013 - Downtown Waterfront MHPAC meeting
- July 24, 2013 - Downtown Waterfront MHPAC meeting
- September 17, 2013 MHPAC water-dependent use subcommittee mtg
- September 25, 2013 - Downtown Waterfront MHPAC meeting
- October 23, 2013 - Downtown Waterfront MHPAC meeting
- November 1, 2013 - MHPAC Waterfront Activation Subcommittee Meeting
- November 20, 2013 - Downtown Waterfront MHPAC meeting
- December 18, 2013 - Downtown Waterfront MHPAC meeting

Please circle the number that most accurately reflects your connection to the Downtown Waterfront (you may circle more than one):

1 Merchant / Restaurateur / Operator  
2 Tourist  
3 Resident (neighborhood)

4 Worker / Professional  
5 Property Owner  
6 Other

Please list three things to most like about and/or like to do on the Downtown Waterfront:

Go to cafe.  
Experience I don't come here.

Please list three things you think would make the Downtown Waterfront better:

• See opportunities with a view that make to more diverse events than what exists - kind of stylish restaurants now.  
• Better access to water - cooler parks + places to be along water, not at a hotel!

Other comments:

Shave line infrastructure + protection combined with public access to water.

Please leave this card on your seat following the charrette so it can be collected by staff!



March 15, 2013

Please circle the number that most accurately reflects your connection to the Downtown Waterfront (you may circle more than one):

1 Merchant / Restaurateur / Operator  
2 Tourist  
3 Resident (neighborhood)

4 Worker / Professional  
5 Property Owner  
6 Other

Please list three things to most like about and/or like to do on the Downtown Waterfront:

- Aquarium  
- Open space  
- cafes

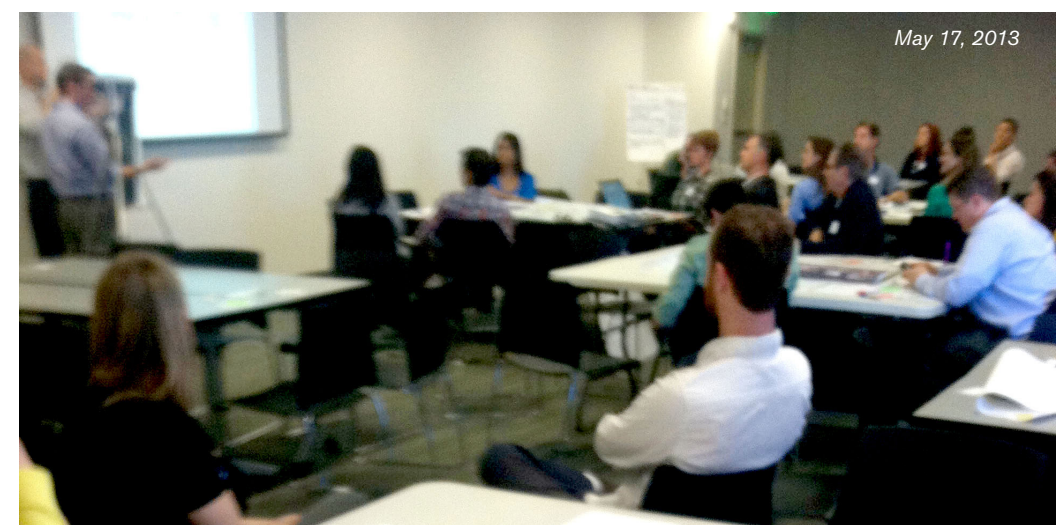
Please list three things you think would make the Downtown Waterfront better:

• Better, more open connection from Greenway to Harbor  
• Program mix for kids  
• More amenities w/ forward looking design temporary heated festivals, food markets + outdoor markets

Other comments:

- big vote for water shuttle from Childrens to east Boston  
- need winter activities w/ temporary heated

Please leave this card on your seat following the charrette so it can be collected by staff!



May 17, 2013

Please circle the number that most accurately reflects your connection to the Downtown Waterfront (you may circle more than one):

1 Merchant / Restaurateur / Operator  
2 Tourist  
3 Resident (neighborhood)

4 Worker / Professional  
5 Property Owner  
6 Other

Please list three things to most like about and/or like to do on the Downtown Waterfront:

Harbor Towers  
Walk - Harbor Walk  
See the Harbor  
Watch people enjoy the Harbor, etc.  
- e.g. Rings Frankie (best part of Greenway)

Please list three things you think would make the Downtown Waterfront better:

Clearer Signs  
More boat docks  
Better transportation - e.g. shuttle bus along Greenway  
+ to Castle Island with stops along Seaport

Other comments:

We also need to make 'connection' between 'downtown' + waterfront clearer + between North End + Freedom Trail  
Need to keep noise level down in the 'boomier' in summer (so they get closer to locks)

Please leave this card on your seat following the charrette so it can be collected by staff!

Please circle the number that most accurately reflects your connection to the Downtown Waterfront (you may circle more than one):

1 Merchant / Restaurateur / Operator  
2 Tourist  
3 Resident (neighborhood)

4 Worker / Professional  
5 Property Owner  
6 Other

Please list three things to most like about and/or like to do on the Downtown Waterfront:

Walk along the harbor  
- see people at harbor  
- open to lunch or dinner (without prior reservation)

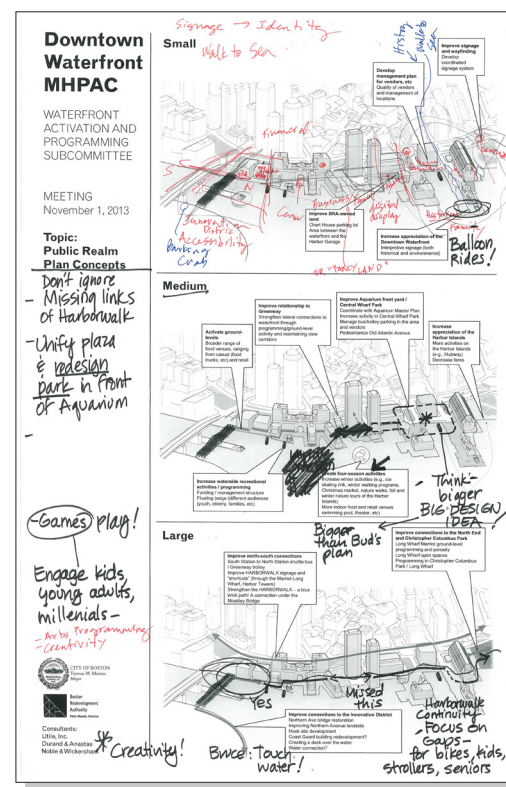
Please list three things you think would make the Downtown Waterfront better:

- more casual waterfront or places to park  
- see something to do  
- see something to do  
- see something to do  
- see something to do

Other comments:

- Harbor location should provide decisions (e.g.) all water - view services  
- Better access of Aquarium area (open and central)  
- see something to do  
- see something to do  
- see something to do

Please leave this card on your seat following the charrette so it can be collected by staff!

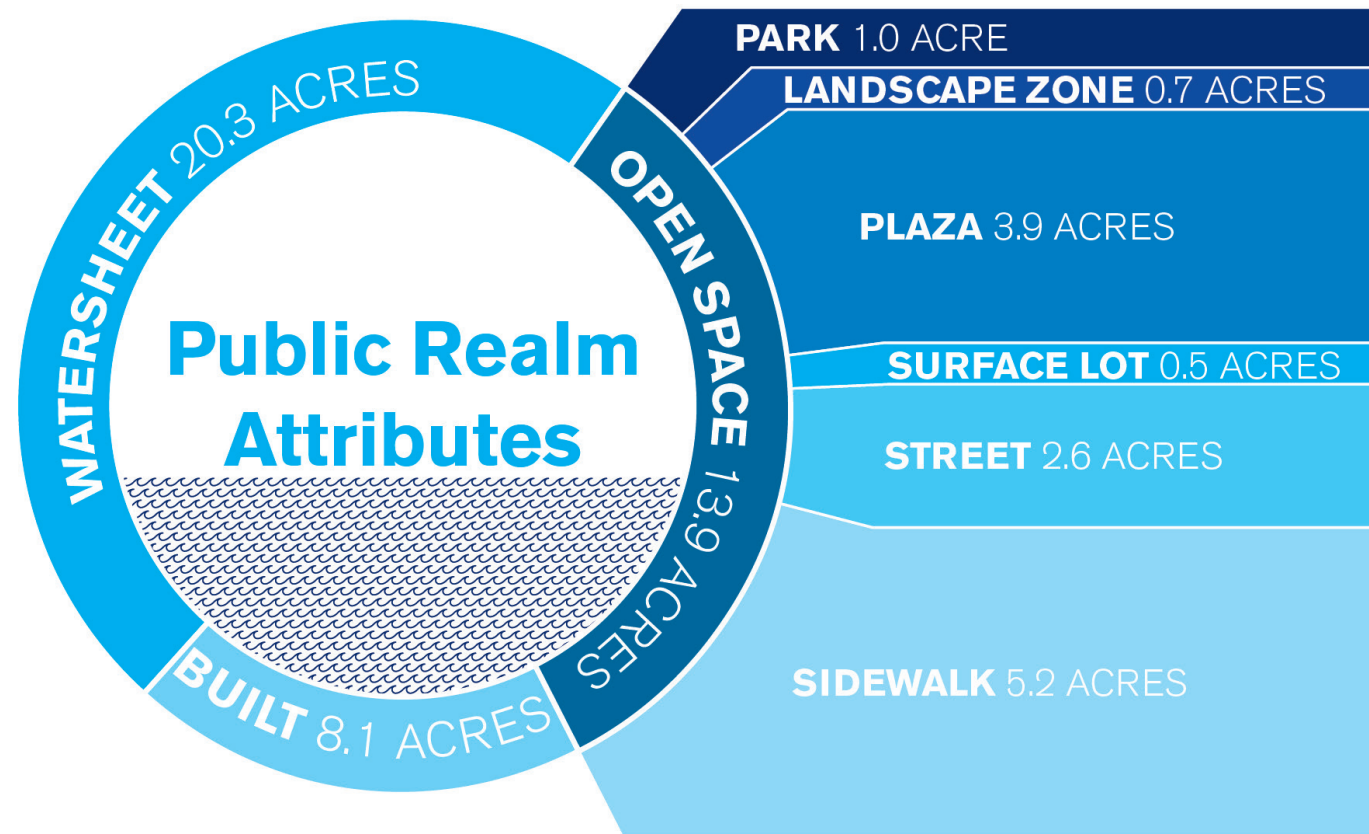


March 15, 2013

## Analysis

Concurrent to the stakeholder engagement process, the consultant team and the BRA conducted an in-depth analysis of the study area and its relationship to Greater Boston. This included a survey of the existing assets and how they are used, recent and planned projects, and a pedestrian path study.

This analysis confirmed much of the input from stakeholders, such as the wide range of activity and vibrancy of the district. It also reinforced the notion that the district is composed of various subdistricts, ranging from the lively section of Long and Central Wharves to the quieter residential areas to the office and maritime-related uses closer to Northern Avenue. The district overall has a rich range of open spaces, from Central Wharf Park to the HARBORWALK.





















Existing Resource Inventory



**Seasonal Programs**








A wide range of seasonal programming further activates the waterfront. Rowes Wharf in particular is a hub of seasonal activity, from the popular Barge Music summer series to the winter Boston Wine Festival and ice skating. Long and Central wharves and Rowes Wharf serve primarily as transit centers in the colder months, with regular MBTA ferry service. In the warmer months, recreational ferries add to the pedestrian traffic in the study area. The number of people coming to the waterfront has increased substantially. Both official visitor numbers as well as anecdotal evidence supports this. Visitorship to the waterfront, as well as water transportation ridership, are expected to continue growing, especially in the summer. Managing and coordinating the seasonal activity is a key concern.

**Seasonal Ferries**

		<b>Year-Round: Water Taxis</b>
 <b>Summer</b>		<b>Boston Harbor Islands: 38 Ferries per Day</b>
	 <b>Sunset Cruise</b>	 <b>Harbor Tours</b>
	 <b>Moonlight Cruise</b>	 <b>Whale Watching</b>
		<b>Boston Harbor Islands: 25 Ferries per Day</b>
 <b>Fall</b>	 <b>Whale Watching</b>	 <b>Sunset Cruises</b>
	 <b>Harbor Tours</b>	
 <b>Winter</b>		
 <b>Spring</b>		<b>Boston Harbor Islands: 36 Ferries per Day</b>
	 <b>Sunset Cruise</b>	 <b>Moonlight Cruise</b>
	 <b>Whale Watching</b>	

**Seasonal Activities**

**Summer in the City/Summer on the Waterfront**

	<b>Live Music Monday through Thursday</b>
	<b>Movies by Moonlight Fridays</b>
	<b>Mini Speed Boats</b>
<hr/>	
	<b>Mini Speed Boats</b>
<hr/>	
	<b>Boston Wine Festival: January to March</b>
	<b>Winter on the Wharf</b>
	<b>First Night Fireworks</b>

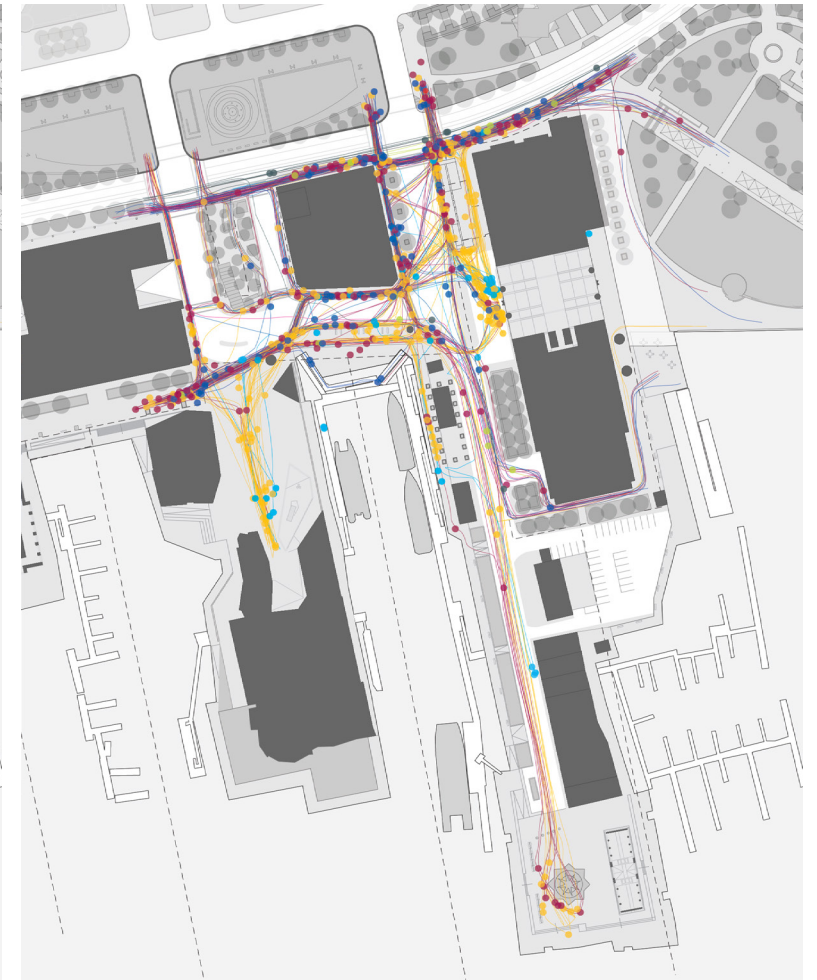
**Pedestrian Analysis**

An analysis of pedestrian movements on Long and Central wharves reveals that there are pedestrian bottlenecks in certain areas, namely around the Aquarium T stop, along Atlantic Avenue, and around 255 State Street. In both peak summer times and winter rush hour, pedestrians tend to stay on Atlantic Avenue. Very few venture out to the end of Long Wharf, even in peak summer weather. This means that open space is not being fully utilized.

**July 2013 Pedestrian Traffic**



**January 2014 Pedestrian Traffic**



- Bikers
- Runners
- Business People
- Residents
- Tourists
- Workers

Multimodal Transportation Network





**Multimodal Transportation Network**

The study area has a wide range of pedestrian paths, bike paths, and water and public transportation options. As the pedestrian study revealed, there are bottlenecks of activity, especially along Atlantic Avenue. The existing paths, such as the Walk to the Sea and the HARBORWALK, lack legibility in certain areas.

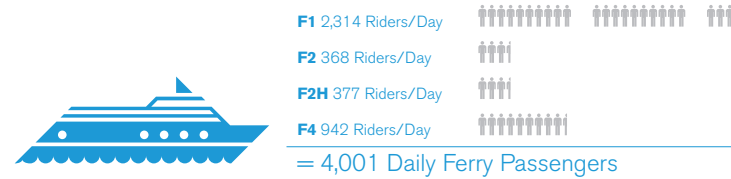
There is one MBTA Blue Line stop in the study area, and Orange and Red Line stops nearby at State Street and South Station, respectively. Streams of people come through these stations on a regular basis. In addition, the two Hubway stations and the bike lanes along Atlantic Avenue generate considerable bicycle traffic. Ferry transit also adds several thousand daily travelers to the area. In addition, two sizeable garages provide parking for residents, businesspeople, and visitors to the area attractions. Parking garages nearby are plentiful as well. This area is well-connected to the rest of the city through a wealth of transportation options.

## Daily Passenger Counts

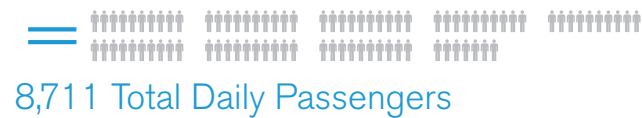
### MBTA Subway



### Ferry



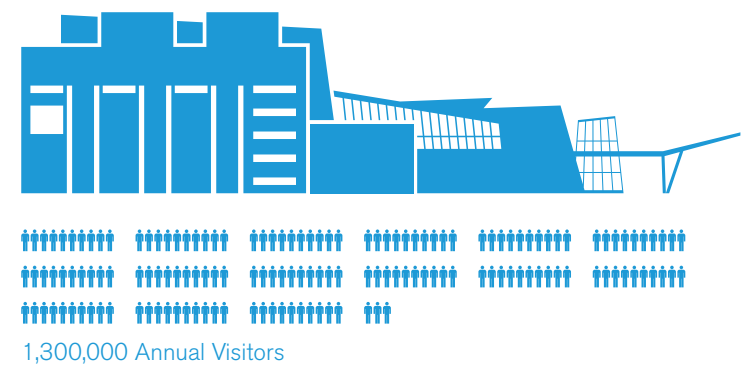
### Hubway



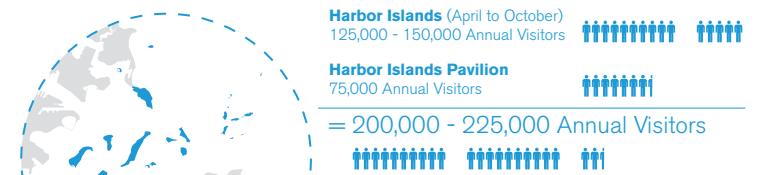
Add citations and dates for these stats.

## Area Attractions

### New England Aquarium



### Boston Harbor Islands





Add NEAq whale watch vessels - 2013 passengers = 120k

# Appendix







## A Comprehensive Legend

48

Throughout this plan, a wide range of icons have been used. The appendix serves as a reference for the various icons used.

-  Targeted Area for Improvements
-  Area of Proposed Active Edge
-  Important Node
-  Significant Connections
-  Pedestrian Connections
-  Significant Building Entries
-  Wayfinding Location
-  Existing Amenity
-  Harborwalk

### Connectivity

-  Increased Accessibility
-  Multimodal
-  Better Access for All
-  Improved Connections
-  Clarify Circulation
-  Transit Connection

### Legibility

-  Signage and Wayfinding
-  Visual Porosity
-  Public Art
-  Gateway Opportunity
-  Interpretive Signage

### Activation and Programming

-  Robust Public Horticulture
-  Public Waterfront Access
-  Expanded Public Space or Use
-  Storm Surge Protection
-  Restaurants or Retail
-  Active Edges



## APPENDIX B - MHPAC MEETING SCHEDULE

April 24, 2013  
May 22, 2013  
June 26, 2013  
July 24, 2013  
September, 25, 2013  
October 23, 2013  
November 20, 2013  
December 18, 2013  
February 26, 2014  
March 26, 2014  
April 23, 2014  
May 28, 2014  
June 25, 2014  
July 23, 2014  
September 10, 2014  
September 22, 2014  
October 8, 2014  
October 22, 2014  
November 5, 2014  
November 19, 2014  
December 3, 2014  
December 17, 2014  
February 25, 2015  
March 11, 2015  
June 10, 2015  
June 24, 2015  
September 16, 2015  
September 30, 2015  
December 2, 2015  
December 16, 2015  
January 27, 2016  
March 9, 2016  
April 13, 2016  
May 11, 2016  
May 25, 2016  
June 15, 2016  
June 22, 2016  
July 20, 2016  
September 28, 2016  
October 19, 2016

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## **APPENDIX C - MHPAC MEETING NOTES**

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**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting**

Wednesday, May 22, 2013  
Boston Harbor Hotel, 70 Rowes Wharf

**Attendees**

**Advisory Group:**

Jack Hart, Vivien Li, Lorraine Downey, Joanne Hayes-Rines, Bob Venuti, Suzanne Lavoie, Bruce Berman, Joe Gambino, Cassius Cash, Louis Elisa, Rick Dimino, Lois Siegelman, Linda Jonash, Greg Vasil, Ann Thornburg, Jim Klocke, Eric White, Meredith Rosenberg

**City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Stephanie Kruel, Boston Environment Department; Kristin Abbott, Councilor Linehan's Office; Gary Mendoza, Department of Neighborhood Development;

**Consultant Team:**

Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT;; Hugh Hawthorne, NPS; Andrea Langhauser, DEP

**Members of the Public:**

Lara Rosenberg, , Sarah Walker, , Sy Mintz, Thomas Nally, Yanni Tsipis, Chris Fincham, Rob Cardad, Diane Rubin, Jane Stricker, Lana Brennan, Myra Zisk, Edward Cardinali, Steve Mitchell, James Freedy, Kitty Armstrong, Gisele Gagnon, Don Chiofaro Jr., Jon Crellin, Jim Duffey, Steve Reardon, Ann Lagasse, Dorothy Keville, Kate Lindsey, Julie Mallerio, Linda Gotlieb, Doris Gordon, Peter Brill, Bill Zielinski, Pam McDermott, Tom Palmer

**Meeting Summary**

Richard McGuinness opened the meeting and noted that the MHPAC meeting schedule is available with meetings set through May of 2014 and no meeting scheduled for August of this year. He indicated that all Advisory Committee meetings would be open to the general public and there will be an opportunity for questions at the end of each meeting. He then thanked Boston Harbor Hotel for providing a venue for the meeting and noted all meeting notes and presentation materials are available through the BRA's project website. Reference was made to the Greenway Study Guidelines and the intent to codify the Guidelines through zoning; zoning for the Downtown Waterfront District will proceed after the MHP process. A summary of prior and current planning efforts, land use and public realm initiatives that relate to the Downtown Waterfront planning area was then provided.

Matthew Littell, Utile, provided an overview of the links between the Greenway Study Guidelines, the current planning process involving the development of the Waterfront Activation Plan and Municipal Harbor Plan, and new zoning for the Greenway District. Background on the transformation of the Central Artery corridor and the Greenway Study process was then given, and the framework for how zoning will be implemented to formalize the Guidelines. He noted the Greenway Study process focused

on appropriate development along the Greenway, how to improve upon the “rough edges” of the built infrastructure that currently face the Greenway and ways to activate ground-floor uses. The Study divided the Greenway into contextual subdistricts and reviewed all parcels that might be developed at some point in the future based upon two build-out scenarios to assess their impact upon the Greenway. Four primary themes were applied in the assessment, including urban design and form, environmental conditions including wind and shadow, program and use, and economic conditions.

He indicated the scenario study determined that the build out profiles and increased square footage would not add substantial new populations to the area, rather what is needed to further activate the area is improved connections between existing density and the waterfront and programming to draw people to the area. Final recommendations were developed for subdistricts and specific parcels within the study area and framed as building dimensional standards, ground-floor programmatic goals and connections between districts and surrounding areas. With regard to analysis of the area issues touched upon included discontinuities in the HARBORWALK around the bridges and along specific reaches of the waterfront. At the southern end of the planning area could be improved by reinforced and more numerous connections to the Greenway and ways to frame the connection at the Northern Avenue Bridge. Improved street walls and buildings oriented to the Greenway and the waterfront and enhance inactive areas. The Waterfront Activation Plan will attempt to address many of these issues.

Susanne Lavoie, Wharf District Council, asked why there is no focus on transportation and traffic other than water transportation? Richard McGuinness, responded noting that the current planning process is focused more on urban form and dimensional criteria. Transportation impacts are generally assessed as part of the development review process for specific projects. The current planning effort relates more to zoning than the Article 80 and MEPA processes which are project specific.

Jack Hart, Chair, emphasized that the transportation issue is an important question to ask. He noted If transportation is not covered under this process the matter should be reviewed with the City and a determination made as to how best to approach the topic.

Bruce Berman, Save the Harbor Save the Bay, noted that done correctly, water transportation can have a real impact on landside traffic conditions. Water transportation needs to be viewed as part of the solution, and not just a component of waterfront activation.

Ann Thornburg, Harbor Towers, inquired as to whether there was a preferred option for the two Greenway Study development scenarios. Matthew Littell, noted that that the point of the scenario exercise was not to follow a specific option, rather to show what the scenarios mean in the way of population dynamics. The scenarios informed the conclusion that more than just additional floor area is needed to activate the area.

Jack Hart, commented that MBTA service requires substantial public subsidies for every line. With regard to water transportation and public transportation options need be developed for how to pay for and subsidize the additional service necessary to relieve traffic congestion .

Rick Dimino, A Better City, noted that Atlantic Avenue is a regional transportation corridor and the need to differentiate between local traffic impacts and the regional component.

Linda Jonash, Greenway Conservancy, referenced the importance of the planning effort accommodating shared spaces within the planning area that can accommodate transportation and the public realm.

Chris Fincham, Harbor Towers resident, inquired as to whether any documents had been provided showing how the Atlantic Wharf project was reconciled in relation to the Chapter 91 performance Standards. Richard McGuinness, noted that a pdf file of the harbor plan applicable to Atlantic Wharf is now on the BRA's webpage which provides a good example of the analysis that goes into a harbor plan and the details of parcel specific offsets and substitutions.

Rick Dimino, indicated that the transportation component of the planning process should address connectivity, public realm and urban form as it relates to pedestrian access and noted the need to be mindful of the scope of the municipal harbor plan as it relates to larger, regional traffic issues.

Ann Thornburg, inquired as to whether future traffic impacts could be reviewed as part of the Northern Avenue Bridge discussion as the bridge serves as connection to the South Boston Waterfront and adjacent to the Hook Lobster site. Richard McGuinness, responded that part of the Northern Avenue Bridge project involves a needs assessment and a transportation engineering consultant has been hired to review existing and proposed conditions in the area. The Northern Avenue Bridge discussion will be a good time to review area traffic issues.

Jack Hart, inquired as to who owns and maintains the bridge. Richard McGuinness, noted that the city owns the bridge but the state permits and oversees bridge rehabilitation projects.

Bruce Berman, spoke of opportunities to enhance water transportation and options to build in subsidies through transit related to tourism.

Jack Hart, Inquired about traffic with the full build of the South Boston Waterfront. Richard McGuinness referenced new developments that are moving forward with reduced parking ratios and less of an emphasis on parking and car dependent transportation, which will help alleviate traffic congestion. He further clarified that there is no transportation analysis as part of the scope for the municipal harbor planning effort and the transportation concerns will be raised with the City's Chief Planner and Transportation Commissioner.

Ann Thornburg, inquired on the role of the waterfront programming subcommittee and how it relates to the Waterfront Activation Plan that is being developed. Richard McGuinness, noted that there will be three subcommittees convened, related to climate change, water dependent uses and programming. The programming subcommittee will work within the context of the Waterfront Activation Plan and inform that effort.

Bruce Berman, inquired on efforts to include a younger demographic in the planning process. Richard McGuinness responded that the BRA sponsored a ONEin3 charrette the prior week focused on young professionals and what they would like to see more of on Boston's waterfront.

Lorraine Downey, asked about what ideas were raised at the ONEin3 charrette. Matthew Littell, noted that a lot of the same issues were raised at both charrettes with interest in making HARBORWALK more legible, more restaurants on the water and a mixes of uses. He also indicated with the younger

demographic there was less of an interest in macro planning issues and more of a focus on creating a few great destinations to draw people and differentiate the waterfront.

Chris Busch noted that the next two meetings will be held at Atlantic Wharf, 290 Congress Street, and a harbor tour is scheduled for June 12<sup>th</sup> . He also noted a draft Request for Notice to Proceed, which is a required filing as part of the MHP process, would be provided to committee members for review prior to the next meeting.

City Councilor Sal Lamattina, noted his appreciation of everyones involvement in the process.

Meeting adjourned at approximately 4:10 p.m.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting**

Wednesday, June 26, 2013  
Atlantic Wharf, 290 Congress Street

**Attendees**

**Advisory Group:**

Jack Hart, Vivien Li, Lorraine Downey, Joanne Hayes-Rines, Bob Venuti, Suzanne Lavoie, Bruce Berman, Joe Gambino, Rick Dimino, Lois Siegelman, Linda Jonash, Greg Vasil, Ann Thornburg, Jim Klocke, Eric White, Meredith Rosenberg, Jake Glickel, Philip Griffiths, Bud Ris

**City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Kristin Abbott, Councilor Linehan's Office; Gary Mendoza, Department of Neighborhood Development;

**Consultant Team:**

Tom Skinner, Durand & Anastas

**Government Representatives:**

Valerie Gingrich, CZM; Hugh Hawthorne, NPS

**Members of the Public:**

Morton Zisk, Quinton Kerns, Aeron Hodges, Gary Zimmerman, Aysu Kes Erkul, Tiana Alves, Danielle Pillion, Bill Zielinski, Pam McDermott, Tom Palmer, Sy Mintz, Thomas Nally, Chris Fincham, Victor Brogna, Bill Zielinski, Peter Brill, Don Chiofaro Jr., Jamy Madea, Steven Comen, Steve Mitchell, Robert Stricker, Mary Holland, Jim Duffey, D. Stone, Heidi Wolf, Lara Rosenberg, Sarah Ritch, Peter Nichols, Maria Puopolo

**Meeting Summary**

Richard McGuinness, BRA, opened the meeting and discussed the Atlantic Wharf venue and referenced the public amenities, water transit dock, BSA space and open space resources associated with the building that resulted from the municipal harbor planning process specific to the property. He mentioned that many of the City's harbor plans are over 10 years old now, noting that harbor plans outline planning goals and objectives that are long-term and require flexibility to accommodate future property owners and development programs. He referenced Fan Pier and Pier 4 as examples where an MHP was developed a decade ago and subsequent amendments have been necessary due to the specificity of the original MHP. He then mentioned the transportation issues raised at the last Advisory Committee meeting and noted that the BRA has discussed the matter the Boston Transportation Department and would be reviewing the issue with the local TMA. He noted the discussion will continue and indicated the City may need to consider planning process and guidelines that address changes in parking ratios and investments to public transit and preferences as they relate to uses that are less traffic intensive and more transit oriented.

Jack Hart, Chair, referenced the proposed development at One Congress Street, Government Center Garage, and the planned reduction in parking and the relationship to transit oriented development.

Suzanne Lavoie, MHPAC member, requested a clarification regarding the Request to Notice to Proceed (RNTP) and the document's reference to the Downtown Community and lack of open space. Chris Busch, BRA, noted that the reference in the RNTP came from the Parks Department's Open Space Plan (2008-2014) which defined the Downtown Community as including the waterfront as well as adjacent neighborhoods.

Bruce Berman, MHPAC member, noted that Zipcar has been working well and can function to assist in alleviating traffic congestion. Ann Thornburg, MHPAC member, indicated that the issue is not just traffic but also night life in the area and people drawn to area attractions, and that a balance needs to be developed. Lois Siegelman, MHPAC member, noted that two things need to be supplemented, one being the MBTA service and the other being ferry services which could better serve Charlestown, Downtown and South Boston.

Rich McGuinness transitioned into discussion of the RNTP indicating that the MHP process is a regulatory exercise and the RNTP is a required submittal which outlines the City's approach, objectives and goals as they relate to the planning area. He noted the document will be submitted to the MA Office of Coastal Zone Management (CZM), and subject to public review and comment; the state will then issue a Notice to Proceed which defines the scope and gives direction for the planning process.

Vivien Li, TBHA, inquired as to whether the Committee would be going through the document page by page and when the comments are due. Chris Busch, BRA, indicated a draft of the RNTP was provided to the Committee on June 14<sup>th</sup> and comments were requested by today's meeting. He further mentioned that the RNTP could be submitted by the end of the week if comments are received and the BRA Director signs off on the document. He then referenced the submittal deadlines for the state's Environmental Monitor, which the RNTP must be noticed in after submission to CZM. Vivien Li, then asked if the Advisory Committee is advisory to the City or to the State. Rich McGuinness verified that the MHPAC is advisory to the City.

Tom Skinner, Durand & Anastas, then provided a presentation on the regulations specific to the RNTP, the document's content, and the RNTP filing process. He noted that the RNTP is a scope, providing an overview of what the City intends to do in the MHP and approach to the MHP, as well as analyze issues related to waterways programmatic issues within the planning area. He specified the RNTP identifies planning issues and opportunities and serves as an official means of informing and engaging the public in the planning process. The draft RNTP and planning objectives were then discussed.

Linda Jonash, MHPAC member, noted that the Greenway Study covered both sides of the Greenway and inquired as to whether the MHP process would address both areas. Richard McGuinness responded that the MHP is specific to areas subject to Chapter 91 jurisdiction so only the waterside parcels adjacent to the Greenway are subject to the planning process. He further clarified that the Greenway Study Guidelines, which apply to the Greenway District would be implemented through zoning changes, with the caveat of the MHP area which will undergo zoning after completion of the MHP process.

Bruce Berman, inquired as to whether there will be a planning analysis of parcels where there are no proposed changes or development programs. Richard McGuinness responded that there would not be further analysis beyond what was completed as part of the Greenway Study if there is no proposed development scheme. Jamy Madeja, Environmental Attorney, asked why an analysis would not occur

for parcels that do not have a defined development program. Richard McGuinness noted that the Greenway Study already conducted that analysis, reviewing all the parcels along the Greenway that could be developed and framing out various height and dimensional parameters for those parcels to ensure they do not degrade or negatively impact the Greenway open space parcels. Tom Skinner also noted that all the property owners within the planning area would be coming in to discuss their properties and any development plans.

Ann Thornburg, noted the RNTP provides a good broad base outline, however, it would be helpful to have more details on the properties within the planning area prior to discussion of substitutions and offsets. Richard McGuinness, noted that the Committee would be provided with details outlining what existing zoning provides, what the Greenway Guidelines outline and if there is a development proposal, how that development program relates to the underlying zoning and planning as well as wind and shadow impacts. He added that we have asked all property owners within the planning area to appear before the Advisory Committee to discuss their property and any proposed changes or modifications. After the presentations the Committee will analyze what is proposed in relation to the Guidelines and Waterways standards and with the technical assistance of the consultants, review how the proper public purpose provisions of the tideland regulations will be preserved and enhanced. He clarified this level of detail and analysis will not be in the RNTP.

Richard McGuinness reiterated that Advisory Committee members may comment on the draft RNTP prior to submission to CZM as well as during the 30 day public comment period after submission to the State. He further noted that the document has been refined based upon comments by CZM, with most of the detail to follow in the MHP document.

Vivien Li, expressed concern with possible changes in City and BRA administration over the course of the planning effort and the value of detail within the RNTP to specify issues that are important to inform the future administration and ensure continuity. She expressed that the document was uneven and lacked emphasis in some areas. Ann Thornburg, added the document should better calibrate big issues within the planning area such as the RNTP reference to the open space shortage in the Downtown Waterfront and better defining open space goals. She also referenced activation within the area and what might be a reasonable goal for activation give space and traffic considerations.

Linda Jonash, expressed concern over the meeting schedule format with the property owners presenting their development plans within a vacuum of public aspirations for opens space and the public realm. Richard McGuinness responded that it is helpful to have the development program s presented first to better understand the planning area and begin to frame out opportunities for mitigation and open space and activation offsets.

Rick Dimino, A Better City, emphasized the importance of framing aspirations as the committee studies the planning area the need to avoid getting into a level of detail more appropriate for the MHP within the RNTP. Bruce Berman seconded Rick Dimino's comments.

Vivien Li, referenced new insights on the Harbor Garage and Harbor Towers resulting from the walking tours held last March and the importance of hearing from all the property owners within the planning area at future meetings. Bud Ris commented that changes within the context of the planning process is not just possible on the three parcels where development is anticipated, but change is possible everywhere, and emphasized the importance of hearing from all the property owners. Ann Thornburg

added that Harbor Towers Trustees have been focused on how the ground level environment can be improved at Harbor Towers and attempts to be responsive to comments on pedestrian flow and use.

Jamie Medeja, requested that the RNTP address all the parcels within the planning area and asked that all the properties are planned for. She expressed concern that property owners may not have standing in the future if every parcel is not planned.

Steven Comen, Harbor Towers resident, asked that the Chapter 91 process addresses future construction logistics and possible impacts on water quality, the harbor, the environmental and transportation.

Sy Mintz, Broad Street resident, raised concern over access to information and documents related to the planning effort and the need to capitalize on input from the public and the Advisory Committee. Richard McGuinness noted that all the presentation materials and documents are posted on the BRA's webpage and the MHPAC meetings and document related comment periods are opportunities for input.

Victor Brogna, North End resident, inquired as to the web address to review the RNTP. Chris Busch responded that the RNTP has only been distributed to the MHPAC members for input and there will be a public comment period on the document after it is submitted to the state.

Richard McGuinness then discuss the formation of the MHPAC subcommittees which include the topics of climate change, programming and water dependent uses, to delve more deeply into some of the topics specific to the planning area. He noted the initial member lists were developed based upon MHPAC member interests and areas of expertise, however, any member may participate in any of the subcommittee groups. He further mentioned the working group meetings will open to the public and scheduled for the early fall.

Meeting adjourned at approximately 4:25 p.m.





## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, July 24, 2013  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Jack Hart, Vivien Li, Lorraine Downey, Joanne Hayes-Rines, Bob Venuti, Suzanne Lavoie, Bruce Berman, Joe Gambino, Rick Dimino, Lois Siegelman, Linda Jonash, Greg Vasil, Ann Thornburg, Jim Klocke, Eric White, Meredith Rosenberg, Andrew Hargens, Philip Griffiths, Bud Ris, Cassius Cash, Louis Elisa, Richard Meyer

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor Lamattina's Office

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Andrea Langhauser, DEP

#### **Members of the Public:**

Linda Cravens, Nitin Bhardwaj, Yue Chan, Karissa Vincent, Tom Palmer, Victor Brogna, Christopher Reardon, Lorraine Pope, Stephen Loughren, Coulter Bailey, Ezequel Lopes, Cynthia Loesch, Justin Backal-Balik, Jane Stricker, Yanni Tsipis, Bob Cummins, David Lucy, Chris Fincham, Theresa McLaughlin, Amanda Cavallo, Jim Duffey, Morris Englander, Maria Jose Vasquez, Sarah Grose, Stevie LaMonica, Berit Brawning, Yahir Flores, Sarah Walker, Steven Comen, Peter Brill, Andrew Dankwerth, Mary Holland, Frank Nasisi, Sy Mintz, Steven Mitchell, Bob Paone, Kitty Armstrong, Al Raine, Adam Hundley, James Shanley, Bill Walker, Terry Baurley, Ann Lagasse, Matt Conti, Diane Stone, Victor Aragona, Don Chiofaro Jr., Rob Caridad, Lara Rosenberg, Rick Moore, Julie Maranu, David Kubiak

### **Meeting Summary**

Chris Busch, BRA, opened the meeting noting that for the next several MHP Advisory Committee meetings property owners from within the planning area would be providing overviews of their facilities and future plans for development and programming.

Yanni Tsipis, of Colliers International, provided some history on the Long Wharf Marriott property and reviewed plans for modifications to hotel facilities. He noted the hotel was developed within the context of the city's urban renewal efforts to redevelop the waterfront, and as such the hotel use was intended to bring people to the water, however, its architecture and ground floor environment served to separate and wall-off the structure from its grittier surroundings at the time of construction. He further qualified that some of the vision for the hotel property has not been realized regarding the pedestrian experience due to the trade-offs made to originally develop the property, stating that there is nothing permeable or inviting about the existing edges of the hotel. He noted that to improve the condition of the hotel and build upon the activation around the property created by the Greenway,

Christopher Columbus Park, the Aquarium and Long Wharf water transportation facilities, modest changes to the hotel have been under consideration. Rather than whole scale redevelopment of the property more incremental investment in the facility have been reviewed to contribute more to public access, public realm and the watersheet. He noted one of the proposed option is to wrap the waterfront end on all three sides of the hotel with more active retail and restaurant uses to replace the existing opacity with more transparent windows and doors. Other proposed improvement include reinforcing the State Street access area; extending the Faneuil Hall Market Place retail main street feel down to the waterfront; and improve visitor experience on the north side of Long Wharf through a series of one story retail pavilions along the existing edge of the property which could include a Harbor Islands ticketing center. Regarding recent improvement he noted Sunstone just spent over \$30 million on interior modifications including new public restroom on the north side of the property, and referenced additional smaller, future investments to be made on Greenway edge where tour bus enclosures are as well as improvements to the Tia's location to make it more of a year-round facility. To address the issue of existing open space that would be occupied by the retail pavilions, the concept of making improvements to the BRA's parking lot on Long Wharf and converting it to a new open space area was raised. He closed noting that all of the referenced improvements provide a vision of what is possible not a formal proposal or plan as of yet.

Vivien Li, MHPAC member, inquired whether the hotel was proposing to purchase the BRA parking lot and asked about the specific dimensions of the retail pavilions. Mr. Tsipis responded that the reference to the parking lot was a suggestion within the context of a larger municipal harbor planning effort, noting that a purchase of the lot would be a good way to achieve the goals for the hotel property. Regarding the pavilions, they would be somewhere between twenty and thirty feet. Richard McGuinness, BRA, added that the issue of the parking lot and its conversion to open space was a topic that has come up as part of the public realm discussion for the planning area, however, it is premature to discuss its sale or transfer at this time. He also noted the BRA owned areas on the north side of Long Wharf are in an interim condition and the agency foresees more permanent improvements to the area in the future. Jack Hart, Commission Chair, inquired as to who currently parks in the Lot. Mr. McGuinness responded that the spots are currently leased to ELV which owns and manages the Custom House Block buildings on Long Wharf.

Bruce Berman, MHPAC member, raised issue with the recent removal of much of the seating throughout the hotel lobby on the ground floor, as well as tables around the alcove at the north entrance to the hotel and asked if the tables and seating could be brought back. Mr. Tsipis responded that the matter would be reviewed with the hotel's general manager.

Susan Lavoie, MHPAC member, noted one of the concerns that the neighborhood has with the area is the number of vendors in the area and emphasized the need for future development to plan for where they go and how vendors are organized, adding new kiosks should not add to congestion in the area.

Steven Comen, Harbor Towers resident, inquired as to the staging area for taxi cabs represented on the revised site plan. Mr. Tsipis noted that there would be no change in the geometry of the taxi staging area and no encroachment onto the sidewalk or any public way.

Joanne Hayes-Rines, MHPAC member, emphasized the importance of maintaining walkways and clear access along the Walk to the Sea and Christopher Columbus corridors which link the Greenway to the waterfront.

Rick Demino, MHPAC member, noted that the presented improvements to the hotel are modest and questioned to what extent those features need to be addressed within the context of a municipal harbor plan and Chapter 91. Mr. Tsipis responded that the existing Ch. 91 license was issued at a time when there was very little permitting detail, so the proposed modifications would have to be addressed through some licensing action. He added that the improvements are dependent upon the municipal harbor planning process with respect to timing of implementation.

Dick Mulligan, BRA/EDIC Asset Management, reviewed the BRA property holdings in and around the planning area. He stated over the past nine years the BRA with the assistance of the state's Executive Office of Transportation has expended over \$11 million on infrastructure improvements in the area. He specified that the BRA owns much of the open space areas from Long Wharf to East India Row. Regarding the current management of the area he reviewed the revised arrangement for kiosks and vendors along Central Wharf and Long Wharf and the intent of the BRA to have a restaurant as part of the vent structure at the end of Long Wharf to draw the public to the waterfront during the shoulder season and off hours. He indicated the revenue from the vendors goes back into maintenance of the Long Wharf area and went on to reviewed many of the on the ground maintenance and management issues related to the public spaces and BRA holdings in the area. He mentioned most of the improvements have involved seawall stabilization, new sections of HARBORWALK, seating, and new ramps and floats for commuter boats and shuttles. He also expressed his support for the proposed Marriott improvements to open up the ground plane and further activate Long Wharf.

Vivien Li, asked about the ownership of the docks around Long Wharf. Richard McGuinness indicated that the docks are owned either by the MBTA or BRA. Bruce Berman inquired as to any late night and after hour issues with the bars and restaurants in the area. Mr. Mulligan noted that there have been few complaints although there were a number of issues with vandalism which has been reduced with the assistance of Boston Police and the Mayor's Emergency Shelter Program.

Bud Ris, MHPAC member, referenced the marina adjacent to the BRA owned parking lot and the need to support the facility by ensuring there is a drop off and loading zone and accommodation for some parking. He also indicated the area is susceptible to inundation and anything constructed in the area will need to be designed to accommodate future sea level rise.

Jack Hart, MHPAC Chair, referenced the state owned land and whether there a practical use for the property. Mr. Mulligan responded that the property must meet City Department of Public Works Public Improvement Commission standards prior to transfer and the land currently does not meet their requirements.

David Lucy, Head of US Operations for Pembroke Real Estate then provided a synopsis of the 255 State Street property which Pembroke represents. He also introduced Andrew Dankwerth, Director of Project Management at Pembroke. Mr. Dankwerth provided some background on the property noting that the building avoided being demolished as part of the 1950's Central Artery Project and provides exceptional views on all four sides of the property. He stated the property was previously owned by New England Telephone and had telephone switch gears in the building which probably prevented the structure from being significantly altered or demolished. He noted when Pembroke purchased the building from NYNEX in 1997 upgrades and restoration work converted it to office and retail space and brought the building up to code.

Mr. Lucy reviewed the current status of the building, noting that it is now 97% leased with a mix of restaurants with Legal Seafood, City Landing and Emack and Bolio's on the first floor; the restaurants along with the lobby allow over 70% of the ground floor to be open to the public. With regard to climate change and sea level rise he noted that the elevator machinery and backup generators are on the roof, however, there is also machinery in the basement and they are looking at options for relocating the equipment as well as resizing sump pumps and conducting additional water infiltration prevention measures. He also mentioned through ground floor tenants the sidewalk areas around the building have been activated through exterior seating; and they are looking at extending patio seating around to Atlantic Avenue to tie into the Greenway. He indicated Pembroke is working with neighbors on the outdoor seating as well as shifting trolley staging locations to improve visibility and pedestrian safety.

Mr. Dankwerth spoke to activation efforts in and around the property referencing the cod sculpture and improvements to the front door and entrance. He also noted the challenge of existing property owners implementing climate change adaptation measures with relocating mechanicals and equipment, raising the option of incentivizing adaptation measures within the context of the harbor planning effort and the need to be proactive in accommodating structural changes and retrofits to existing buildings; specifically in moving equipment into higher occupied floors will require the replication of the usable space elsewhere.

Ann Thornburg, MHPAC member, inquired as to the types of accommodations property owners may be looking for. Mr. Dankwerth noted that there may be more space needed on the roof or other locations to accommodate equipment or displaced tenant area. Chris Busch inquired as to whether the below grade areas could be dry flood proofed. Mr. Dankwerth responded that there is too much water and pressure to prevent infiltration through flood proofing.

Richard Meyer, MHPAC member, raised the question of whether incentives are necessary for property owners to take necessary precautions on their own to protect their assets. Mr. Dankwerth noted that without incentives some property owners may wait until it is too late to effectively implement measures. Mr. Lucy added that there are implications for the city and tenants in removing and relocating usable space as a reduction in revenue generating space will reduce taxes paid on the property, specifying that such measure can effect property valuations and consequent tax revenues. Mr. Meyer noted that such resiliency measures could actually enhance the value of the building.

Bud Ris, MHPAC member and President of the New England Aquarium, reviewed existing conditions and proposed improvements for the Aquarium property. He stated that there is nothing currently in design regarding new projects and referenced the significant improvements made to the Aquarium over the past five years and summarized the existing facilities, programming and current visitation numbers.

Regarding recent improvements he noted over the last few years \$43 million was raised and \$35 million of that spent on the harbor side with a Marine Mammal Center, a new terrace and HARBORWALK; also a new Shark and Ray tank on the west side of the building, a new Blue Planet Action Center and the \$18 million renovation of the giant ocean tank which just re-opened. On the west side of the property he indicated the area from the lobby extending out to the Greenway is not optimal conditions for inviting the public onto the property and improvements to better organize the area is one of the Aquarium's future objectives over the next five to six years. He noted the challenge of better identifying the

Aquarium property and the difficult operational situation with ticketing, truck access and access to the IMAX, all in front of the facility. He indicated there are also over 160 private events at the Aquarium each year, which facilitates funding and the Aquarium's mission. Regarding parking and transit he noted that regardless of efforts to push public transportation between 200-400 attendees park in the garage at any one time during the day depending on the time of year. He also reviewed wind and shadow studies associated with possible massing of new structures around the property noting that any structures higher than 200 feet will cast shadows on the Aquarium plaza during the time of day when the volume of visitation is highest, which is an important consideration due to the Aquarium's future plans for more exterior exhibits and activity.

Regarding future projects out around the Aquarium he indicated the need for more openness along the Harbor Garage property and the Fidelity park parcel to better facilitate pedestrian flow and access to the waterfront and provided various design concepts to improve wayfinding and better facilitate visibility and access, with consistent paving, lighting, LED displays, and exhibit spaces. He noted the goal of consolidating ticketing operations and using a new ticket structure to enhance visibility. Regarding the topic of water dependent uses he referenced the sea water intake structure for the giant tank and the floating dock on the south side that will accommodate a new coastal connector starting in August to link the Aquarium, Children's Museum and the ICA. He again referenced the challenges with the lobby and need for more classroom and administrative space which could be improved by extending another canopy and creating a larger lobby, as well as building a second floor above the west wing to accommodate space needs. Additional objectives include the need to finish and raise the HARBORWALK on the north side of Central Wharf; reinstallation of the whale mobile sculpture; and a new open air pavilion adjacent to the Marine Mammal Center for events to replace the existing tents. He concluded noting none of these options are designed and would require another capital funding effort.

A question from the public was raised regarding the garage site and whether options were being developed to remove parking from the property all together. Don Chiofaro Jr., noted that there are no options being explored where the parking goes away.

Bruce Berman asked about art and sculpture in the public realm and whether it was permanent once installed. Bud Ris noted that it depends upon the restrictions from the donor.

Ann Thornburg asked how much more activation the area can handle. Bud Ris noted that the Aquarium is 'right sized' for the New England market and does not anticipate numbers as growing much beyond where they are now, indicating the Aquarium can currently handle existing capacity even on peak days.

Rick Dimino, noted that it would be helpful to have a template of the proposed improvements presented today to serve as a base plan for matching the public realm plan with what is being considered in the way of new development. He also mentioned it may be worthwhile to have property owners come back after the public realm discussion to fill in the spaces and inform the offset and substitution discussion.

David Kubiak, NEWRA commented on the compromising of open space resources along the waterfront and how other open space resources differ in value and from a qualitative standpoint. He advocated for an analysis of net benefit of putting commercial enterprises on open space and turning commercial space into open space as well as a comparative valuation of net public benefit of open space resources and how that is affected by adjacent commercial activity.

Chris Busch noted that the City's Request for Notice to Proceed would be submitted to the state soon and recent comments from MHPAC had been incorporated into the document. He stated there is a 30 day comment period following submission to the Office of Coastal Zone Management. He also noted the next meeting scheduled for September 25<sup>th</sup> at the Boston Harbor Hotel at Rowes Wharf.

Meeting adjourned at approximately 4:55 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, September 25, 2013  
Boston Harbor Hotel, 70 Rowes Wharf

### **Attendees**

#### **Advisory Group:**

Vivien Li, Lorraine Downey, Joanne Hayes-Rines, Bob Venuti, Suzanne Lavoie, Bruce Berman, Joe Gambino, Rick Dimino, Lois Siegelman, Linda Jonash, Greg Vasil, Jim Klocke, Eric White, Meredith Rosenberg, Andrew Hargens, Philip Griffiths, Bud Ris, Cassius Cash, Louis Elisa, Richard Meyer

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor Lamattina's Office

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM

### **Meeting Summary**

Richard McGuinness, BRA, opened the meeting and noted that the Commission Chair, Jack Hart, would not be attending. He indicated that today's meeting would continue with presentations from property owners from within the planning area providing overviews of their facilities and future plans for development and programming. He referenced the concerns raised at prior meetings regarding vehicular traffic along the Greenway and in the South Boston Waterfront area and provided an update on the current efforts being undertaken by several state agencies, the City and A Better City to implement short, and medium term traffic mitigation measures, as well as the development of a more substantial transportation planning effort to occur over the next year. He also noted that the BRA and MassDOT would be initiating a master planning process for the expansion of the South Station Transportation Terminal which will also involve an amendment to the Fort Point Downtown Municipal Harbor Plan.

Chris Busch, BRA, noted that the City's Request for Notice to Proceed was filed with the Office of Coastal Zone Management at the beginning of August and CZM should be providing a response within the next few weeks. Copies of the Notice to Proceed will be distributed to Advisory Committee Members when available. He also stated the Water-Dependent Use Subcommittee met on September 17<sup>th</sup> and the findings from that workshop would be incorporated into Waterfront Activation and Public Realm Plan which should be in draft form by the end of the year. The Waterfront Activation and Programming Subcommittee will also be meeting towards the end of October and notice will be provided on the date, time and location for that meeting.

John Conley, of Equity Office Properties spoke to the history and background on Rowes Wharf noting that the property is managed as a condominium with residential, office and hotel components, which was a unique ownership arrangement back in the 1980's when the property was developed. He

indicated the arrangement has assisted in making Rowes Wharf an active, 24/7 property. He provided the following specifics on the property: the office building is approximately 375,000 square feet and over 90% leased with a few large tenants, who are willing to pay upwards of \$20 per square foot more than equivalent properties in the area due to the location and activity around Rowes Wharf; the hotel has 230 rooms and 15,000 square feet of function space; the residential building has 100 luxury condominiums; and, there are also public plazas approximately 1500 feet of Harborwalk and waterside marine infrastructure which offers a variety of services, with commuter boats, water taxis and berthing for private vessels.

He then reviewed the evolution of the property showing several photos of Rowes Wharf's transformation from dilapidated wharves, piles fields and parking lots into the exemplary waterfront property that it is today. He noted there are currently four restaurants with a fifth being planned and the restaurants and summer programming have helped to bring the public down to the waterfront enhancing its destination value. He mentioned some of the restaurants are being expanded into some of the exterior spaces around Rowes Wharf to activate the area and the hotel is looking to further program the complex during the off season with the installation of a temporary ice skating rink beneath the archway this winter and also working on a lighting program for the exterior of the building. With regarding climate change preparedness he indicated there have been no issues with flooding to date, however, procedures are in place for the facility and as infrastructure and equipment needs to be maintained and replaced the hotel is looking at modifications and measures to make the property more climate resilient.

Vivien Li, MHPAC member, asked if it is the intent of Rowes Wharf to continue with the summer time programming in future years. Mr. Conley noted that the plan is to continue with the programming as long as the public continues to attend and enjoy it. Ms. Li noted that the programming is a good example of how to activate the waterfront.

Bruce Berman, MHPAC member, inquired as whether there are any conflicts with the mix of uses on the property, particularly between the residential component and the waterfront activation programming. Mr. Conley noted that everyone works closely together on coordinating the summer programs and is well aware of what is scheduled and when, and there have been very few issues.

Rick Dimino, MHPAC member, asked if there are opportunities for more water transportation capacity at the property. Mr. Conley noted that they have been working with the MBTA to upgrade the docks and that has been the current focus.

Meredith Rosenberg, MHPAC member, referenced the hotel's Alley Bar and if there are more plans to expand restaurant uses around the property. Mr. Conley noted they are looking at possibly expanding retail uses to the public along the front of the building.

Suzanne Lavoie, MHPAC member, asked about the proposed lighting and expressed concerns with light pollution. Mr. Conley, noted that the lighting conditions would be reviewed with temporary lighting to assess conditions and modify based up what is suitable.

Linda Jonash, MHPAC member, commented that the hotel has done a great job with pubic-private partnerships to activate the area.



Yanni Tsipis, Senior Vice President at Colliers International and Consultant to the Harbor Towers I and II Condominium Board of Trustees, and Lee Kozol, Chair of the Garage Committee, Harbor Towers I and II Condominium Trust, both presented on the Harbor Towers property, where they are both residents. Mr. Tsipis noted that there are 1,200 residents at Harbor Towers and provided the historic background on the property referencing the period of decline of Boston's waterfront after World War II with the City turning its back on the Harbor with the development of the elevated Central Artery which effectively cut off the waterfront from Downtown. He referenced the period of blight and neglect during the 1940s and 1950s followed by an interest in redevelopment and renewal of the waterfront which was advanced by a call from the BRA's to developers to have the waterfront redeveloped with private investment, resulting in the Harbor Towers residential development and Harbor Garage, which was completed in 1973. He noted there were initially three towers planned however only the two towers were completed.

Mr. Tsipis spoke of the complex advancing the goal of creating a vibrant residentially oriented waterfront and noted the regulatory and planning efforts that govern the area, as well as the public realm around the property including the Greenway and HARBORWALK. Mr. Tsipis then provided an overview of the property noting that Harbor Towers is comprised of three distinct parcels, with the residential towers on two of the parcels, and the third at the southern extent of the development which adjoins the Rowes Wharf property. He noted the Harbor Garage parcel is under separate ownership although initially developed as part of the complex and housing parking and support infrastructure for the residential buildings. Lee Kozol then expanded on the history and geometry of the property parcels. He expressed an interest on behalf of the residents that new development around Harbor Towers be congenial and agreeable to existing residential uses. He then reviewed planned improvements to the Harbor Towers property looking first at the western extent of the complex along Atlantic Avenue including the replacement of the guard shack so it is out of the view corridor, and enhancements to existing planters and landscaping. Mr. Tsipis then spoke of future challenges for the property referencing repairs and upgrades that will need to occur to contend with sea level rise. He closed noting that the current planning process will need to function to find an appropriate balance of all the needs and uses within the planning area.

Bruce Berman, asked for Mr. Tsipis to elaborate on the reference to the area being a residential district. Mr. Tsipis, responded noting that the original vision was for a residential enclave on the waterfront, however, there have been changes over time and there is currently a diverse mix of uses along the water. He noted that new uses and development need to be carefully balanced with existing and new residential uses to ensure that non-residential uses do not overwhelm the residential community.

Paul Saperstein, MHPAC member, asked about the status of the parcel of city land adjacent to the Harbor Towers pool. Mr. Tsipis, noted that it was early in the planning process.

Lorraine Downey, MHPAC member, inquired as to whether there was going to be any increase in public access to the property and expansion of the narrow reach of HARBORWALK between Rowes Wharf and Harbor Towers. Mr. Tsipis noted that there are public rights of access along the waterfront portion of the property and he sees the improvements planned for the property as being public benefits that will enhance the public realm. He indicated there are no current plans to expand the width of HARBORWALK.

Don Chiofaro, The Chiofaro Company, initiated the discussion on the Harbor Garage property, referencing a previous development proposal for the property which was withdrawn last year. He indicated he and his partner Ted Oatis have been working for some time to advance a project for the site that will serve as a community asset, and the initiation of a new process that will engage the community and the Advisory Committee as partners. He stated the current options are to leave the garage as it is, build on top of it, or demolish the garage and build a new project. He noted the planning for the project will start from the ground up, looking at public access, public spaces and amenities. He then introduced the project team and representatives of the Chiofaro Company.

Fred Kramer and Tamara Roy of ADD Inc., then reviewed the existing conditions on the property and options for public realm improvements and enhancements. Ms. Roy noted the garage has served as barrier to the waterfront, and there are now opportunities to create significant new access to the harbor. She provided an overview of the adjacent properties, existing public realm components and reviewed some of the objectives for a new project which includes improving accessibility; opening the Greenway to the water, create new programming and activity where there isn't today; and can more public open space be provided.

Mr. Kramer then summarized the objectives of the Greenway Guidelines, Chapter 91 Waterways goals and building performance standards, and the planning goals noted in the MHP Request for Notice to Proceed. He then discussed some of the principle themes and topics from the MHP planning charrettes held earlier in the spring. Ms. Roy discussed concepts for improving existing conditions around the garage if the structure were to stay in place including recladding the garage exterior, side walk improvements and other modifications, such as new exterior lighting and street furniture. She then raised the issue of new public realm improvements around the garage that could be part of a redevelopment of the site, including widening of sidewalks, outdoor cafes, interactive street furniture, new lights, banners, super graphic pavers, new plazas for picnics, stages, pools and beach, public art, and creative landscaping concepts. She also discussed programming concepts, noting all the enhancements will serve to improve view corridors, activate the ground level environment, and establish better connections to the Greenway, waterfront and the Aquarium.

Mr. Kramer indicated that the team would be looking to the community to assist in prioritizing which amenities and programming concepts would be most favorable and appropriate for the area. Mr. Chiofaro then mentioned that the team needed community input to build consensus moving forward and noted the public could comment on the project through their website.

Linda Jonash, stated that there is significant potential with the site to improve the public realm and that the focus should continue on the possible and what people want rather than what they do not want, and that the presentation has put forth a great way to reframe the dialogue.

Gregg Vasil, MHPAC member, noted that continuing with the existing structure would extend a vestige from the elevated Central Artery and limit the potential of the property and surrounding public realm. Mr. Kramer responded that the current garage is limiting and makes programming and activation difficult.

Bud Ris, MHPAC member, asked whether the team had looked at slicing up the site and opening the massing through the property and whether they are looking at moving the garage underground as part of a redevelopment. Mr. Kramer noted that opening the site is a possibility, and stated that putting the

garage underground would be a significant undertaking but could occur based upon what type of project develops.

A Harbor Towers resident, asked about the density of a future project and how that will affect area residents. Mr. Kramer responded noting that density and the mix of uses in the area are important, however, it is premature to discuss height and density at this time as the focus is on the public realm and the basic foundation for a project, and the team will be back before the community to discuss project density.

Robert Sterker, Harbor Towers resident, noted that there is a tradeoff between how much public access is proposed and the size of the building. Mr. Kramer noted that is the team's intent to come back to the community as priorities for public amenities and the site improvements are advanced and discuss the trade-offs associated with a proposed project.

Richard McGuinness noted that with regard to the charrette proposed by the Harbor Garage team, the BRA has previously held public realm charrettes as part of the planning process to develop a Waterfront Activation and Public Realm plan to inform the MHP. He stated that private property owners may have their own charrette workshops to build consensus, however, the Municipal Harbor Planning process and all submittals to the state will be through the city's current process and subject to the review and oversight of the Advisory Committee.

Laura Moag, Harbor Towers resident, noted that the garage is an eyesore but it does serve a function for people that need to park. She also noted that there needs to be consideration of 700 families that reside at Harbor Towers who want to maintain the peaceful and quiet enjoyment of their homes.

A Harbor Towers resident inquired whether the Boston Harbor Hotel distinguishes between the residents of the hotel that are there full time and those that are there part time. Mr. Conley of Boston Harbor Hotel, noted that the residents and the hotel are two distinct buildings and that there are time limitations on activities and coordination between the resident committee and the hotel.

Paul Saperstein, MHPAC member, noted that the area residents live in the city not the country and that 99% of the Rowes Wharf condominium residents are there full time and that the whole city is welcome to the waterfront at any time.

Quinton Kerns, ADD Inc., stated that he is a member of the younger demographic within the city and has participated in some of the prior charrettes and noted there are exciting opportunities to connect the Greenway to the waterfront and provide access and opportunities for making this a destination for residents and visitors to the City.

Aaron Hodges, ADD Inc., spoke of the challenges of design and architecture to facilitate collaboration between residents and other mixed uses to highlight the waterfront and create an attractive place for young people and further Boston's reputation as a world class city.

Rick Moore, Harbor Towers resident, asked if there was any thought to a new development on top of the garage. Mr. Kramer responded that if there is a structure built on the garage there would be a number of floors, but the current focus is on the lower floor elevations and how to make a better place in the city and activate the surrounding area. The question was asked whether the garage can

structurally sustain a building over the structure. Mr. Kramer noted that some reinforcement would probably be required, but building over the existing structure could occur.

A Harbor Towers resident noted that Harbor Towers was constructed as a single entity including the garage, which provides essential services and parking for the residential component. As the garage is now owned by a separate entity she cautioned that the Advisory Committee should review impacts the redevelopment may have on area residents now and in the future.

Sy Mintz, Broad Street resident, related problems along Broad Street with increasing numbers of bars and associated late night activity, and the lack of control over licensing and hours of operation of such facilities, which is administered by the state. He noted the Downtown neighborhood has to develop a balance of uses that accommodates life and activity for all types of people and that proper planning will be crucial to counter issues with the current state licensing process.

A Harbor Towers resident noted that the residents are not against develop of the garage but worried about parking, and the need to have residential quality of life issues addressed and recognized.

Bud Ris, noted that it is important to balance uses throughout the planning area and not concentrate all the activity in one area. He further mentioned that the planning process needs to be sensitive and do things properly and look comprehensively at the planning area.

Richard McGuinness closed the meeting noting that the next Advisory Committee meeting would be held October 23<sup>rd</sup> at Boston City Hall.

Meeting adjourned at approximately 5:30 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, October 23, 2013  
Boston City Hall, Piemonte Room

### **Attendees**

#### **Advisory Group:**

Jack Hart, Vivien Li, Lorraine Downey, Joanne Hayes-Rines, Bob Venuti, Suzanne Lavoie, Bruce Berman, Joe Gambino, Rick Dimino, Lois Siegelman, Linda Jonash, Greg Vasil, Jim Klocke, Eric White, Philip Griffiths, Bud Ris, Cassius Cash, Louis Elisa, Richard Meyer

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Dick Mulligan, BRA; Michael Sinatra, Councilor Lamattina's Office; Kristin Abbott, Councilor Linehan's Office; Maria Puopolo, Senator Anthony Petrucelli's Office

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Members of the Public:**

Matt Conti, Marcell Willock, Yanni Tsipis, Chris Fincham, Tom Wooters, Rob McPherson, Ann Lagasse, Mary Holland, Pam McDermott, Rick Moore, Steven Comen, Keiko Prinie, Thomas Nally, Kitty Armstrong, Wesley Stimpson, Ronald Killian, Bill Zielowski, Ken Fields George Beal, Tom Palmer, Victor Brogna, Sy Mintz

### **Meeting Summary**

Chris Busch, BRA, opened the meeting noting the meeting would focus on open space and public realm resources in and around the planning area. He announced the Office of Coastal Zone Management issued a Notice to Proceed for the Downtown Waterfront Municipal Harbor Plan on October 3<sup>rd</sup>, which had been distributed to all the Advisory Committee members and made available on the BRA's webpage. He also referenced the first meeting of the Waterfront Activation and Programming Subcommittee on November 1<sup>st</sup> at Atlantic Wharf.

Phil Griffiths, President of the Boston Harbor Island Alliance and MHPAC Member, began his presentation with some background on the Island Alliance noting the organization serves as the non-profit partner of the National Parks organization which oversees the Harbor Islands. He indicated the Harbor Islands are comprised of 34 islands which provide a number of recreational, cultural, historic and civic opportunities just minutes from downtown Boston. He noted that there are approximately 450,000 visitors a year to the islands and summarized some of the island resources and amenities. He mentioned the Island Alliance sponsors 150 free programs a year and the Park provides numerous educational opportunities and functions as a great resource for the whole city.

Regarding the history of the Park he noted in 1970 a state park was formed which was later integrated into a National Park under the National Park Service in 1996, which includes all the islands. He indicated the National Park is managed by a partnership of 11 different agencies, which own islands or have a property interest in the Park, with the Island Alliance serving as the non-profit partner. He further noted

the organization raises private funds to help the Park Service and DCR to invest in the Park, with over \$30 million expended over the past ten years for infrastructure improvements, events and access to the islands, including over 16,000 free trips a year. He referenced additional roles the organization serves, including the management of construction projects related to the islands as well as manager of contracts for services on behalf of the park including the ferries, food vendors, retail shops. He also referenced the Harbor Islands Pavilion which opened in June 2011 and staffed by NPS and DCR rangers.

Regarding issues related to the MHP planning effort he mentioned over 85,000 people this past year utilized the Pavilion for information and ferry ticketing and with millions of people passing through the Pavilion and Greenway area during the summer months there are significant opportunities to further program the area and bring even more people to the area. He stated that getting people out to the islands is key to the Island Alliance's mission and during the ferry service season of May through October there are over 125,000 passengers heading out to the islands with numbers going up steadily at 6-8% growth a year. He noted within the planning area the bulk of visitation goes through the ferry terminal on Long Wharf north which serves Georges and Spectacle Island, with additional service to Boston Light and Little Brewster Island from Central Wharf south. He referenced the organization's Strategic Plan which looks to double ferry ridership over the next five years, requiring integrated planning on landside areas and on the islands.

Regarding future challenges he noted that ferry capacity is currently maxed out with the existing fleet of vessels and spoke of the need for a more integrated ferry and water transit system. He noted there are opportunities through the planning process to leverage mitigation to improve water transportation service, infrastructure and facilities on the island, and referenced the rehabilitation of Spectacle Island through Big Dig mitigation as a great example of directing mitigation funds for development impacts within the Downtown area to enhancing the Harbor Islands. Other challenges referenced included a lack of dedicated space along the waterfront for Harbor Island access and a specific ferry terminal; lack of a real connection between the Pavilion and the ferries at Long Wharf; the temporary nature of the ticketing kiosk and facilities at Long Wharf and the need for more permanent facilities that can accommodate storage space for bikes and bags, as well as provide shelter from the sun and weather; and improved group and bus drop off locations. Looking forward he noted the organization would like to expand access to the islands from other locations such as South Boston, Quincy, and Lynn. He closed emphasizing the importance of making the connection between downtown Boston development and the opportunities to invest in the harbor islands and incorporating this into MHP planning process.

Bruce Berman, MHPAC Member, raised the issue of ferry capacity limitations in getting people back from the islands and noted there are solutions such as running a big run vessel at the end of the day which does away with having to schedule returns upon departure. He also suggested utilizing commuter and excursion vessels in a combined way to provide service.

Jack Hart, MHPAC Chair, referenced the need to leverage mitigation options to facilitate access to the Harbor Islands. Phil Griffiths noted that there is a real opportunity now to start developing an integrated water transportation system that takes advantage of both recreational and commuter vessel needs, and shared dock space.

Bruce Berman, asked if the HARBORWALK part of the park system. Phil Griffiths stated that technically the federal government did designate the HARBORWALK and various other properties as part of the

National Park. Bruce Berman, noted the legislation allows the federal government to invest in the whole park as well which opens up the potential for millions of dollars in funds.

Lois Siegelman, MHPAC Member, mentioned the importance of other points of access to the Harbor Islands such as the Charlestown Navy Yard to allow for increased visitor numbers. Phil Griffiths, noted that that the Navy Yard is another National Park and spoke of the need to link these federal park assets.

Jack Hart, inquired as to who the typical visitor is to the Harbor Islands. Philip Griffiths noted that there are over 450,000 visitors to all of the islands, including Deer Island and Worlds End and referenced a survey conducted in 2012 which determined that 70% of visitors are from Massachusetts and 60% are repeat visitors.

Suzanne Lavoie, MHPAC Member, inquired as to the Island Alliance's funding resources. Phil Griffiths stated that the operating budget is about \$1.2 million and the Alliance manages contracts on behalf of NPS and DCR, and also conduct about \$700,000 in fundraising. A majority of the \$30 million previously referenced for island improvements came from mitigation funds associated with the gas pipeline installations in the Harbor and Mass Bay. Lorraine Downey, MHPAC Member, asked how much of the \$30 million came from the federal government. Phil Griffiths, responded that approximately \$5 million which was used for the construction of the Pavilion.

Yanni Tsipis, asked what constituencies and communities can do to support the Island Alliance. Phil Griffiths noted that individuals could become members, join in one of the organization's capital campaigns and engage in opportunities to improve public amenities and infrastructure on the islands.

Bob Venuti, MHPAC Member, raised concern with congestion along the main pedestrian thorough fair between the Marriott Hotel and Christopher Columbus Park and the need for the Advisory Committee to look at options and opportunities to facilitate pedestrian flow and wayfinding through the area.

Jesse Brackenbury, Chief Operating Officer for the Greenway Conservancy, initiated the presentation on the Greenway noting that the Conservancy functions as the non-profit steward of the Greenway and was first established in 2004 as a fundraising organization, then later formalized as the management entity to oversee maintenance, horticulture and programming of the Greenway. He stated the Conservancy is a public-private partnership and funded through government dollars, private philanthropy and some earned income and endowment funds. He referenced the Greenway as a 15-acre 1.5 mile long roof garden over the Central Artery, functioning as a mix of beautiful and complex landscape and hardscape areas. He noted the Greenway plantings are all native to New England and is the only organically maintained public park in Boston, which has proven to be more cost effective than non-organic horticultural maintenance methods. Regarding park programming, the Greenway provides over 370 free events in the park, free wi-fi throughout the park and numerous amenities such as the food trucks and the new carousel. Regarding public art within the Greenway he indicated the Conservancy recently released a five year plan for public art focusing on temporary exhibitions of contemporary art, rather than permanent installations.

Linda Jonash, Greenway Conservancy Director for Planning and Design and MHPAC Member, began noting that the Conservancy can serve as a great resource for the public realm component of the MHP as an organization that has been managing public open space for the past four years and has a sense of what works and what challenges there are relating to public open space and public amenities. She

noted the MHP public realm plan can help make sense of the whole area and integrate all the open space resources while informing individual developments. She spoke of the importance of balancing passive and quiet experiences with active use areas and the need to spread out and calibrate uses. She emphasized a number of points including, the importance of edge conditions along the margins of some of the developed areas and how these parcels figure and relate to the Greenway park parcels; the need for flexibility in groundfloor uses and public realm areas such as sidewalks which don't always have to have permanent fixtures and infrastructure to make a space work, rather by adding flexible components concepts can be tested to see what works as large gestures are not always needed to make a place. Regarding landscape, hardscape and furnishings she emphasized the importance of not making an area too homogenized or diverse as simple common elements such as the Greenway's green umbrellas can thread through and connect and identify the different park components as part of a whole. She also referenced the organic horticultural practices which have created a far more resilient and robust landscape and plantings.

Regarding lessons learned she indicated many practices need to integrate early in the planning process. With regard to programming she noted the Greenway did not have programming person at table when parks were designed to establish needed infrastructure, such as electrical service, and plan out the mix of hard and planted surfaces. She noted the importance of having someone present who has participated in public space programming to determine functionality of space and maintenance as well to help inform how places are maintained. She also referenced the integration of public and private space and the need to maximize interface and make areas welcoming, referencing Rowes Wharf and NEAq as successful examples. She closed noting the design predisposition towards vehicular traffic in the area as the Greenway is the result of a highway project, and emphasized the concept of a shared street within planning area to serve all means of access as part of the public realm.

Bud Ris, inquired as to whether it would be possible to project the numbers of anticipated visitors and pedestrians that could be expected in a future condition and what types of improvements and infrastructure is needed to avoid some of the congestions issues the Innovation District is now facing. Bruce Berman, added that it might be helpful to utilize aspirational numbers by asking business, civic and cultural entities in and around the area how many people they would like to see or anticipate in the future based upon their own strategic plans or projections. Chris Busch, indicated the consultant team would review the feasibility of developing such numbers.

Joanne Hayes-Rines, President of Friends of Christopher Columbus Park and MHPAC Member, noted that there are few similarities between FOCCP and the prior organizations which are much larger entities. She stated the organization was started when the Parks Department completed renovations on the park in 2000 with the friends group developing as an offshoot of the project. The organization is comprised of resident and area business volunteers with the mission of enhancing, improving, promoting, maintaining and utilizing the park. She provided some history on the prior park improvements and current landscape design and amenities in the park resulting from the renovations. She noted FOCCP works closely with the Parks Department and involved in horticulture, entertainment, fundraising, maintenance, communication and outreach, a lighting winter nights program, and a capital improvement project which is a current focus which relates to the planning area. She mentioned funds go to provide new trees, annual maintenance including plant fertilization, which is all based upon a horticultural plan, as well as programming which includes an Independence Day Celebration, Sunday night movies during the summer, and a Columbus Day Celebration and the trellis lighting done every year which costs approximately \$30,000. She noted there is an infrastructure committee that maintains



the tot lot, and there are numerous volunteers working on watering of the rose garden, trash pickup, and other clean up events through the year.

Regarding fund raising she noted there are several events through the year and adopt a light program for the trellis, with the main revenue sources being corporate sponsors. She also noted area residential condo associations also provide support. For outreach she referenced a website and newsletter and a bulletin board in the park. She mentioned a current capital improvement project specific to a planter circle adjacent to Long Wharf, which has no irrigation and three struggling trees. To improve the area and the park the organization would like to expand pervious, vegetated space to make it more welcoming and provide some shade. She noted the organization has been working with the City Parks Department to develop a budget and vision to develop an 'urban oasis' with irrigated and electrical service. FOCCP has applied for grants and have a landscape architect involved to design the project which has a budget of \$225,000 which will require additional fund raising. She closed noting they are looking to break ground in the Spring 2014 on the project.

Bud Ris, inquired as to how the new landscape feature can be accommodated with the improvements planned at the Marriott Hotel and access to the waterfront. Joanne Hayes-Rines, noted that the project site is well outside of the Marriott's property line and the intent of the project is to maintain pedestrian flow through the area.

Jack Hart, asked what the city is doing to maintain the park. Joanne Hayes Rines, responded that the City maintains all the hardscape, lighting, infrastructure and turf areas. She noted that there are actually other parks in the city in greater need of resources and it is understandable that the Parks Department has resources focused on other areas.

Chris Finsham, Wharf District Council, stressed the need for improved signage in the whole area.

Harbor Towers Resident, referenced the importance of considering the residential populations in the area in the context of programming for the area, and specific concerns regarding noise pollution in the area.

Chris Busch concluded, referencing the next MHPAC Meeting on November 20<sup>th</sup> and first meeting of the Waterfront Activation and Programming Subcommittee on November 1<sup>st</sup> at Atlantic Wharf.

Meeting adjourned at 3:50 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, November 20, 2013  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Bob Venuti, Janeen Hansen, Bud Ris, Phil Griffiths, Lorraine Downey, Greg Vasil, Vivien Li, Rick Dimino, Susanne Lavoie, Meredith Rosenberg, Lois Siegelman, Bruce Berman

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT

#### **Members of the Public:**

Rick Moore, Karen Marcarelli, Will Adams, Chris Fincham, Jim Cravens, Steve Mitchell, Kelly McQuillan, Al Raine, Danielle Pillion, Hugh Hawthorne, Stephanie Horn, Leo Villaneauva, Bob Paone, Kathy DiTrapano, Scott Fuller, Jesse LaFreniere, Alex Blake, Para Jayasinghe, Steven Brown, Ann Lagasse, Jay Spence, Rob Caridad, Jim Duffey, Sy Mintz, M. Willock, Tom Wooters, Bill Zielinski, Mort and Myra Zisk, Pam McDermott, M. Holland, Richard Davis, Yanni Tsipis

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and provided a summary of the recent RFP issued by A Better City in concert with the Convention Center, Massport, the City of Boston and the Massachusetts Department of Transportation for a new transportation plan for the South Boston Waterfront, and traffic mitigation measures being implemented by the Boston Transportation Department to improve congestion within the Innovation District. He further noted that today's meeting would continue the review of properties within the planning area with presentations on the Northern Avenue Bridge and the William's Coast Guard Building.

Scott Fuller of the General Services Administration presented on the background and existing conditions of the John Foster Williams Coast Guard Building. He reviewed the basic structural and land use controls associated with the property and the history of the building which initially served as a warehouse, as well as current uses which include space for 10 Federal agencies including the U.S. Coast Guard Headquarters for the region. He also discussed the public realm around the building referencing the GSA's license with Rowes Wharf to allow for floating docks adjacent to the building, the Harborwalk and the public lobby and canteen within the building. Recent projects and upgrades were also reviewed including façade and window restoration, installation of a photovoltaic array on the roof and proposed upgrades to the seawall along the Fort Point Channel.

Bruce Berman, MHPAC member, asked what percentage of the building is utilized by the Coast Guard. Scott Fuller replied that approximately 50% of the facility is used by the Coast Guard. Bruce Berman also referenced the building and surrounding area as an importation connection and inquired as to how the committee could assist in improving conditions in and around the building independent of new development. Scott Fuller noted that he could check in with the GSA regarding future enhancements.

Vivien Li, MHPAC member, inquired about an area on the waterside of the building which was once open to the public but is now closed to public access. Scott Fuller noted he would look into the matter and assumed the closure is likely related to site security. Vivien Li also asked about the tide gauge on the property as well as parking on the south side of the building and the need to improve the appearance and condition of the area at the approach to the Northern Avenue Bridge. Scott Fuller noted that the tide gauge is owned and maintained by NOAA and much of the parking area is on city property.

Bud Ris inquired as to whether the photovoltaic array is linked into the grid. Scott Fuller responded that it is one of the only arrays that is linked to the grid.

Lorraine Downey, MHPAC Member, noted that there should be better signage at the property to indicate there is a public lobby and cafeteria in the building. Questions were also raised regarding climate change and adaptability of the building. Jesse LaFrenier, GSA, stated that the GSA has been looking closely at sustainability and climate change resilience for all its assets and noted that there are studies underway to develop guidance and solutions.

Para Jayasinghe, Chief City Engineer with the Boston Public Works Department provided a presentation on the Northern Avenue Bridge and plans for its restoration. He began the discussion noting that the design and rehabilitation of the bridge will require significant funding in the range of \$50 million, which is beyond the City's budgetary capacity. He noted that federal assistance is necessary for the project and accordingly the bridge rehabilitation must be in accordance with federal standards and requirements. He stated that the bridge is qualified as structurally deficient and reviewed the bridge's history and current function as an important pedestrian and bicycle connection and noted the bridge continues to swing open for vessel passage per the U.S. Coast Guard. Recent improvements include a lighting program, the painting of jersey barriers and the Garden Club of America's Harbor Gardens plantings.

Regarding future restoration he noted that the three bridge barrels would have to be designed to carry vehicular traffic, with sidewalks for pedestrian and bicycles along the northern and southern sides of the bridge; the restoration will also fix the bridge in place and elevate the structure to the height of the Moakely Bridge to better allow for vessel passage. With reference to state and local historic commissions he noted that the steel superstructure will be retained and the bridge tender's house and fender system will be restored. On the subject of process he indicated that there will be two years of design development followed by the restoration project.

Lorraine Downey, MHPAC Member, inquired on the preservation of one of the barrels for pedestrian and bicycle passage. Mr. Jayasinghe noted that the federal government will require that all three barrels must be designed to carry vehicular traffic, but in practice one of the barrels could be designated for peds and bikes if only two lanes are needed carry traffic.

Bud Ris, MHPAC Member, asked if the new South Boston Transportation Plan would include all modal options for the bridge. Rick Dimino, MHPAC Member, noted that the plan will incorporate the future bridge design and all transit needs.

Yanni Tsipis inquired as to what could be done to assist with the bridge restoration. Para Jayasinghe responded that long term maintenance of the bridge will be a challenge and assistance from area property owners and businesses would be helpful. He also noted that the City will need support through the federal process and the U.S. Coast Guard review processes.

Lorraine Downey asked if the restored bridge would be the same length and height. Mr. Jayasinghe noted that the whole bridge would be elevated. A comment was also made regarding integrating the stairway access from the GSA property and the need to improve the pedestrian experience in the area. A question was then asked regarding how long the process will take. Para Jayasinghe stated that the bridge is now a federally eligible bridge, which it was not before, and a needs assessment needs to be completed as part of the federal requirements. Vivien Li inquired as to how long the bridge could continue to function in its current state and the window for the restoration project. Para Jayasinghe noted that the Public Works Department does not have an option to close the bridge as the Coast Guard requires it be operational and the full design build program is approximately five years.

Meeting adjourned at approximately 5:00 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, December 18, 2013  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Jack Hart, Bob Venuti, Janeen Hansen, Bud Ris, Phil Griffiths, Lorraine Downey, Vivien Li, Lois Siegelman, John Gambino, Marianne Connolly, Joanne Hayes-Rines

#### **City of Boston:**

Lauren Shurtleff, BRA; Chris Busch, BRA

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT

#### **Members of the Public:**

Will Adams, Chris Fincham, Caroline Johns, Rane Stricker, Rob Stricker, M. Holland, Victor Brogna, Barb Boylan, Thomas Nally, James Hook, Wes Stimpson, Mathew Keeley, Matt Conti, Maria Popolo, Mark Older, Albert Lynch, Peter Nichols, Andrew Runido, Jim Cravens, Steve Mitchell, Don Chiofaro Jr., Al Raine, Danielle Pillion, Hugh Hawthorne, Tom Wooters, Bill Zielinski, Pam McDermott, Yanni Tsipis

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that VHB has been selected as the consultant to lead the new transportation plan for the South Boston Waterfront and that they had started their inventory analysis and would be developing a public engagement plan; public meeting dates and website information to be forwarded when available. He also noted there is a revised MHP schedule for 2014 which will be posted on the project website and indicated that the January meeting may be postponed as BRA staff will need to review the planning effort with the new mayoral administration. He mentioned that representatives from the property at 400 Atlantic Avenue were unable to make the meeting and would present at a MHPAC meeting early in the New Year, and proceeded to introduce staff from Utile, the BRA's consultant, to provide an update on the Waterfront Activation and Public Realm Plan.

Matthew Littell, Utile, stated that a draft of the plan would be made available in the next month or two and discussed the process to date in developing the plan, including the public charrette in March of this year, the Onein3 charrette in May and the Water Dependent Use and Waterfront Activation Subcommittee meetings, which provided an extensive inventory of public realm enhancements, programming ideas and infrastructure improvements. He noted that the plan is the first phase of the MHP process as the activation plan will inform the MHP and provide a menu of public benefits to develop offsets and substitutions for the MHP. He mentioned the property owner presentations since July which have also provided some background and context for the plan, and all of the information gathered up to this point will be prioritized and categorized into the draft final plan. He provided a summary of pedestrian studies conducted over the summer to track the density, paths and locations of

pedestrian traffic through the planning area to better assess how the area is utilized and those areas where further activation may need to occur and areas that may need to be modified to better facilitate foot traffic; the study was conducted during July and August and further analysis will be conducted during the offseason months of January and February. He also mentioned the primary topics that guided the charrette discussion, those of connectivity, open space resources, means of getting in and out of the planning area, and year-round programming.

Regarding the organization scheme for the plan he referenced scale as one of the frameworks for the plan and discussed ordering the activation and programming concepts into small, medium and large interventions. He noted another categorical mechanism of how and when the concepts will be implemented, ranging from interventions that can be implemented now to those that will require more substantial funding and resources to realize. He then provided some examples of zones, such as the Long Wharf and Central Wharf area and Northern Avenue Bridge location, where there has been more targeted and detailed analysis of existing conditions, areas where activation and programming would improve conditions and locations for further activation to better utilize space and edges and create greater connectivity to adjacent areas and open space resources. He then provided a visual preview of what the plan will look like from an organizational, thematic and graphical stand point. He noted the next steps will involve refinement of the programming and activation concepts, providing more detail on locations and connections within the planning area for implementation, and further review of development plans and scenarios presented to date.

Linda Jonash, MHPAC Member, asked if the zoning effort would extend beyond the waterfront area. Matthew Littell responded that a Greenway Overlay District was recently established as part of the zoning code which involves the whole of the Greenway including the Downtown Waterfront, however, the zoning that develops from the MHP process will be specific to the waterfront. He further noted that the public realm plan would reference and relate to the Greenway and other open space resources such as Christopher Columbus Park.

Bud Ris, MHPAC Member, referenced the pedestrian studies and the lack of foot traffic out and around the end of Long Wharf and Central Wharf and the need for something to attract and draw the public out these areas which serve as great open space resources and provide significant views of the harbor and City. Matthew Littell, noted that during the ONEin3 charrette a topic of discussion was the need for more landmarks and objects that serve as destinations, visual cues and meeting locations along the waterfront. Vivien Li, MHPAC Member, noted the need for better signage to advertise the exceptional exhibits at the end of Central Wharf such as the New England Aquarium's Marine Mammal Center and interpretive signage.

A member of the public inquired about the connections between water transportation and landside transit. Matthew Littell noted that land-water transit connections had been identified as issues where improvements could be made and will be addressed in the public realm plan. Bud Ris noted that the whole of the planning area is one big water transit-excursion facility and is a big component of this area of the waterfront and indicated it would be helpful to outline what is working, as well as not working and discuss options for improving vessel coordination and traffic in the terminal areas as well as on the watersheet. Matthew Littell noted that the watersheet itself may be a discrete component of the plan.

Linda Jonash, referenced the two open space areas of the Greenway and waterfront and inquired as to how they can be distinct and not duplicative. Matthew Littell noted that there were many activation

and programming concepts from the public charrettes that focused on water and the waterfront as distinct from the Greenway and more green-space specific programming and mentioned that wayfinding signage could help in distinguishing the two resources. Linda Jonash also inquired about the concept of shared streets and public realm areas as part of the public realm plan. Chris Busch noted that the Complete Streets guidelines are now being followed by all City departments so as new developments come on line those standards and frameworks are the directives being followed for new street and sidewalk enhancements and construction. Matthew Littell, noted that legibility through the planning area does not have to be a function of just signage but designing spaces to give pedestrians a sense of ownership through integrated paving solutions and other public realm design concepts.

Vivien Li, MHPAC Member, expressed concern over the lack of representation from 400 Atlantic Avenue ownership entity at today's meeting and asked BRA staff to reach out to the owners to express the Committee's interest in having representation at the next MHPAC meeting. Chris Busch noted that he would contact Synergy Investments this week to schedule them for the next meeting.

Bud Ris, referenced the presentation from the Chiofaro Company in September and inquired as to whether any of those concepts would be included in the public realm plan. Chris Busch noted that the plan is going to be largely framed upon the findings and suggestions from the public charrettes and forums held to date.

A member of the public inquired as to when the plan would be made available. Matthew Littell noted that the plan would be completed in the next few months. Chris Busch stated that the plan would first be made available for comment from the Advisory Committee and then opened for public comment.

A member of the public inquired as to public access through the Harbor Towers property and how public access is represented in the public realm plan. Chris Busch and Matthew Littell noted that much of the access indicators in the presentation materials represent desire lines and what has been suggested through the public forums and an interest in making access clearer, and existing public access easements and Chapter 91 Waterways licenses could be reviewed to determine formal access requirements and locations.

David Manfredi, Principal with Elkus Manfredi Architects, provided a summary of the Hook Lobster property, focusing on the site constraints and opportunities and noting that a development design has not been prepared as of yet. He read a statement from the Hook family which noted that they intend on maintain lobster wholesale and retail operation on the site, as well as a new restaurant, within the ground floor of a yet to be determined development project; reference was also made to an outdoor seating area associated with the restaurant and a potential boat docking area. He noted that Elkus Manfredi has been retained to look at development feasibility for the property. The unique conditions surrounding the property were discussed including its location as a gateway to the Greenway/Financial District and the South Boston Waterfront/Innovation District, adjacency to the Northern Avenue and Moakley Bridges, vehicular access around the site, its current use and temporary structures, the small size of the site and pier deck constraints, as well as potential for use and activation of all four sides of the property to activate the ground plane and develop connections along the water with Harborwalk and an on the water channel-walk beneath the bridges.

Vivien Li, inquired about the size of the parcel and the size and number of structures on the property. James Hook noted that the site is approximately 20,000 s.f. David Manfredi stated that they do not

have dimensions for the existing buildings and the structures on the landside of the property will be replaced, where those on pilings will be repurposed. Chris Busch noted that the Greenway Guidelines had suggested a building height for the property of 175-feet. Tom Palmer asked about the schedule for the redevelopment of the site. David Manfredi responded that they have only been engaged for the past month and substantial work needs to be done to determine what uses would be viable at the location and make economic-development sense.

Vivien Li noted the need for temporary measures, such as landscaping and signage for the property in advance of future development to improve conditions in and around the site and asked when the Advisory Committee could expect to see development scenarios for the property. David Manfredi noted they would look into interim improvement measures and indicated they could be back within three to six months to review some potential development options.

A member of the public inquired about how long the Northern Avenue Bridge rehabilitation project will take. Chris Busch responded that it will take two years of design and a minimum of two years beyond that for construction and restoration of the bridge.

Meeting adjourned at approximately 4:35 p.m.





**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting**

Wednesday, February 26, 2014  
Atlantic Wharf, 290 Congress Street

**Attendees**

**Advisory Group:**

Janean Hansen, Phil Griffiths, Vivien Li, Bruce Berman, Meredith Rosenberg, Lois Siegelman, Joanne Hayes-Rines, Greg Vasil

**City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office;

**Consultant Team:**

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

**Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT

**Members of the Public:**

M. Willock, Barbara Yanke, Julie Marino, Gisele Gagnon, Conrad Ganon, Robert Stricker, Arthur Lyman, Dian Rubin, Al Raine, Bill Zielinski, Maria Peters, Chris Fincham, Thomas Nally, Kanan Alhassani, Jim Duffey, Tamara Roy, Steve Mitchell, Ann Lagasse, Victor Brogna, David Kubiak, Rob Cardad, Don Chiofaro Jr., Laura Jasinski, Sy Mintz, Carolyn Spicer, M. Holland, Gary Mendoza, Rita Advani, E. Murray, S. Brill, K. Prince

**Meeting Summary**

Chris Busch, BRA, opened the meeting and noted the BRA is still updating the new administration on the Downtown Waterfront Municipal Harbor Planning effort and provided a summary of the planning process to date. He noted today's meeting would focus on a review of the draft Public Realm Plan and Watersheet Activation Plan which embodies the planning principles outlined in the Notice to Proceed filed with the state and functions to organize many of the activation and programming concepts raised in the public charrettes and workshops held last year. He also mentioned there would also be a review the basics on Chapter 91 and the mechanics of municipal harbor planning.

Matthew Little, Utile, provided a general overview of the Public Realm and Watersheet Activation Plan and process related to its review. He reviewed the nature and extent of open space resources in and around the planning area and noted the plan endeavors to refine and find ways to make those spaces better, more legible and easier to get to. He noted the plan documents many of the uses in the area, seasonal and otherwise, and provides some counts and metrics on what attractions are drawing people to the waterfront and how individuals are accessing and moving through the planning area. He also referenced the broad themes of the plan, noting that the planning area already includes a number of attractions and a finite amount of public realm assets, so the document focuses on how to maximize and

improve the uses we already have and maximize their use. He then touched on ways of organizing and managing open space more effectively and accomplishing the plan's goals and how to and make the public realm more legible and increasing activation of public spaces along the Greenway and waterfront. The organizational frame work of the plan was also discussed including the topics connectivity, legibility, and activation and programming, and the spatial template for the plan including the general areas of the Northern Avenue gateway, Rowes Wharf and India Row, Central Wharf and Long Wharf, and the watershed area. The uses and primary activation topics that related to each of the areas was also covered as well as primary connections to adjoining areas. The document also reviews how the plan components may be implemented in the future through private development and regulatory permitting. He also noted that the plan is focused on developing a wish list this is part of a larger Chapter 91 strategy and input and comment on the plan that is specific would be the most helpful in developing the final version.

Vivien Li, MHPAC Member, stated that the draft plan provides a good summary of the findings from the charrettes and the planning process over the past ten months, but expressed interest in seeing more detail in the plan, including a synthesis of the prior presentations from the developers. She referenced a number of existing facilities and amenities mentioned during the planning area property discussions that are not being fully utilized and activated. She provided examples of Rowes Wharf and the gazebo and water transportation terminal at the location, as well as the sculpture and planned landscape improvements at Harbor Towers, which could be enhanced and more fully integrated into the plan. She expressed an interest in having the plan provide recommendations on how existing assets and public amenities can be enhanced to have their potential fully realized and develop a more ambitious effort that brings the Downtown Waterfront into the 21<sup>st</sup> century. She also reference d the aspect of the plan specific to the watershed and noted it also needs to be built upon and provide greater detail on amenities on the water.

Bruce Berman, MHPAC Member, seconded Vivien's sentiment that that the draft plan does not fully capture all of the planning work completed to date. He noted much of the work the property owners and developers have done and are planning is not reflected in the plan. He expressed an interest in having the document be more ambitious and is concerned that in translating the amenities and improvements in the current plan into substitutions and offset that it does not go far enough and will box in and limit the potential of public improvements and enhancement for the waterfront. He noted the benefits need to be more extensive and are currently not proportional in time, duration and extent related to the potential development programs planned for the area.

Tom Skinner, Durand and Anastas, provided a refresher on the applicable Chapter 91 performance standards related to harbor planning, as well as the terms and elements that go into the development of a MHP. He began with reviewing the public interest and water dependent use priorities framed in Chapter 91 and the eight dimensional standards in the regulations that facilitate those objectives and how the MHP process allows for communities to alter and tailor those standards to meet local planning goals. He summarized the City's objectives for the planning effort, which are referenced in the Notice to Proceed filed with the state last August, and also framed in the Public Realm and Waterfront Activation Plan. The dimensional standards specific to the planning area and the anticipated development parcels were also covered. He clarified that the offset provisions are not termed as variances as there is a specific variance process under Chapter 91 that is not related to the MHP standards or process, although the MHP acts similar to a variance process. Regarding offsets he noted that they must mitigate to a

comparable or greater degree the impact of a substitution upon the public's interests in state tidelands. He then provided a number of examples of prior harbor plans and related substitution-offset programs and spoke of how each neighborhood and waterfront is unique and requires different approaches to the substitution, offset and amplification MHP framework.

Tom Palmer, noted that prior to the discussion of offsets a determination needs to be made that additional height and density is appropriate and desirable and inquired as to how that decision is developed. Richard McGuinness, BRA, noted that it is a contextual discussion that involves the surrounding built area and density and provided some examples of projects and buildings related to previous MHP's. He noted that wind and shadow from proposed building volumes need to be reviewed as they relate to impacts upon the public realm and the Chapter 91 performance standards. Bruce Berman stated that there is a lot of passion and thought that goes into height and density decisions and they are political as well and advised that the process be as transparent as possible.

Vivien Li inquired as to the height standards under Chapter 91. Tom Skinner responded that within 100 feet of the limit is 55-feet and beyond that limit height may increase by a foot for every two feet further landward from the 100-foot limit. He further clarified that the height limit applies throughout the Downtown Waterfront planning area as it is all subject to Chapter 91 jurisdiction. He also indicated that the consultants would be providing their recommendations to for the MHP to the City and Advisory Committee at a meeting in the spring.

Tom Skinner then discussed amplifications under Chapter 91 which apply to the discretionary standards within the regulations which are non-numeric or quantitative. He provided some examples of how amplifications define the discretionary standards with greater specificity noting in the Fort Point Channel the waterfront activation standards were developed into requirements for water transportation and the installation of docks. Bruce Berman asked if amplifications could occur off of the property subject to licensing. Tom responded that the MHP needs to be as clear as possible and ensure that amplifications are specific and enforceable so that they may incorporated into a license, so amplifications that are general in nature or not specific to the planning area could be problematic. He then covered the approval standards that the state will use when reviewing the MHP submitted by the City.

Vivien Li asked how long it will take to submit the plan to the state and how long will the state take to for their review the plan. Tom Skinner responded that we hope to a plan submitted under the Patrick Administration.

Sy Mintz, noted that he helped develop the original urban renewal plan for the Downtown Waterfront which is now fifty years old. He stated the waterfront has changed dramatically over the years for the better, however, he echoed Vivien's statement that the area needs to be brought into the 21<sup>st</sup> century and the planning effort should seize on the current opportunity and not feel boxed in by what is currently in place. He made specific reference to options for building out new piers, improvements to the parking area behind the Chart House, and an emphasis on an active mix of uses in the planning area to increase the level of activity. He also expressed concern over the lack of Advisory Committee members present for the meetings, and exhorted the BRA and Advisory Committee to think boldly in the development of the plan to create a great waterfront.

David Kubiak, noted that he was confused with the lack of progress on the Public Realm and Watersheet Activation Plan, and expressed concerned with the primary purpose of Chapter 91 being water dependent uses, however, the number one objective of planning effort was residential and commercial uses. Chris Busch, interjected that it was a component of an objective, not prioritized as the primary goal of the planning initiative. David Kubiak also noted his concern with the lack of discussion on the amount of open space that is needed as well as destination open spaces to attract the public. He finally indicated that there has been a lack of process and noted the BRA should open the planning effort more to the public.

Tom Nally, ABC, stated that there should be additional working sessions to further develop the plan and add more specifics.

Tamara Roy, ADD Inc., indicated that the goals of the draft plan are too intellectual, with terms such as legibility and connectivity, and recommended the plan should be more aspirational and discuss more of the vision that had come from the charrettes with more references to fun, accessible and interesting activities that change along the waterfront. She noted it would be helpful to see more data on how height and density effect activation, referencing the Atlantic Wharf property which was lacking in activity prior to the redevelopment, to help push the dialogue along.

Richard McGuinness, noted that more detail could be outlined in the plan which is a vision for future years. He indicated the Walsh Administration is being updated on the Advisory Committee and additional members or new members will be discussed to garner more participation.

Meeting adjourned at approximately 4:50 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, March 26, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Janean Hansen, Phil Griffiths, Vivien Li, Bruce Berman, Rosenberg, Lois Siegelman, Greg Vasil, Bud Ris, Susanne Lavoie, Jacob Glickel, Lorraine Downey

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT

#### **Members of the Public:**

Dian Rubin, Al Raine, Bill Zielinski, Chris Fincham, Thomas Nally, Jim Duffey, Tamara Roy, Steve Mitchell, Ann Lagasse, Victor Brogna, David Kubiak, Rob Cardad, Don Chiofaro Jr., Sy Mintz, Carolyn Spicer, M. Holland, Courtney Kirk, Chris Fincham, Martin Zisk, James Brady, Danielle Pillion, Matt Conti, Jim Cravens, Bob Cummins, Pam McDermott, Wes Stimpson, Tom Wooters, Talya Moked, Rick Moore, Peggy Briggs, Jeff Sauser, David Dixon, Peter Brill

### **Meeting Summary**

#### **Part I, Kairos Shen, BRA**

Kairos Shen, opened the meeting with a presentation on the urban design context of the waterfront. He emphasized that cleaning up the Harbor was one of the most important planning challenges and achievements of the last generation. Now that the Harbor is clean, it should be made accessible. The Municipal Harbor Plan should aim to reclaim the Harbor as a civic and recreational resource for the city in the same way that Central Park is for New York City. He then stated that the second most important planning endeavor was the submersion of the I-93 corridor and the 27 acres reclaimed as the Greenway. He presented the challenge of connecting the inner core of the financial district across the Greenway to the Harbor, while also allowing more properties and users to benefit from the water and the park.

He pointed out that this area is quite resilient and is unique for its variety of building characteristics, including dense traditional wharf structures, tall modern buildings with small footprints, and large buildings like the Harbor Towers and Federal Reserve that have breathing space within the building. He emphasized the importance of continuing to connect public spaces to the street.

He stated that the MHPAC is not constrained to the Greenway District Guidelines because these previous plans did not consider the overlapping adjacent areas on the harbor side of the Wharf District. He recommends that moving forward, development impacts should be considered from four

perspectives: Program and Use, Form, Economics, and Environmental Impact. Microclimates of wind and shadow are very important, which also relate to height, massing, and building form. Additionally, he stated that Chapter 91 does not specifically address climate change, but almost the entire planning area is vulnerable to climate change, making resiliency and offsets for climate change a key concern of this planning process.

He then presented two development examples that the state has approved through prior MHP processes. The InterContinental Hotel was able to work with the state to get a height of 362' and Atlantic Wharf was able to develop a 382' tower. Both of these projects have made a significant contribution to the public realm, waterfront, and waterfront transportation. He concluded that a viable Municipal Harbor Plan will be very creative, introducing ideas for offsets and benefits. By identifying areas where the City can expect creativity from the development community and support from the public, new concepts could be made possible without being overly prescriptive. He then took questions from the Advisory Committee.

Bud Ris, MHPAC Member, stated that is there is a tradeoff from stepping a building back in order to gain height since there is not much in the way of pedestrian access. He inquired if there is an inherent conflict between big buildings and the pedestrian. Kairos answered that both of those examples were narrow buildings and that while interior pedestrian connections were required, they both had sufficient open space on the ground floor.

Vivien Li, MHPAC Member, pointed out that the design of Atlantic Wharf was constrained by the historic façade and that the InterContinental Hotel was dictated by the vent stacks. In these cases, the footprints had to be worked around to go up in height, which is different from the Hook Lobster or Harbor Garage sites.

Bruce Berman, MHPAC Member, stated that when first taking up the Municipal Harbor Planning process, they had to take a leap of faith, particularly with interior connections and interior open space. They questioned whether interior public space really makes a difference in the same way as ground floor exterior open space. He stressed that the success of the planning process and the activity on sites like at Atlantic Wharf clearly show the opportunities available and encouraged Kairos to make his presentation available to the public.

Vivien Li, MHPAC Member, pointed out that based on the maps presented, the area appears to be very dense and needs more open space aside from the Greenway, especially in light of more residents moving to the area. She also stated that the Harborwalk has evolved from something that developers didn't want to an amenity. She encouraged the consideration of a broad mix of different uses on the waterfront, such as galleries, grocery stores, and observation decks, not more bars and cafes, to make the area more robust.

Bud Ris, MHPAC Member, responded to Vivien that the area doesn't need more open space, but rather to use open space better. He indicated that the area badly needs better connections to see the waterfront and to get to the waterfront rather than just more open space.

Bruce Berman, MHPAC Member, referenced the Mayor's interest in supporting businesses and transportation options that are open or active 24/7. Kairos responded that the Mayor made it very clear that the area needs more residential use. Revitalizing downtown should include the people it serves and

extending the use of infrastructure to serve more people. He acknowledged that this is easier said than done, but the planning process will examine the potential benefits and impacts of different uses. For example, restaurants are a conditional use of most business districts, but perhaps there is another way to look at this.

Kairos stated that the job of the MHPAC will be to figure out a reasonable way of distributing the open space requirement to maximize the benefits for everyone (perhaps looking at adjacent sites or areas). He stated that the City is looking for ideas from the MHPAC because the way that Chapter 91 is written is such that every site needs to resolve its own open space and offsets.

Finally, he acknowledged that the planning process of the Greenway Guidelines was very robust. However, he stated that this is an opportunity for the MHPAC to offer a critique of this work and to put any new solutions on the table. The BRA's job will be to communicate these conclusions effectively to arrive at a plan for the Mayor to review in the larger context of his policy. He emphasized that this plan can look at alternatives that weren't explored during the Greenway Guidelines planning process. The Mayor is neither retreating nor endorsing the conclusions of the Greenway Guidelines and would like to see the results of the MHPAC process before taking a position on the Guidelines.

Bruce Berman, MHPAC Member, stated that the Committee was originally told to align Chapter 91 with the Greenway study but inquired if the Committee is now being asked to look beyond these constraints. Kairos answered that Chapter 91 was always going to be a broader study because it is from the State's perspective.

Tom Palmer, requested clarification on the conversion to zoning. Kairos Shen answered that the conversion to zoning is part of the Harbor planning process and the City will adopt consistent zoning as a menu of options within the planning area. He explained that the goal is to arrive at a viable Harbor Plan that will give a clear direction for redevelopment within the area, so that moving forward the City will not have to give specific approvals and processes for every individual site.

Philip Griffiths, MHPAC Member, stated that the Outer Harbor is huge and that there needs to be a better connection and ability to get access it and the Harbor Islands. He recommended finding ways to make this open space more accessible. Kairos answered that showing the connection to the Harbor Islands is important and could have a big impact on the city.

Chris Finsham, suggested showing the FAR of buildings when presenting the planning area and adjacent sites. Kairos Shen agreed that the inverse relationship of height and footprint are very important and both have environmental impacts. He added that Boston is seeing smaller footprints because many developers see the value gained by height when offset by smaller floor plans. He also stated that it is important to note that Chapter 91 does not include economic feasibility, which the BRA considers for development approval.

Sy Mintz, stated that creating a rich environment on this portion of the waterfront goes beyond just height and massing. Variety is not easy to achieve but he hopes that this will be a focus of the MHPAC. Kairos agreed with this statement and turned the meeting over to Matthew Littell.

## **Part II: Matthew Littell, Utile**

Matthew Littell, presented the latest draft of the Downtown Waterfront Activation and Public Realm Plan. First, he summarized the feedback from the last meeting which was broken into three areas: Vision, Hierarchy, and Specificity. Overall, the draft plan should be easier to navigate for both the expert and the non-expert. He stated that the draft will be posted on the website for public review.

First he presented the revised structure of the draft plan and the expanded Table of Contents. The Vision section was added, the Implementation section was expanded, and a catalog of the planning process to date and an appendix with supplementary information were also added.

Second, he presented the newly created Vision section, which states the broader goals of the planning effort, framed by the Greenway and the waterfront as key assets for the city. The vision is broken into goals to create a waterfront district that is accessible, has clearly defined connections, is resilient to climate change, has year-round destinations and programming, and is flexible to accommodate innovative future uses. The overall vision will also create a strong sense of identity for this area of the waterfront.

Third, he presented the Sub-district Characters and Goals. These included the suggestion that Long and Central Wharves should touch the water and the challenge of connecting Rowes Wharf and India Row to the Greenway due to their density and private nature. Northern Avenue was presented as a gateway to the Innovation District and to the waterfront.

Finally, he presented the new Implementation section for the draft plan. He acknowledged that some of the information was not new, but that it had been revised as part of a clean list to provide a lot of detail, both district -wide and by individual district. Included was a matrix to describe which implementation strategy might be the most applicable within each sub-district. He emphasized that because this draft plan is the first piece of a broader planning effort that will ultimately result in rezoning, the public and the MHPAC should consider the appropriate balance between specificity and the broader effort. He closed by stating that the goal was to keep a broad menu of options to show the spirit and character of new thinking. Matthew then took questions pertaining to the draft plan.

Susanne Lavoie, MHPAC Member requested elaboration on the reference to a multistage planning process. Matthew Littell and Richard McGuinness, BRA explained that in order to get Chapter 91 compliance, there will be three stages: first, the Watersheet Activation Plan, and then the Municipal Harbor Plan, which will include more detail about potential impacts of development on the waterfront, appropriate remediating measures, and how to comply with the spirit of Chapter 91. The final step will be the codification of the plan through revised zoning for the district.

Bud Ris and Bruce Berman, MHPAC Members both noted that the planners did a good job of listening to feedback and that the plan is moving in the right direction to capture the robust planning process.

Vivien Li, MHPAC Member, commented that there are opportunities on all sites regardless of their current development, including "Sherwood Forest" and the end of Long Wharf. She would also appreciate if the Greenway is referred to as the Rose Kennedy Greenway. Finally, she requested that updated pictures of the Northern Ave Bridge be incorporated to show the collaborations that are happening within the area.



Jake Glickel, MHPAC Member, commented on the importance of addressing climate change and resiliency and how the area can bounce back in the incidence of flooding. Chris Busch clarified that this will be included in the Municipal Harbor Plan as a Chapter and there will be a work group for the Advisory Committee in the coming months.

David Kubiak, stated that while Kairos mentioned recreation, this presentation seemed to limit recreation to transportation alone and that there are in fact more opportunities for actual activation on the Watersheet. Additionally, he stated that environmental justice/economic justice are a big concern to the public when reviewing this plan. Since the public paid for the harbor cleanup, everyone should benefit from it, not just in open space but in space to live, work and recreate.

Tom Nally, stated that it will be good to get the draft plan on the website for comments to broaden the discussion as there might be ideas that have not yet been considered. He emphasized that the plan should string together the major themes and the benefits of implementation. He discussed how the waterfront should not just draw people from the Greenway, but that it should be a mutual attraction of assets. Finally, he was concerned about how this plan will consider congestion, especially in the spring and summer.

Sy Mintz, noted the Innovation District is much denser than it used to be, making the connection between the Greenway, the Wharf District and the Innovation District is critical.

Tamara Roy, indicated she was critical of the last draft but this presentation has been inspiration. Recommends keeping the plan fun, interesting, and fresh.

Vivien Li, MHPAC Member, noted that as Tom discussed, during the summertime there is a lot of congestion, especially with people waiting in lines for the Harbor Islands and Aquarium. She also suggested that it would be useful at some point in the planning process for everyone to give updates on what is currently happening on Long Wharf area.

Meeting adjourned at 4:50 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, April 23, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Janean Hansen, Vivien Li, Lois Siegelman, Bud Ris, Susanne Lavoie, Bob Venuti, Joanne Hayes-Rines, Tom Wooters, Rick Dimino, John Gambino, Eric White

#### **City of Boston:**

Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office; Patrick Lyons, Rep. Michlewitz's Office; Maria Puopolo Sen. Petrucelli's Office

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Andrea Langhauser, MA DEP; Ronald Killian, MassDOT; Beth Rubenstein, Massport; Maria Puopolo, Senator Petrucelli's Office

#### **Members of the Public:**

Al Raine, Bill Zielinski, Chris Fincham, Thomas Nally, Jim Duffey, Steve Mitchell, Ann Lagasse, Victor Brogna, Rob Cardad, Don Chiofaro Jr., Sy Mintz, BJ Moriarty; Rita Advani, Cortney Kirk, Matt Conti, Martin Katz, M. Holland, Courtney Kirk, Andrew Runida, Toby Bernstein, Morris Englander, Dave Lightfoot, Ann Lagasse, Barbara Mann, Fred Kramer, Judith Sugarman, Rick Moore, Sylvia Bertrand, Martin Zisk, James Brady, Danielle Pillion, Matt Conti, Jim Cravens, Bob Cummins, Pam McDermott, Wes Stimpson, Ann Barrett, Rick Moore, Peggy Briggs, David Dixon, Peter Brill

### **Meeting Summary**

Chris Busch, BRA, opened the meeting with the announcement of Rick Dimino as temporary Committee Chair as well as new Committee Member Tom Wooters, representing Harbor Towers. He then passed the meeting over to Tom Skinner, Durand & Anastas, to give an overview of a proposed planning framework to assist the Advisory Committee in the development of the Downtown Municipal Harbor Plan.

Tom Skinner noted that there are numerous ways to craft a municipal harbor plan and the purpose of his presentation was to propose an approach to the City and Advisory Committee for developing a plan for the Downtown Waterfront. He presented the structure of the Municipal Harbor Plan (MHP) framework as broken into the following categories: Geographic Scope and Substitute Provisions and Offsets which included Open Space, Height, Facilities of Private Tenancy, and Water Dependent Use Zone. First, he reviewed the purpose of Municipal Harbor Plans to promote long-range planning goals and to offer alternate standards to Chapter 91 and then gave a quick overview of Chapter 91 standards and requirements for water dependent uses and non-water dependent uses.

Tom then presented the Geographic Scope of the MHP, referencing the Greenway District Planning Study, the Public Realm Plan, Crossroads Initiative, and the MHP. He highlighted that the geographic scope of the MHP was determined by the State and areas subject to Chapter 91 jurisdiction. He explained the State presumes that there will be an offset (public benefit) within the MHP area when a substitute provision occurs (offset for wind, shadow etc.) within the MHP area, and that it would be very unlikely that the secretary will approve an offsets outside of planning area. He noted that in prior MHP's there have been offsets outside the planning area, however these exceptions have only occurred when impacts from substitutions within the MHP area have been mitigated, and a significant portion of the public realm has been implemented, and the offsets outside the MHP relates directly to the MHP area.

Tom recognized the regulatory disconnect present as there has been much interest through the planning process to better connect the Greenway to the waterfront. He provided three options for integrating the two resources; the first being through the MHP which must follow the prior exceptions and involves a lengthy and complex process. This approach may be marginally successful and may not be deemed acceptable by the State Secretary of EOEAA. He noted the second option would be to have a section in the MHP describing how the Article 80 review process should the same offset calculations to quantify the impacts upon the Greenway and areas outside of the MHP planning area, so there is the same level of evaluation and offset. The third option would be through the state's MEPA process and the required Public Benefits Determination which is specific to Landlocked Tideland areas such as the Greenway. The MHP could provide guidance to the MEPA process on mitigation metrics for Landlocked areas adjacent to the planning area.

Rick Dimino, MHPAC Acting Chair, asked the Committee to pose questions after each section. Vivian Li, MHPAC Member, asked to clarify if public benefits should be defined specifically for the MHP and not include an unrelated benefit such as job creation. She added that the Article 80 process is not a substitute for the MHP and serves to implement the MHP. Tom responded that it also works in reverse, as the MHP can guide the Article 80 review process on a project. Bud Ris, MHPAC Member, asked if an offset had to be provided on public property or if it could be provided on a separate private property within the MHP area, which was confirmed by Tom and Chris. Rick stated that it is important to emphasize the relationship of other regulations to the MHP as well as the exceptions that relate to the MHP itself. He also asked about the study boundaries as previously discussed, including the Greenway and properties considered stepping stones to the waterfront. Tom answered that there is a jurisdictional boundary at Atlantic Ave. and that is one of the challenges in developing the MHP so that it integrates the Greenway.

Tom Skinner then reviewed the framework for Substitute Provisions which were presented in three groups related to the Downtown MHP. The first group was comprised of the two provisions most likely to be needed: Open Space (50% provision) and Building Heights, which include stepping back building height and open space inclusion. The second group of provisions presented was items that may be needed based upon project proposals: Facilities of Private Tenancy (overflow tidelands- Hook site is on pilings) and Water Dependent Use Zone. The last group included items unlikely to require a Substitute Provision in the MHP: New Pile-Supported Structures, Open Space (Commonwealth tidelands), Harborwalk, and Facilities of Public Accommodation. Bud Ris mentioned tradeoffs between height, open space and how the visual/pedestrian connections to the waterfront are accommodated through the substitution and offset parameters. Tom noted that the topic of connections and visual corridors are framed more in the Open Space and Public Realm Plan as there are no specific performance standards.

Regarding the open space framework Tom outlined four components. First, the 50% Provision was discussed with the flexibility of the building footprint being over half the site, but establishing a maximum cap on lot coverage. Second, gradations of offsets were proposed based on footprint size instead of a flat, per square foot offsets for building footprints over 50% which would incentivize limiting expansive lot coverage while also allowing flexibility. Third, existing buildings could add a small increase in building footprint provided that the expansion area is primarily FPA space. Fourth, where there may not be adequate open space on the property to provide for an on-site offset, that there be provisions for creating new open space or enhancing existing open space in the MHP area.

Rick Dimino inquired about landlocked and filled tidelands as they relate to the MEPA public benefits determination and the role that could play with regard to MHP offsets. Tom responded that this is something that they will be looking into with further detail and will need to explore its applicability in the context of the MHP. Bud Ris suggested defining view corridor dimensions and what their definitions might be. Tom Skinner answered that looking at the upper level of lot coverage will help answer this question. Chris Busch added that the Greenway Guidelines also offers some guidance, locations, and standards. Vivien Li asked about the BRA-owned lot on Long Wharf and whether the city sees it as a development opportunity, parking, or open space. Chris answered that BRA Long Wharf parking lot has been discussed in public forums as potential open space in the future. Vivien then asked about the end of Long Wharf and greening the end of Long Wharf as a provocative way to address storm surge in terms of open space. She stated concerns about discussions surrounding substitutions going outside of the MHP area due to potential impacts to those who live in the immediate area. She also proposed a schedule for serious conversation moving forward. Rick then turned the questions over to the public for questions.

Harbor Towers Resident, asked if the only disincentive against expanding building footprint and height is money. Chris Busch answered that planning objectives will have to be adhered to as well and that the 50% rule is a regulatory number. Tom added that it is essentially a variance process.

Tom Wooters, MHPAC Member, stated that many people had participated in the Greenway Guidelines process, which affects some of the same parcels in the MHP. He envisioned Chapter 91 as imposing further restrictions on development not as an independent process and he asked to clarify the relationship between the two. Chris Busch answered that the Greenway Study served as a local master planning effort but that the new administration did not have oversight in that process and is therefore asking the MHPC for their own recommendations. As to downtown waterfront zoning, based on the Secretary's decision, zoning will follow MHP the process as an implementation mechanism.

Tom Palmer, asked for clarification of the fourth item of open space improvements (Water Dependent Use Zone). Tom Skinner confirmed that it is not a substitute provision but is indeed already a component of the framework. Suzanne Lavoie, MHPAC Member, clarified that if Hook Lobster complied with the 55' height, they would not require any offsets but would still be required to support the Harborwalk. Tom confirmed that that is true provided that they did not build on any pile-supported piers and met the water dependent use zone, but that it would be a small portion of the site.

Harbor Towers Resident, asked about the Harbor Garage and when they will be addressed. Chris Busch answered that these meetings cover overall ideas and approach and that future meetings will cover parcel by parcel details. Chris then clarified that height and open space will be looked at on a parcel by

parcel basis in future meetings. Bud Ris noted that based upon recent newspaper articles it appears that the Harbor Garage development may be worked out between the Mayor and the property owner and expressed concern that the process the Advisory Committee undertakes may be dismissed by the Mayor. Chris answered that Mayor's Office is looking for guidance from this Committee on a variety of options and for all the properties within the planning area. Rick Dimino asked about open space, resiliency and climate change and suggested checking with MEPA as well. Tom answered that resiliency is one of the issues that will be tackled in the MHP and will likely be addressed as part of the improvements to open space.

Tom Skinner then addressed Building Height, and the factors associated with height. Chapter 91 has regulations for height along the waterfront and the MHP process allows for variations with a primary focus more on the impacts of height, such as wind and shadow, on the public realm, rather than height specifically. Other limitations are also considered including heights of adjacent buildings and FAA TERPS requirements. The first recommendation was to allow developments to exceed Chapter 91 allowable heights but to have parcel-specific maximum caps. The second recommendation was to have offsets based on net new shadow at ground level with progressive offsets with increasing shadow impacts. Bud Ris asked if time of day or time of year is considered with the shadow impacts as the shadow during peak summer hours may matter more than the shadows in the fall on seasonal sites like the Aquarium. Chris Busch answered that October 23<sup>rd</sup> is the standard date for calculation but also pointed out that specific areas such as the end of Long Wharf where we may want to limit shadow will be discussed in the context of specific projects and massing scenarios.

Tom Skinner then briefly explained Facilities of Private Tenancy (FPT) on overflowed tidelands, which would likely only apply to the Hook site. New FPTs on pile-supported piers require a substitute provision and offset that must prevent privatization of the water dependent use zone. The Hook site is therefore a very constrained site and will likely have a substitute provision. The last portion presented was Water Dependent Use Zones (setbacks) as determined by Chapter 91, ranging from 10' to 100' to ensure sufficient space for water dependent uses. He explained that generally there is flexibility for reconfiguring the space.

Rick Dimino suggested that in a future meeting, Tom and Chris show examples from other MHPs that use the framework to produce outcomes or actions to help with the education process for the Committee. He also asked how the Public Realm Plan relates to some of the aspects of the proposed framework.

Rick Dimino requested examples from prior MHP's of what could happen on some of the sites and what may be possible, as well as how the Public Realm Plan relates to the proposed framework and examples. Bud Ris asked for a 3D model (physical) of the district so the committee can see the district and imagine it more clearly. Chris mentioned the model room at the BRA as a possibility in the future. Tom concluded that this proposed framework is the work of consultants who want feedback, which may happen again after meetings about more specific parcels.

Tom Skinner reiterated that what was presented is the consultant's proposed framework for the City and Advisory Committee to review, discuss and comment on with the intent of having a flexible approach moving forward.

Member of the public stated that a recent *Boston Globe* article suggested that the Mayor wants action but that the MHP will be a slow process. She questioned if this process would be in sync with decisions made at City Hall. Chris Busch answered that he is unfamiliar with the timeline in the *Globe* but that this Committee is part of the set process for the MHP, which will then go through the State approval process before being codified by zoning. Rick Dimino pointed out that this framework has the benefit of standing on the shoulders of other planning processes.

Chris Busch then discussed the revised draft of the Public Realm Plan, which was issued after the last meeting and posted to the BRA webpage for public comment. He asked that public comment in response to the draft be received by May 16 so that a well-formalized plan can be presented at the May meeting.

Bud Ris commended the BRA and the consultants for responding to comment from the last meeting. He appreciated the sections for activating the downtown waterfront and wanted to double-check that specific implementation suggestions follow these ideas. Chris Busch replied that the implementation section at the end has most of the detail as broken down by location and contains a lot of the visionary concepts and goals. Matthew Littell, Utile, added that the first draft was more generalized, the following draft was more specific and detailed, and as a result, the current document is inclusive with aspirations for the area and also contains a lot of fine print at the end.

Suzanne Lavoie, agreed with Bud, and asked to clarify the suggestion to establish a management company to oversee the goals of the plan. Chris Busch answered that this is a conceptual idea, similar to the Fort Point Channel Operations Board, or a BID for the waterfront, since funding for activation concepts will need to be managed in some way. The members would be voluntary and it would be worked out through the State as well.

Rick Dimino agreed that this draft is much richer. Under the categories of height, open space, etc, maybe the consultants could show examples of how the Public Realm Plan could fit into the framework; fill in the chart as to how the framework for the MHP might fit in with the Public Realm Plan.

Jody Bernstein, Harbor Towers Resident, asked about page 27, and the dotted line that goes through Harbor Towers property. Matthew Littell answered that this is a reference to a view corridor; the plan questions if there is a way to maintain a view corridor to the water without compromising privacy. He also confirmed that this document is a wish list.

Harriet Holland, Harbor Towers Resident, requested clarity if the Mayor could encourage developers to make commitments separate from the plan, thus rendering it a weak document. Chris Busch answered that the Mayor has asked the Committee to consider many solutions and come up with recommendations. This Committee is an advisory body serving the Mayor who is looking to them for these recommendations. Rick added that every municipal harbor plan process has been used to guide future development.

Andrew Runida, Harbor Towers Resident, pointed out that Boston is not a grid city, and therefore the idea of view corridors seems like a moot issue; he questioned whether the Harborwalk provides all of the views needed without trespassing private property. Chris Busch answered that after billions of dollars on the Greenway and cleaning the Harbor, the main goal is connectivity and visibility and where opportunities exist, they want to take advantage of them.

Steve Wilstein, Harbor Towers Resident, asked if the plan accounts for traffic and tourism as there are current gridlock issues without the impact of future development. Rick Dimino answered that ground impact issues that relate to the waterfront are part of this process, including roadways and sidewalks, but that larger impacts of development are part of the project specific Article 80 process and Transportation Access Plans, which have their own public dialog. Chris Busch added that the South Boston Waterfront Transportation Plan was initiated 5 months ago to look at traffic constraints and development impacts, including Northern Avenue. This is an issue being looked at regionally and locally.

Ron Killian, Mass DOT, asked if publically accessible rooftop open space could be considered open space offsets. Tom answered that it would not be considered open space but that could be an offset as a public destination facility, but that would likely have a lower square footage ratio.

Marcelle Willock, Harbor Towers Resident, pointed out that the only green space on Atlantic Avenue is the Harbor Towers property, and that this oasis of green is also a view corridor. She also pointed out that a ground plane project has been submitted to the BRA to make India Row more of a green boulevard. She also pointed out some inaccuracies in the document such as the Harborwalk not being well identified on the Harbor Towers property.

Rick Moore, Harbor Towers Resident, asked about the storm surge protection line in the plan and also how the baseline for shadow was determined. Tom answered that a study for heights/net new shadow takes existing buildings shadows and then the shadow of a Chapter 91 compliant structure as a baseline. Matthew Littell added that some places that were identified as vulnerable to storm surge—the line on the map represents areas that might need to be reinforced.

Sy Mintz, Broad Street Resident, presented an aerial map of the waterfront area and accompanying design boards. He commented on connections, both visual and pedestrian. He stated that Rowes Wharf has continuous pedestrian access and questioned what the experience would be like if the same were true for Harbor Towers. He also pointed out that State Street connects all the way through Boston and exists as a visual corridor already so it should be improved and emphasized.

Matthew Littell concluded that the activation plan does not necessarily explain how to achieve all of the goals from a design standpoint but that it identifies areas that will need to be resolved. Before the meeting adjourned, Friends of Harbowalk announced their formation and upcoming meeting.

Meeting adjourned at approximately 5:15 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, May 28, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Janean Hansen, Phil Griffiths, Vivien Li, Bruce Berman, Meredith Rosenberg, Lois Siegelman, Greg Vasil, Susanne Lavoie, Jacob Glickel, Lorraine Downey, Marianne Connolly, Bob Venuti, Joanne Hayes-Rines, Eric White, Tom Wooters

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office; Maria Puopolo, Senator Petruccellis' Office

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT

#### **Members of the Public:**

Dian Rubin, Bill Zielinski, Chris Fincham, Thomas Nally, Jim Duffey, Steve Mitchell, Ann Lagasse, Victor Brogna, Rob Cardad, Don Chiofaro, Sy Mintz, Carolyn Spicer, Sam Norod, Steve Adams, Shiela Rice, Bob Cummins, M. Holland, Jim Duffey, Marcelle Willock, Yanni Tshipis, Michael Kineavy, Matt Rubins, Victor Aragona, Trent Tesch, Terry McLaughlin, Kanan Alhassani, Jim Scali, Sy Mintz

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that Advisory Committee Member Vivien Li would serve as Acting Chair. He mentioned the South Boston Waterfront Mobility Plan public meeting which was held on May 7<sup>th</sup> and the availability of materials from that meeting through the project's website at sbwaterfrontmobility.org, and introduced Lauren Shurtleff, BRA, who announced the initiation of a planning study on the ramp parcels within the Central Artery corridor. Chris also referenced the comments received regarding the Public Realm and Watersheet Activation plan and that a revised draft plan would be available within the next month. He then noted that today's meeting would be focusing on the Long Wharf Marriott property, the substitutions proposed by the property owner and related recommendations for the Advisory Committee to review.

Matthew Littell, Utile, presented the existing conditions around the Long Wharf Marriott property and some of the challenges posed by blank edges, surface parking areas, and lack of clarity and legibility around portions of the property. He then reviewed the sections of the Public Realm and Watersheet Activation Plan specific to Long and Central Wharves and the programming, activation and infrastructure improvements that were discussed during the planning charrettes. He noted the hotel owners are proposing expansion of the hotel's footprint to provide for additional retail and restaurant uses. The



individual expansion components were then discussed along with existing conditions renderings which represent 64% of the lot covered by building with 36% open space, and then the proposed expansion which would result in 84% lot coverage with 16% open space. The proposed height of the ground floor expansion was referenced at 22 feet.

Matthew then provided recommendations relating to the design of the expansion to better accommodate the priorities outlined in the Public Realm and Watersheet Activation Plan, including: a continuous pavement or ground treatment to create a more intuitive connection through the building lobby to link Christopher Columbus Park to the Old Atlantic Avenue/Central Wharf area; consideration of paving, landscape elements and signage along the retail expansion areas to better define sidewalks and HARBORWALK, and the relationship between the Harbor Islands Pavilion and ferries; massing refinements on the eastern edge of the building to better facilitate view corridors and prevention of pedestrian bottlenecks; and incorporation of a ferry waiting area and ticketing as part of the retail spaces.

Tom Skinner, Durand & Anastas, reviewed the Chapter 91 jurisdictional parameters as they relate to the property. He referenced the differentiation between Commonwealth and Private Tidelands and noted the hotel property is located on the latter. Tom stated there is no Water Dependent Use Zone related to the property so only the open space/lot coverage requirements are applicable with the proposed ground floor expansion plans. He noted that if a new hotel were being built today on the property all ground floor uses within 100-feet of the harbor would have to be Facilities of Public Accommodation (FPA), however, the ground floor and all of the floors of the hotel currently meet the FPA definition. Tom also provided some background on when the hotel was constructed and how the hotel conformed with the Chapter 91 regulations and requirements at that time in the early 1980's. He mentioned that the massing of the hotel generally conforms with Chapter 91 required height and massing requirements, and overall, the building exceeds Chapter 91 requirements which is rare for a building constructed prior to the regulatory revisions. He also referenced the lobby of the hotel which was an attempt as a pedestrian access network, however, it has not functioned well as a public space amenity and connection. Regarding existing conditions limitations he noted the property does not meet the required 50% open space requirements, with the proposed expansion would reducing open space further, and also the property does not have an activated ground level aside from the Tia's Restaurant area.

Tom stated that to increase activation at the ground plane there is a trade-off between building out the ground plan to establish added restaurant and retail uses, and the amount of available open space on the hotel property. He then provided an overview of how the additional lot coverage would be evaluated from a Chapter 91 perspective and reviewed some recommendations related to substitutions and offsets. Tom noted a substitution would be required for the expansion as it further reduces the amount of open space beyond the required 50%, and the loss of open space needs to be compensated or offset by providing additional open space somewhere else in the planning area or something that has some opens space connection, or review other qualitative offsetting measures such as subsidies. Tom then discussed five proposed concepts related to offsets including: making new open space or enhancing existing open space resources; improving the hotel lobby to create greater connectivity through the building; improved water transportation facilities such as a ticketing center as a Special Public Destination Facility; codification of all the FPA space in the hotel through a future Chapter 91 license; and lastly, subsidies to support other benefits outlined in the Public Realm Plan.

Vivien Li, Acting MHPAC Chair, noted that the presentation visuals needed to be improved prior to posting the slides on the project's webpage. She then invited comment on the presentation from the Advisory Committee members.

Suzanne Lavoie, MHPAC Member, asked for greater clarity on how the Advisory Committee should respond. Tom Skinner, noted that the intent was to have the committee discuss and respond to the proposed offsetting measures on the Marriott property as they relate to the loss of open space that would result from the proposed ground floor expansion. Rich McGuinness, BRA, stated that the committee is analyzing a request for additional lot coverage on the property and the City is looking for feedback on the recommendations provided and the scale of lot coverage and the means to activate the ground plane to promote a more active waterfront and the goals of the Public Realm and Watersheet Activation Plan. Suzanne responded that the Marriott is an appropriate location for additional activation and supports the added lot coverage to facilitate waterfront activation and programming.

Vivien asked if the hotel owners were considering changing the use of the property from hotel to some other use in the future. The hotel owners responded that there was no anticipated change in use planned for the property.

Tom Wooters, MHPAC Member, noted that there needed to be further discussion on the offsetting measures presented to more fully develop the specifics on how those measures would be effectuated, however, they were in general good suggestions.

Joanne Hayes-Rines, MHPA Member, noted that the ferry ticketing sign needs to be better oriented and face Christopher Columbus Park and the Greenway. Regarding the proposed ground floor expansion locations around the hotel she indicated that the ticketing area for the trolley tours could be better organized and used more effectively to disseminate information and activate the area more. She also expressed concern with traffic and vehicular circulation along Old Atlantic Avenue and the south side of the hotel and the need to better organize and clarify pedestrian and vehicular zones. Regarding proposed modifications to the hotel she noted that changing the lobby to an open passage way was not desirable and questioned whether views would be substantially improved by drawing back the proposed massing on the eastern side of the hotel.

Lois Siegelman, MHPAC Member, referenced the need for better facility and pedestrian signage and concern with the existing level of music and noise in the area and need for management of amplified sound systems in the area with the proposed retail and restaurant uses.

Phil Griffiths, MHPAC Member, expressed support for further activation of the area around the hotel and a fair tradeoff. He also supports a Harbor Islands gateway at the location and thinking about the entire area as a water transportation hub and intermodal connections, as well as signage that is consistent throughout the area.

Eric White, MHPAC Member, mentioned the Harborwalk around the Long Wharf area and the need to make it more legible and spoke of the need to integrate resilient design into new public realm enhancements. Meredith Rosenberg, MHPAC Member, referenced the need to think beyond the hotel property and address the broader Long Wharf area and how the existing security and safety issues will be addressed. She also referenced the Chart House parking lot and issues with the existing dumpster

area and tidal inundation as well as the need to improve wayfinding and a more secure environment around the hotel with improvements such as better lighting.

Janeen Hansen, MHPAC Member, spoke to the proposed retail around the hotel and means to ensure the retail space is tenanted and utilized. Bob Venuti, MHPAC Member, raised concerns over the extent of lot coverage, specifically on the north side of the hotel where there is the potential for pedestrian bottle necks and restrictions. Greg Vasil, MHPAC Member, stated that the proposed expansion will enliven areas of the hotel property that are inactive.

Bruce Berman, MHPAC Member, noted that the existing Tia's Restaurant footprint is approximately the size of the proposed expansion on the north side of the hotel, and also referenced the Starbucks coffee shop within the hotel lobby which he recognized as an activating retail use. He also stated that the lobby is more than just a passageway but is also very much a public space, and noted that he had no particular issues with the ground level expansion areas. He also stated that he would like to see more music, street music and activity in the area during reasonable hours and impressed the point that the area be active and welcoming to all.

Lorraine Downey, MHPAC Member, noted the importance of having new retail and restaurant uses be designed to activate and open to the public. Vivien Li, expressed concern with any credit for improving indoor areas to offset loss of open space, as it sets a troubling precedent, and the importance of considering the proposal in a broader context that includes the Greenway, Christopher Columbus Park and the end of Long Wharf and the activation of these areas as well. Vivien then opened the meeting to public comment.

Marcelle Willock, Harbor Towers Resident, stated that a skate-park may be an option for activation given the number of skateboards she has observed in the area, and mentioned the need to consider the sustainability of retail and restaurant uses as many businesses fail. She also expressed support for a ferry center and ticketing kiosk in one of the hotel expansion areas.

Mary Holland, Harbor Towers Resident, expressed concern with the massing of some of the proposed expansion areas impacts upon views and pedestrian passage. Sy Mintz, Broad Street Resident, discussed the hotel lobby and asked the Advisory Committee to consider turning the area into an open air public use area. He also suggested incorporating the retail kiosks into the area around the MBTA head-house.

Steven Comen, Harbor Towers Resident, expressed concern with the loss of trees that would occur with the expansion, as well as additional activation of the planning area and questioned the carrying capacity of the area. He also referenced issues with car and taxi staging in front of the hotel which impedes public passage.

Rick Moore, Harbor Towers Resident, noted that if there is new retail proposed on the exterior the public should be encouraged to go around rather than through the hotel, as well as limiting or doing away with parking and staging around 255 State Street and allowing it to serve more as a pedestrian way.

Chris Fincham, Harbor Towers Resident, expressed concern with the viability of retail in the area, and noted the lobby passageway through the hotel should be better defined. He also supported better and additional signage for the area as an offset.

Victor Brogna, Atlantic Avenue Resident, addressed activation in the area and the need to focus on the type and quality of activation that is more responsive to a broader public. He expressed concerns with additional Tia's type restaurant uses around the hotel.

Suzanne Lavoie, noted that the needs of the hotel should not be lost in the discussion and hotel guest and vehicle transition areas are a necessary part of their business. Bruce Berman, advocated for more diversity at the Advisory Committee meetings to have a better representation of all the user communities of the waterfront and residents and visitors to the City. Joanne Hayes-Rines, expressed concern with existing traffic congestion and the need to maintain and support contemplative and quiet areas and open spaces along the waterfront.

Meeting adjourned at 4:50 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, June 25, 2014

Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Group:**

Janeen Hansen, Phil Griffiths, Vivien Li, Bruce Berman, Lois Siegelman, Greg Vasil, Susanne Lavoie, Jacob Glickel, Lorraine Downey, Marianne Connolly, Bob Venuti, Joanne Hayes-Rines, Tom Wooters, Bud Ris, Linda Jonash

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office; Maria Puopolo, Senator Petruccellis' Office; Matthew Lyons, Representative Michlewitz's Office;

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ronald Killian, MassDOT

#### **Members of the Public:**

Dian Rubin, Bill Zielinski, Chris Fincham, Steve Mitchell, Ann Lagasse, Victor Brogna, Rob Cardad, Don Chiofaro, Sy Mintz, Carolyn Spicer, M. Holland, Jim Duffey, Marcelle Willock, Yanni Tsipis, Michael Kineavy, Victor Aragona, Fred Kramer, Trent Tesch, Kanan Alhassani, Jay Spence, Bob Yelton, Peg Richardson, Robert Gordon, Shann Kerner, John DeChioro, Corinne Mariano, Sheree Dunwell, John Benoit, John Fowler, Laura Rood, Janet Sung, Hugh Shaffer, Pamela Bardhi, Elizabeth Nola, Matthew Southard, Nicole Blanchard, Kevin Ahearn, Tamara Roy, Linda Gottlieb, Valerie Burns, Julia Jones, Jason Purdy, Gary Robinson, Lee Kozol, Kim & Kay Bath, Gisele Gagnon, Joe Gibbons, Beth Rubenstein, Robert Brandon, Karen Taylor, Donna Magee, Rita Advanci, Julie Hatfield Leland, Marilyn & Joe Benoit, Lloyd Selbst, Tom Walsh, Dorothy & Richard Willey, Martin Katz, Bob Paone, Barbara Mann, Billy Spitzer, Conrad Gagnon, Wes Stimpson, Margery Piercey, Peggy Briggs, Duayne Bertrand, Al Raine, Susan Gram, Judith Sugarman, Dave Lightfoot, Amy Lightfoot, Meghan Marchie, Mary Jones, Dan Johnes, Maddy Cammarata, Chris Chiofaro, Nike Alleyne, Thomas Nally, Phil O'Brien, Alessandra Caruso, Chris Miller, Toby Bernstein, Jodi Gorton, Caroline Johns, Sam Aquillano, Alison Nolan, Martha Mazzone, Bill Dillon, Krista Sullivan, Sara Wilstein, Matt Ossen, Mike Horn, John Keith, Larry Post, Charles Norris, Caroline Ligotti, Sheron Lavin, Ed Gleichrof, Collin Thomas, Cynthia Marsh, Daniel O'leary, Jane Kinsel, Michael Sitcovslcy, Robert Daver, Georgia Murray, Paul Sullivan, Rick Moore, James Lane, Terry McLaughlin, Karen Marcarelli, Gabriel Sherman, Gian Antioco Chiavari, Jim Cravens, Stephen Homer, Paul Magnin

### **Meeting Summary**

Richard McGuinness, BRA, opened the meeting with an introduction of the Harbor Garage site and announced Vivien Li as the acting chair for the day. Rich noted as part of the planning process, all of the property owners have been invited to present to the Committee and review their sites, development

plans and how they plan to activate the ground plane and improve existing conditions. He added the Chiofaro team presented on public realm enhancements last September and is back today to present on a more formal development program for the property. Rich then introduced Tom Skinner, Durand & Anastas, to review the Chapter 91 and Municipal Harbor Planning standards as they relate to the property.

Tom Skinner, discussed the municipal harbor planning framework as a lens to review any project proposal on a site and the regulatory standards that need to be addressed. He noted the framework does not endorse or reject any specific project but allows for evaluation within the MHP context. He reviewed the relevant substitute provisions for the parcel, the relevant MHP policies and precedents, and provided a framework for determining substitute provisions and offsets on this parcel (open space and height). Tom noted the Harbor Garage site is primarily on private tidelands and is therefore not required to have a significant area of ground floor facilities of public accommodation. The site is currently 57,346 SF with only 322 SF open space; Chapter 91 would require 50% open space (28,673 SF). The structure is currently 70' tall, Chapter 91 height limitations would be 55' on the shoreline, stepping up to 150' along Atlantic Avenue. Tom provided a graphic representation of what a Chapter 91 compliant building would look like on the property. He then reviewed general aspects of substitute provisions noting that the regulations require some level of analysis of impacts but formulas are not required for the MHP, however they are helpful tools. Tom presented a phased formula for determining offsets such as the greater the percentage of lot coverage, the larger the required offset. The MHP must specify alternative site coverage ratios and other requirements. He provided a suggested hierarchy for building footprint offsets including, identifying areas for new open space; identifying improvements to existing open space; followed by identifying other waterfront areas for acquisition or improvement or contributing to a fund for waterfront improvement. With regard to building height, he noted we need to quantify impacts related to height including net new shadow, where the standard has been new shadow of a least one hour in duration on October 23rd. For shadow offsets the suggested offset hierarchy is to have a graded scale of increased benefits with increased shadow; higher offsets based on location such as public open space; and, finally avoidance of any shadow on premium public areas. Tom noted the offsets vary more than for public space benefits, and include water transportation specific uses, measures to address climate change, and special public destination facilities.

*Questions on framework from the Advisory Committee:*

Joanne Hayes, MHPAC Member, asked to define open space as ground floor or if there are options beyond ground floor. Tom Skinner answered that it is very difficult to include non-ground level open space as the required open space in the MHP.

Bruce Berman, MHPAC Member, asked if the archway at Rowes Wharf is open space. Tom answered that it is not because it is not open to the sky. He indicated it could be an offset but it would not be an open space offset.

*Harbor Garage Proposal:*

Don Chiofaro, The Chiofaro Company, began by referencing the three options previously mentioned for the future of Harbor Garage in order to achieve the Chapter 91 objectives of increasing public accessibility to the waterfront: leave the garage as is, build on top of it, or re-imagine the site by tearing down the garage and building a new project. He noted the public gave feedback after the presentation

in September and nobody wants to see the garage stay. He indicated today's proposal reflects the vision for creating connectivity and permeability to produce a destination within the city along with the MHP objectives. He stated that this is an economically viable program that will unlock the site's potential and function to activate the waterfront. He noted any scenario that incorporates the cost of \$180M to demolish the garage and rebuild it below-grade, must be significant in scope with opportunities as well as trade-offs. The guiding principles referenced were to build a slender, elegant core that will maximize open space and view corridors with optimal floor plates. He indicated the building program will make the most of the location with world-class architecture. He further noted substitutions will be necessary but the project will create an unmatched public space and clarified that today's presentation is concept-only from the ground floor not a concrete proposal.

Fred Kramer, Chiofaro Team-ADD Inc., first summarized the broad MHP Objectives and the District-Wide Vision. He noted the new project will be significant in scope: the tallest part of project will be 600', which is the FAA height cap, and the height is needed to advance a project at the site. He further stated the site will require significant density, with 1.3M SF of gross floor area to be viable. Fred then provided some context for the site, referencing the urban renewal effort from the mid-century and the High Spine concept in Boston. The site is about as transit-oriented as it can get in Boston, between both north and south rail terminals, the MBTA, I-93, the waterfront and the airport. He then compared other properties over 600' in Boston and how it could fit into the skyline including the adjacent Harbor Tower and the surrounding area. Fred then reviewed the FAR of Fan Pier and Atlantic Wharf compared to Harbor Garage to demonstrate that the site can handle high density without overly-densifying the neighborhood.

Trent Tesh, Chiofaro Team-KPF, started with a discussion of the creative team's charge of establishing visibility from the city to the harbor-front, creation of a dramatic and transformative place, and activation of the public realm. He then reviewed the mixed use development program including: 7,000 SF office, 250-350 key hotel, 120 residential apartments, 3 levels retail, and the replacement of 1,400 parking spaces. Regarding the massing of two towers he noted two basic design strategies were initially reviewed: first, "bricks," which lacks visual porosity (podiums); second, "stilts," which lifts the project into the air but is cold and doesn't engage the city. Trent then reviewed several renderings which illustrated how the site could be transformed to create an opening to the water and cut corners in the massing to expose waterfront amenities and visual corridors. The resulting space is Harbor Square, a seasonal open space to be used year-round, 27,000 SF of space, with a canopy will slide out of the towers during the colder months. He stated the space could accommodate the skating rink of Rockefeller Center, more space than the arch at Rowes Wharf, or a similar area to the pedestrian space at Faneuil Hall, and noted the ground floor would be activated on all edges and bring awareness to the Harbor. Trent then presented the current conditions and views of the garage.

Fred Kramer, then reviewed potential offset and public benefits and first referenced the Public Realm and Watersheet Activation Plan. He noted the project creates a range of open spaces with benefits that include: world-class on and off-site open spaces including BRA land on harbor-side, true year-round activation, increased diversity of uses, visual and physical connectivity to the waterfront, activation of underutilized parcels – the conversion of Long Wharf parcel, and on and off-site sea-level rise preparedness and resilience. Fred indicated some of the offsets may include: significant additional FPA's beyond those required, Aquarium Plaza/ Central Wharf Park improvements, other neighborhood contributions (Greenway and Columbus Park), support for water transportation, city-wide benefits such as tax revenue, new jobs, and funding for affordable housing.

Don Chiofaro, concluded that this is an exciting time for the waterfront and the Chiofaro Company has rededicated itself to help transform the community to create the 21<sup>st</sup> century waterfront. He referenced the Public Realm Plan as an example for the world and the Harbor Garage redevelopment project as a driving force for implementing the plan and that to convert the Public Realm Plan to a reality, significant development needs to occur and it will only occur if it is economically feasible, operationally feasible, and financeable. He said they have embraced the principles of the MHP and rethought how the project addresses the public realm making this the smallest project that is still feasible. He said that ultimately, it is a value judgment of tradeoffs between impacts and benefits. The committee and state has to decide if they have created an environment that is conducive to access to Downtown Boston and the waterfront.

Questions from MHPAC:

Jim Klocke, asked about programming for the open space on the corners of the site besides just the middle. Trent noted that it is first intended as open space to get to the waterfront, they are open to suggestions.

Susanne Lavoie, asked for information about where garage entrances will be. Don answered that there will be an office lobby and a hotel/residence lobby, however, they cannot go into detail because it is not designed yet but they are aware of the issues of locating the entrances and they know residents are concerned and they will get into it with the Article 80 process.

Marianne Connolley, asked if there was any thought of incorporating the Aquarium's IMAX Theater into the development or moving it. Don answered that they didn't get into it but they consider Aquarium Plaza, Harbor Towers, the Greenway and Christopher Columbus Park as neighbors and are willing to participate in conversation.

Joanne Hayes, asked to confirm that there will be no additional parking. Don confirmed that there is no additional parking directly on the site, and they would be replacing the 1,400 spaces.

Bud Ris, wanted to elaborate on the concept of the High Rise Spine in Boston and the history of the area. Fred answered that most cities are grappling with growth and historic assets. Development and historical buildings and view corridors aren't necessarily mutually incompatible. Need to respond and relate to the existing conditions and historic assets.

Bruce Berman, asked if the permit was issued, how long construction would take; he also asked about investment. Ted Oatis, Chiofaro Team, noted the total project cost will be \$1 billion, with about \$330 million below ground and in land value itself. The construction period will be about 3 years.

Rick Dimino, asked about the open space and the retractable roof and the intent of the space as well as the technology of it. Don answered that it is open to the sky to meet regulation, and think that this space is much more usable and desirable than purely open space, it will be a purely public space. Trent- the telescoping panels use gables that use interstitial space to retract and stack neatly in the building footprint. They have it conceptually figured out.



Greg Vasil, how would a project of this magnitude affect housing and the housing shortfall in the city? Ted, indicated the sum of the contributions it would make towards housing would be over \$10 million. Don, noted the other element not part of the MHP would be a base tax of \$18 million as well as new jobs.

Questions from Audience:

Jim Bath, Harbor Towers Resident, asked since garage has no open space, where is the additional open space coming from? Ted, clarified the 27,000 SF is on the Harbor Garage site only.

Steven Comen, Harbor Towers Resident, referenced the big red ribbon on the garage signifying open space from the last time around and asked what the difference is between present proposal and the two buildings the last time? Don, answered that there has been a number of changes, noting the garage is 278' long, 7 stories high, and it's a wall, and referenced the new proposed space is higher, it has a roof that can close, it now has a wider opening- 167' wide along Atlantic Avenue. He further noted the new building is very different, and is more porous.

Joe Benoit, Harbor Towers Resident, asked about parking and whether Harbor Towers will have parking spaces or discounts. Don, they have a conceptual proposal for long-term parking for the residents market rates, with option to buy condo spots within the garage.

Harbor Towers Resident, asked about parking during 3 year construction period. Don, noted they know they have an obligation to provide parking in the interim and have thought about options.

Yanni Tsipis, Harbor Towers Resident, asked if the 27,000 SF is open to the sky? Also in reference to shadow impacts, is there a diagram of the shadow impact on October 23 based on the massing so far? Don, noted the design isn't complete so don't have a shadow impact yet but they will. Regarding open space the at the corners is similar to the open space at Rowes Wharf, and the Harbor Square area is what's left in the middle by a strict definition, and if they have to keep the roof open by definition then they will.

Harbor Towers Resident, asked how far down will they dig for underground parking and can it be done? Ted, noted this was one of the first things they studied back in 2005. They will have to go down about 70' to get the parking- it will be expensive but doable.

Marcel Willock, Harbor Towers Resident, asked for an estimate of increased density in terms of number of additional people that will be using the site. Don, noted they haven't done the math, but will not be increasing the number of people that will go there by car as there are no more spaces. People who will come to the hotel will come by mass-transit or bus or taxi. There will be increased pedestrian activity and density which they want and is one of the objectives of the MHP.

Marilyn Beniot, Harbor Towers Resident, asked about the impact on current residents of such a large project? Vivien, noted that those issues and that level of detail is handled during the Article 80 and environmental review process and is not part of the MHP.

Tom Palmer, Harbor Towers, asked if the proposed height and density and related impacts will be acceptable under the state's regulations. He further noted he appreciates the transparency but asked

the BRA if this will set a precedent in future waterfront development. Rich McGuinness responded that as part of the planning process, they have invited property owners to present their plans and the BRA has a vision to improve the waterfront and wants to know what the projects are looking for. He further noted that the standard for new development is an equal or better standard: they have to look at every performance standard not just shadow. The goal is to come up with a design and massing that can get rid of the garage but also meets criteria to activate the waterfront, promote water dependent uses and open space, and with guidance from the framework, the Committee and the public they will create guidelines for the massing for the site that protects and promotes the water's edge.

#### MHPAC Comments:

Lois Siegelman, stated the proposal is nicer than the garage, but wants to ensure that parking and service vehicles are accommodated and not blocking view corridors and open space.

Rick Dimino, referenced the planning the Greenway and the edges, the urban character and form, and the opportunity to create something iconic on the waterfront and a destination. He sees no problem with the architectural opening and creative approach to open space. He is happy to see four-season space which is missing and the opportunity to get to water's edge. He also noted that in reference to activation, the space is already active with people and 1,400 vehicles every day; need to know that space will compliment activity that is already there.

Tom Wooters, stated he has lived at Harbor Towers for 20 years and is not adverse to height. The project has potential to benefit the neighborhood and the Harbor Towers residents. He applauds the imaginative way the architects have addressed Chapter 91 and view corridors and open space, but how does the committee quantitatively measure the tradeoffs and substitutions? He indicted the proposal is twice the mass on a third of the land of Harbor Towers, which deserves consideration of issues of massing, proportion and scale. Is there a plan or is there a process that the BRA and its consultants will put forth its views after which the public and put forth its views?

Lorraine Downey, state she is impressed with the design and the view corridors and the uniqueness of the proposal and loves the 24-hour 12-month, public access. She also seconded Marianne's idea to consider the relocation of the IMAX.

Linda Jonash, noted there are details to be worked out but the process is being driven by the public realm design which is commendable. She further noted the proposal is a tremendous opportunity to take down an eyesore understanding there are a million details and concerns to be worked out. One question is the issue of carbon footprint and what are the goals for LEED certification, rainwater harvesting and use of better building technologies moving forward with the design.

Joanne Hayes-Rines, commended the out of the box thinking, however referenced concerns with more buildings, and at what point are we at saturation point for both traffic and pedestrians.

Bud Ris, referenced the retractable roof and the vertical glass on east/west end and asked if it retracts or is it permanent? If it is permanent then does it really provide physical and visual access to the water that is intended? How will the system work in 50 years in a climate that is warming? Trent, responded that it is not specifically designed yet but intent that the lower ground floor- 20'- is open to pass through but the wall itself wouldn't come down

Suzanne Lavoie, commended the project and also reinforced Joanne's comments, and indicated a major concern from the neighborhood council is traffic impacts. Asked that this be a major consideration for any project in the area.

Marianne Connolly, noted that Don made it clear that this is just the beginning; looking forward to continuing to work together. Bob Venuti, noted the project has come a long way, happy it's still going, have questions, but keep up the good work. Jim Klocke, endorsed what Lorraine said about view corridors and pedestrian corridors in multiple directions between the Greenway and the water. John Gambino indicated he is comfortable with what was presented. Greg Vasil, stated, the proposal was thoughtful and creative program. Bruce Berman, seconded what everyone at the table said and they have some complicated numeric and value-driven decisions to make. At the end of the day, this is about equal or better and this is clearly better.

Public Comment:

North End Resident, applaud the vision for trying to improve the "hole in the donut" right now. It could be a great addition to what has already been done in the downtown area.

David Kubiak, Waterfront Residents Association, noted he agreed with everything said so far. At same time, this will move the density of the financial district onto the waterfront.

Chris Miller, North End Resident, noted he likes the project but precedent worries him. The amount of people that end up in a historic district can change the nature of it forever.

Harbor Towers Resident, referenced concern with the location of the entrance to the garage and where deliveries will be made.

Mary Holland, Harbor Towers Resident, asked how the conclusions of the Greenway Study will fit into the MHP?

Chris Fincham, Harbor Towers Resident, referred to the FAR of about 20-25 which is a financial district density. Waterfront is usually 8-12 and that the proposal represents a large increase in density.

Sy Mintz, Broad Street Resident, noted at the time of the first proposals for the garage, there were concerns over the history of the area. Option to save the garage would not provide the iconic architecture or quality of space that you see here. This is a special site and deserves the type of project proposed. He noted Don does a lot for the neighborhood and he has confidence that what is presented will happen on the ground, which makes the project worth supporting.

Harbor Towers Resident, noted that there is already many restaurant, cafes, and commercial spaces and she doesn't want to see any more commercialization of open space. Also no mention of the HVAC for Harbor Towers resides in Garage.

Marcel Wollock, Harbor Towers Resident, echoed Tom Wooter's comment and also, mentioned we have not discussed how we view the project from the water and from other buildings in the Financial District and any impedance it might have.

Diane, Rubin Harbor Towers Counsel, mentioned looking at the location of open spaces on the parcel and that there is no expansion of the open space along the waterfront which is already very busy. She further noted the space is internal in a retail arcade, the notch is mid-block and a mid-block crossing is problematic, and need to look at expanding the open space down Milk Street, East India Row, and waterfront.

Harbor Towers Resident, referenced concerns about the traffic and that someone needs to think about this problem.

Julie Hatfield Leeland, Harbor Towers Resident, noted she likes the garage and has concerns about views from Harbor Towers.

Harbor Towers Resident, mentioned the High Spine axes questioned how will a 500' and 600' tower fit into the high spine axis idea.

Harbor Towers Resident, noted density does affect quality of life and referred to New York where the south side of Central Park is now predicted to be blocked by high rise construction.

The audience was informed that additional comments can be sent to Rich or Chris by the next meeting on July 23, 2014, 2:30. Rich closed by announcing that the Committee Chair has stepped down and they are looking for a new chairperson.

Meeting adjourned at 5:15 p.m.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, July 23, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Committee:**

Sydney Asbury, Janeen Hansen, Phil Griffiths, Vivien Li, Bruce Berman, Lois Siegelman, Jim Klocke, Greg Vasil, Susanne Lavoie, Bob Venuti, Joanne Hayes-Rines, Tom Wooters, Bud Ris, Linda Jonash, Meredith Rosenberg, Joseph Ruggiero, Nigella Hillgarth,

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Michael Sinatra, Councilor LaMattina's Office; Maria Puopolo, Senator Petruccellis' Office; Patrick Lyons, Representative Michlewitz's Office;

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ben Lynch, DEP; Andrea Langhauser, DEP

#### **Members of the Public:**

Blake Chancerski, Wes Stimpson, Megan O'Donoghue, Valerie Burns, D&A Lightfoot, Pran & Raj Tiku, Jim Duffey, Karen Marcarelli, Dan Jones, Liadmila Chizkova, Linda Cravens, Charles Norris, Victor Brogna, Chris Fincham, M&M Zisk, Marcia Barron, Julie Mairano, Caroline Johns, Martha Southard, Todd Guber, Ronald Doucette, Sharon Doucette, Colleen Moore, Susan Gram, Kathleen Mannion, Phil Franckawiak, Melvin Garcia, Carlos Del Rio, John Benoit, Rob & Jane Stricker, Krista Sullivan, Andrew Dankwerth, Shann Kerner, Steve Hollinger, Andrew Ruriden, Paul Magnin, Linda Gottlieb, Janel Jorgenson, Hugh Shaffer, Rita Advani, Lucy Lynch, Jamie McNeil, Cyrus Pahmabed, Marna Petus, Harry Witt, Julia Jones, Al Raine, Sylvia Bertrand, Thomas Nally, Dorothy Willey, Ann Lagasse, Billy Spitzer, Michael Burkin, Judith Ehrlich, Peter Kiel, Tom Walsh, Mary Holland, Mary Gallagher, Monique Bey, Soisie Brill, Meghan Marchie, Robert Dauer, Eric Krauss, Guy Robrason, Selma Rutenberg, Phil & Jan O'Brien, Neil Aresty, Diane Stone, Talya Moked, Lee Kozol, Faye Ginsburg, Alex Boke, Liz Casey, Richard Rawal, Michael Berkin, Neil Arrestit

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and introduced the new Advisory Committee Chair, Sydney Asbury, as well as new committee members Joseph Ruggiero, representing the East Boston community, and Nigella Hillgarth, the new President of the New England Aquarium. He noted that starting in the fall the Advisory Committee would begin meeting twice monthly and a meeting of the Climate Change Subcommittee would be scheduled for late September. He then indicated the Chiofaro Company Team would be presenting today on the Harbor Garage site and providing more detail on the redevelopment proposal, as well as responding to the questions raised by the Advisory Committee at the June meeting.

Don Chiofaro, The Chiofaro Company, began his presentation by noting that the MHP process has been invaluable in informing the approach to the redevelopment of the Harbor Garage property. He added the project team has adopted the MHP planning goals and the Public Realm Plan vision as guiding principles for the project. He further mentioned that the feedback from the last meeting, and comments received since the meeting, have been constructive and positive, and noted that today's presentation would hopefully respond to many of the questions raised and provoke new questions to advance the process. He noted the first presentation focused on the potential of the public realm around the site, unique attributes, and potential programming, and last month's meeting was a more specific discussion addressing how to translate the ambitions of the MHP and Public Realm Plan into an actual project. He indicated the intent of today's presentation is to address many of the prior questions raised and share concepts of the project's full height and massing, which are significant and well suited for an area with a multitude of transportation options and substantial open space resources. He recognized that transforming the current structure into a new mixed use development with a number of public benefits would have impacts upon the surrounding area and it is up to the team to demonstrate that the concepts being discussed will promote the Chapter 91 objectives with comparable or greater effectiveness. He closed noting that the project will be transformative and forward thinking and represents the potential of creating an exemplary Downtown Waterfront.

Trent Tesch, KPF/Chiofaro Team, then summarized the building program as presented at last month's meeting, noting the office building will be 700,000 SF, the hotel will have 250 to 300 keys, 120 units of residential and three levels of retail, and the parking spaces will be maintained but relocated below grade. He noted that Harbor Square has been expanded to a larger area of 19,810 SF including a wider opening on the waterfront side, with the total public space comprising 50.4% of the site. He added that the porosity into Harbor Square has also been more than doubled, with three zones of glass doors. The residential and hotel entrance will be located on East India Row with the office entry on Milk Street. He then presented several potential service entrance patterns into the project site. In reviewing the proposed building massing schemes he first referenced the existing conditions with the current garage occupying approximately 58,000 SF of the site with no open space, and then provided images of the massing schemes from several vantage points. He noted the intent has been to design two buildings that are unique in their materials and coloration, but work together and relate to the surrounding area. He then referenced the high spine of Boston and how it could potentially terminate at the site. A comparison of the current proposal to the prior development plan was also presented. Climate change resiliency measures were then reviewed and how the project will meet sustainability goals.

Al Raine, Chiofaro Team, stated that the proposed project responds to the MHP objectives, the Public Realm Plan and Greenway Guideline goals. He noted the site is unique in that it proximal to several transportation and transit resources, and emphasized that the future residents, workers and visitors would be getting to and from the property by way of transit, which will alleviate many of the concerns specific to traffic congestion in the area. He referenced the Greenway Guideline objective of orienting new development to follow the existing pier like pattern of massing along the waterfront and how the proposal addresses that goal. Regarding offsets and substitutions related to the proposal he noted that offsets must meet or exceed the Chapter 91 policy objectives, and stated that it is only the building height and lot coverage standards that need to be addressed. He mentioned that offsets may be needed for open space depending on how the public space is defined as opens space, and there are options for offsets. For building height he noted the key metric is net new shadow and those offsets can consist of open space or a broader menu of benefits that are more programmatic in nature. He then

discussed the benefits associated with the project starting with the replacement of the existing structure which provides no open space or public amenities, with a more active and open ground plane. Facilities of Public Accommodation were also reviewed and he noted there would be significant FPA uses on the site which are not required as the vast majority of the property is located on private tidelands. Additionally, the proposal would function to activate the public space on the property to a far greater degree than that required of private tidelands. He also noted the BRA property on the waterfront also provides an opportunity to program and enliven the area. Regarding the Aquarium he recognized the project will significantly affect NEAq and noted that the intent is to work closely with the Aquarium to ensure the project functions to improve access and the visitor experience. He then referenced the BRA parking lot on Long Wharf and potential to transform the lot into a park and absorb the spaces into the new garage. Water transportation was also mentioned as a potential offset and the intent to significantly contribute to advancing water transit. On the topic of climate change resilience he noted that a substantial contribution could be to climate proof the MBTA Aquarium Station Blue Line head-house. Regarding the Greenway and Christopher Columbus Park he stated that the intent is to make significant contributions to operations, maintenance and programming of these assets and create a more seamless connections between the waterfront and these areas.

Don Chiofaro then provided some closing and aspirational remarks specific to the proposal, relating the proposed project to several other iconic projects and developments in Boston.

Sydney Asbury, MHPAC Chair, noted that first there will be clarifying questions and then comments from the Advisory Committee and then the forum will be open to the public for any questions.

Vivien Li, MHPAC Member, asked if there was any timetable for the BRA and their consultant team to provide more specifics on the potential wind and shadow impacts. Rich McGuinness, BRA, noted that as the details of the project were just presented the BRA would be taking that information and conducting the analysis which will be presented at the next MHPAC meeting.

Bruce Berman, MHPAC Member, expressed support for the multi-use, multi-seasonal approach to the ground floor of the proposal, and asked if the state does not view the proposed public spaces on the site as formal open space whether these amenities could still be considered as part of an offset. Rich McGuinness, noted that that these areas could be considered offsets or mitigation for other impacts and that qualification is something that is open for the committee to review and discuss.

Bud Ris, MHPAC Member, noted that in most prior MHP's height offsets have been provided for a few additional floors above what Chapter 91 requires, however, in this instance there is proposed height far in excess of what is allowed for the property and inquired as to how that would affect the nature and extent of offsets and mitigation. Rich McGuinness, noted that there are formulas for determining offset mitigation for shadow impacts and that follow up analysis would provide the order of magnitude of shadow impact and how and whether that can be mitigated, which will be presented and open for discussion among the committee. Bud also referenced the Greenway Guidelines and the associated height parameters and how those will be addressed. Al Raine responded that the proposal responds to a number of the Greenway Guideline objectives, and stated there is a convergence of height at the site if the proposed towers at North and South Stations are considered along with the existing access of the high-spine.

Nigella Hillgarth, MHPAC Member, inquired as to whether there is any precedent for covered open space. Rich McGuinness noted that open space in harbor planning analysis has always been considered as open to the sky, so areas that are covered could be considered as mitigation or offsets for other project related impact on the public realm.

Bud Ris, inquired about the potential for uncomfortable wind in the areas between the two proposed buildings. Trent Tesch, KPF/Chiofaro Team, responded noting that it is difficult to determine wind impacts until modeling can be done and there are several massing and building material options which can be employed to mitigate wind impact and speeds. He further noted that the proposed enclosure over Harbor Square would limit wind impacts.

Linda Jonash, MHPAC Member, noted that open space should be discussed in the broadest of terms including streets and sidewalks and making the area more of a walking district with shared streets that can accommodate a number of mobility modes.

Vivien Li, asked the extent the project financing should be a factor in reviewing the proposal. Tom Skinner, Duran & Anastas, stated that there is no mention in the MHP Regulations or Chapter 91 regarding consideration of the financial viability of a project as it relates to the development of the MHP or the approvability of the MHP. He noted that it can affect the MHP in indirect ways but there is no cost-benefit analysis done as part of the planning process.

Meredith Rosenberg, MHPAC Member, noted that the proposal will overwhelm the area with 1.3 million square feet of development on a site that is just over an acre in size, and referenced the Prudential Center which has less gross square feet on a much larger property. She also expressed concern with the relaxation of standards on the Harbor Garage property which could set a precedent for the other parcels along the waterfront.

Sydney Asbury, asked if the BRA could provide a model of the proposal to have in the BRA's model room for the Advisory Committee to review. Rich McGuinness noted that the proponent's architect could provide a model and time could be scheduled for the model room.

Tom Wooters, MHPAC Member, noted that the site is at the center of the Downtown Waterfront and what is done will define the waterfront forever, and if something is built that is appropriate and to scale and interesting that enhances quality of life in neighborhood it will be an asset for years to come, but if it is out of scale future generations will ask how we allowed it to be constructed. He noted the proposal will blot out the Custom House Tower and other views from open space areas. He referenced the Greenway planning process which was intended to lead to zoning and covered a number of goals but did not consider Chapter 91, and wants to be sure the review of the project includes not just the Chapter 91 Requirements but also the objectives of the Greenway Guidelines. Don Chiofaro noted that the proposal is trying to make a contribution to the skyline and not make views disappear.

Jim Klocke, MHPAC Member, noted that the full context of the built environment should be considered around the site and not a single rendering or view angle.

Michael Berkin, Harbor Towers Resident, noted that the city and state spent a significant amount on removing the barrier that the elevated artery created, and the current proposal for the Harbor Garage site will create a new barrier to the waterfront. He stated the city and state should take a "do no harm"



perspective to redevelopment of the property and the proposal is a worse option to the current condition. He further noted the renderings presented to not provide a good representation of the true size and scale of the new buildings, and expressed concern over how the proposed buildings will not step back from the waterfront and raised issue with new wind conditions and the representation of the project as transit oriented development with the number of connections that must be made from Aquarium station to access the MBTA system.

Neil Arresti, Harbor Towers Resident, referenced hurricane Gloria and the loss of one-third to one-half of the windows in Harbor Towers from the storm, and expressed concern with more storms and more intense storms since Gloria. He noted that with the project there is a significant opportunity to make improvements and work together to design a property that is climate resilient.

Todd Guber, Broad Street Resident, expressed support for development in general and applauded the vision and imagination presented to date by the Chiofaro Team and inquired as to how the project will be packaged as it is developed.

Shan Kerner, Harbor Towers Resident, expressed concern with the traffic flow and vehicular access options around the proposed project, emphasizing the current residential use of East India Row and need to consider residential uses. Don Chiofaro, noted that a number of options have been presented and a cooperative effort will be engaged to come up with a solution and there is sensitivity to the residential uses, and that there are possible solutions that have not yet been envisioned.

Steve Hollinger, Fort Point Resident, stated that the project should include 33% or more residential to make the area an actual neighborhood and activate the Greenway and waterfront year round, and there should already be guidelines on residential uses and needs for the area as part of the planning process. He noted that Chapter 91 is being presented as a collection of constraints but should be celebrated and discussed in terms of activation of the public realm and interior spaces and discussed in the context of an actual project. He expressed concern with ground floor uses and activation being pushed out to a future date and time when the public has no input on what is implemented. He noted that there should be a civic and cultural use advisory group to engage in these planning processes, and referenced former Secretary Durand's decision on the South Boston Waterfront MHP which specified such an advisory body, and indicated there is a lack of representation from the civic and cultural interests in the city on the Advisory Committee. He noted the project should include a ground floor signature civic/cultural use such as a performing arts center which should be discussed in the context of the public realm. He suggested that there be a single, slim towers with minimal imposition on Harbor Towers, and the project needs to be better thought out in the context of a broader comprehensive plan rather than piecemeal.

Mary Holland, Harbor Towers Resident, referenced the 200-foot height limit in the Greenway Guidelines and the interest in having massing stepping back from the waterfront, and expressed concerns of other details of the project which may be left out. Don Chiofaro, noted that all the objectives of the Guidelines have been addressed within the context of the project aside from the height standard, as the site cannot be redeveloped at that height requirement and provide the proposed public realm enhancements.

Diane Stone, Harbor Towers Resident, stated that it is time for the project to move forward and noted that the proposal is a rendering and a real project cannot be reviewed until the MHP process is completed and the investment and contribution cannot be made until the planning process is complete.

She expressed support for the project and indicated that further delays in time are not helpful to improving the property.

Robert Stolzberg, noted that he has heard the reason Mr. Chiofaro needs such a large project is due to the amount initially paid for the project, and inquired as to why the city and should obviate from the 200-foot guideline height standard to facilitate compensation on a property for which he overpaid. Don Chiofaro stated that he paid \$150 million and could now sell it for \$180 million and noted that the economic feasibility is not what was paid but what it is worth and that there is the expense of placing the garage underground, and expressed interest in hearing economically feasible options from others for the site's redevelopment.

Blake Shenowski, asked if there were any newer residents of Harbor Towers that view the proposal as beneficial.

Valerie Burns, Fort Point Resident, noted that the majority of referenced open space as part of the project is the area between the two buildings which appears to be enclosed in glass, which is neither open space nor parkland. She expressed concern with the precedent that qualifying such area as open space could set for other developments along the waterfront. She questioned the practicality of the Harbor Square renderings with grass, skating rinks and full grown trees. She also referenced the rendering of the BRA property on the waterside of the property and questioned the feasibility of steps and wetlands, and noted that there needs to be more specifics on practical open space and parkland enhancements as part of the project. Al Raine, noted that the renderings are illustrative and the intent has been to draw people to these areas and the waterfront and the development team's interest in making an investment in the public realm.

Jill Medvedow, President of ICA, raised concern over public use and access to open space on public property and referenced the prior image of the carousel at Brooklyn Park and its enclosure, and mentioned recent studies which represent that pocket parks and tot lots developed as part of private projects are not utilized regularly by the public. Trent Tesch, clarified the slide of the carousel was to represent the technology of the doors, and that Harbor Square is a much larger space than a tot lot or pocket park.

Andrew Devito, Harbor Towers Resident, questioned whether all of the transit modes discussed would be used by future residents and workers at the site and if there would be adequate capacity, along with vehicular and pedestrian grid lock. Al Raine, responded that there will be MEPA and Article 80 transportation analysis which provide more details on transit use and mode share, and noted that the city is very transit oriented by choice and necessity and much of that would translate to the redevelopment of Harbor Garage. He also stated that there will be no new parking spaces provided with a new development.

Sy Mintz, Broad Street Resident, spoke to the history of urban renewal and development along the waterfront and noted that he first opposed the original development proposal for Harbor Garage, but supports the current proposal as it relates to the "high spine", and spoke to the benefits of additional height and density on the property.

Harbor Towers Resident, asked how long it would take to build a new garage and where residents would park during construction. Don Chiofaro, stated that there are three different options for construction

phasing to develop the garage and stated that the residents and the Aquarium will never be without parking.

Harbor Towers Resident, noted that the site is calling for a new design and building. She also stated that the residential make up of Harbor Towers has changed significantly and there are a number of new younger residents with families and expressed the need for vision for the redevelopment.

Dorothy Kello, Harbor Towers Resident, stated that she was representing friends and neighbors in favor of the project that are unable to attend the meeting. She noted that she wanted to make two clarifications, stating that although the Harbor Towers Trustees have voiced their opposition to the project there are over 1,000 residents in Harbor Towers, many of which support the project, and the real estate development consultant hired by the trustees does not represent all of the resident's opinions, and she offered her support of the proposal.

Steven Comen, Harbor Towers Resident, noted that now that the model has been presented it is important that representations of the proposal do not distort the size and scope of the project and that it is accurately represented in the context of the surrounding built environment in both pictorial and model form. Tom Wooters, MHPAC Member, inquired as to whether what has been represented is to scale. Don Chiofaro, responded that the proposal is to scale with the surrounding buildings and vantage points.

Meredith Rosenberg, MHPAC Member, noted it would be helpful to have more vantage renderings from the waterside. She also stated the discussion is not fear of change it is about a development proposal which is appropriate for the site.

Bruce Berman, MHPAC Member, commented that it would be great to have additional times for the committee to meet to be responsive to individuals who cannot attend the daytime meetings to ensure that we hear from a broader cross section of individuals who enjoy, visit and reside along the waterfront.

Susanne Lavoie, MHPAC Member, asked if there is a vision or objective from the BRA to change the Greenway Guidelines and the height standards. Rich McGuinness, BRA, noted that for areas within the Greenway Study subject to Chapter 91 jurisdiction there is discussion of greater heights and the only other parcel open for review of greater heights is the Hook Lobster property.

Sydney Ashbury, Chair, expressed thanks to the committee and all those who attended today's meeting.

Chris Busch, BRA, stated that the BRA would be reviewing the height and massing details for the Harbor Garage location and conduct an analysis of the shadow and massing impacts to be presented at the next Advisory Committee meeting in September, and that any comments or questions on the proposal should be forwarded to BRA staff

Meeting adjourned at 4:40 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, September 10, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Committee:**

Sydney Asbury, Janeen Hansen, Phil Griffiths, Vivien Li, Bruce Berman, Lois Siegelman, Jim Klocke, Greg Vasil, Susanne Lavoie, Bob Venuti, Joanne Hayes-Rines, Tom Wooters, Bud Ris, Linda Jonash, Marianne Connolly, Nigella Hillgarth, Lorraine Downey, Eric White, Richard Meyer

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; James Chan, City Councilor Linehan's Office; Maria Puopolo, Senator Petruccellis' Office; Patrick Lyons, Representative Michlewitz's Office;

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas; Matthew Littell, Utile; Meera Deean, Utile

#### **Government Representatives:**

Valerie Gingrich, CZM; Ron Killian, MassDOT

#### **Members of the Public:**

James Chan, Lynn Wolff, Fred Kramer, Peter Brill, Chales Norris, Wes Stimpson, Arthur Lyman, Larry Post, Steven Wilstein, Tom Palmer, Daniel Jones, Mary Jones, Diane Rubin, Marcella Willock, Charlie Fula, Matt Rubins, Marie Van Laerhoven, Dorothy Keville, Eric Kraus, Liz Nelson Weaver, Fred Odmaly, Sylvia Bertrand, Victor Brogna, Robert ViDaver, Virginia ViDaver, Barbara Yanke, Jlie Marano, Mary Holland, Jerry & Jane Belman, Lee Kozol, Todd Lee, Niki Alleyne, Toby Bernstein, Selma Rutenburg, Talya Moked, Chris Fincham, Al Raine, Chris Chiofaro, Katiany Munoz, Todd Buber, Peggy Briggs, Meghan Marchie, Judy Ehrlich, Thomas Nally, Chris Miller, Pam McDermott, Valerie Burns, Bob & Doris Gorden, Jim Cravens, Paul Magnik, Linda Gottlieb, Bill Zielinski, Emily Cook, Bill Spitzer, Michael Scognamiglio, Linda Cravens, Frederic Alper, Morris Englander, Allan Danley, Morton & Myra Zisk, Steve Hollinger, Lauren Glattstein, Jake Lambers, Frank Nasisi, Desmond McAnley, Brian Roessler, Caroline Johns M. Barron, Steve Dahill

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that the second meeting in September has been rescheduled to Monday, September 22<sup>nd</sup>, and stated that today's meeting would involve an analysis of the Harbor Garage site, reviewing the urban design context and public realm as well as discussing a Chapter 91 development on the property and how that relates to the proposal presented by the Chiofaro Company Team.

Matthew Littell, Utile, began the presentation with an overview of the urban design background and planning recommendations as it relates to the Long Wharf, Central Wharf and Harbor Garage portion of the planning area. He reviewed aspects of the draft Downtown Waterfront Public Realm and Watersheet Activation Plan and Greenway Study Guidelines specific to the parcel. Tom Skinner, Durand

& Anastas, then provided a review of the site in relation to Chapter 91 and Municipal Harbor Planning performance standards. He noted the site is located on private tidelands, and indicated a portion of the property is within 100-feet of the shoreline requiring facilities of public accommodation in that area, however, the Chiofaro Team has referenced that most all the ground floor area would be FPA. He then discussed parameters related to building height and lot coverage, and noted that the Chapter 91 evaluation of height would be based upon the highest occupied floor, rather than the ultimate roof level. He covered the Chapter 91 baseline general standards that must be adhered to in the development of the MHP and the approval standards that must be met under the MHP regulations. Regarding the lot coverage/open space provision of Chapter 91 he stated that the state's Department of Environmental Protection has interpreted open space to mean open to sky, and therefore the areas that fall outside the building footprint with the current Harbor Garage proposal do not meet the definition of open space, however, other approaches could be explored by the Advisory Committee to have the proposed public spaces function as part of the MHP.

Tom then reviewed the Chapter 91 compliant height parameters compared to the Harbor Garage proposal and applicable regulatory standards. Regarding impacts related to height he referenced wind and shadow as the two primary issues reviewed for new building's effects upon the public realm and ground-plane. He discussed the quantifying metrics the City has used for analyzing wind and shadow in the development of MHP's since the 2000 South Boston Waterfront MHP. Regarding wind he indicated the city has established a standard that needs to be met as part of the final architectural design of a new building, and shadow has been reviewed by comparing the difference between a Chapter 91 compliant build-out with that of a proposed development massing scheme focusing on shadows sustained over one-hour in duration. He noted the date upon which the analysis is based is October 23<sup>rd</sup> as it is later in the fall shoulder season when the public is still expected to be utilizing open space areas and when sun light can moderate cooler fall temperatures. Matthew Littell, then presented the shadow analysis showing the shadow associated with the existing garage structure and then comparing the Chapter 91 massing to the Harbor Garage proposal, including shadows cast by existing buildings. The shadow analysis delineated shadow on non-Chapter 91 jurisdictional open space areas, and Ch. 91 jurisdictional areas both landside and waterside.

Sydney Asbury, Committee Chair, began the discussion noting that clarifying questions by the Advisory Committee would first be addressed followed by any questions, and then open the forum for public comments and questions.

Richard Meyer, MHPAC Member, asked if the analysis of shadow as a negative attribute was an absolute. Chris Busch, BRA, responded that it has been the standard that has been followed as shadow can have a detrimental effect upon the public's use of the waterfront in the later shoulder seasons.

Tom Wooters, MHPAC Member, raised issue with the exclusion of the mechanical systems and ultimate roof height from the shadow analysis and inquired about the five wind category standards and which would have to be complied with. Chris Busch, noted that with the wind analysis there are actually two standards: a maximum allowable wind gust of 31 mph for 1-percent of the year, and he noted the Greenway District Zoning actually has a more restrictive gust velocity standard which is applicable to the Harbor Garage site; and second standard involves the five categories related pedestrian level wind standards which looks at median allowable wind speed ranges over the course of an hour that would be allowed 1-percent of the time. He further noted past analysis has looked at existing wind conditions, and those under a Chapter 91 compliant build-out and a proposed massing build-out, and the Advisory

Committee could propose standards that there be no change in wind conditions, or only allow an incremental deviation in wind standard categories. Rich McGuinness, noted that the building height standard follows from the zoning definition of height, and is what is followed in the Article 80 development impact review process. He stated that one of the objectives of today's meeting is to review whether shadow protection areas should be addressed as part of the plan and the extent to which shadow should be prohibited, limited or mitigated within the planning area, and to give the planning team guidance on this matter.

Bud Ris, MHPAC Member, asked if the shadow analysis model presented represents sustained shadow on the Greenway primarily during the morning hours and on Central Wharf and the Aquarium in the afternoon. Tom Skinner replied in the affirmative. Bud then inquired as to whether there was a sense as to what shadow impacts would look like during the summer months and if there had been consideration through any other plans as to concentrations of use, similar to that at the Aquarium, during periods other than the October 23<sup>rd</sup> standard. Matthew Littell noted that the sweep of the shadow would be closer to the building and that a summertime shadow analysis could be conducted. Bud then asked if the promotion of water dependent and public uses of the waterfront come in to play with the wind and shadow standards. Tom Skinner answered that the promotion standard is a general Chapter 91 condition and that if there are detrimental impacts through a development that the MHP needs to represent mitigation to offset those negative impacts.

Linda Jonash, MHPAC Member, asked what the most constructive feedback would be to give to the City based on the presentation. Rich McGuinness stated the City is looking for a full range of feedback from the Advisory Committee based on a reaction to the comparison provided and the scale of lot coverage and building height. He indicated the Advisory Committee can express preferences for shadow protection areas and standards for wind.

Lois Siegelman, MHPAC Member, referenced the areas above the highest occupied floor for purposes of shadow analysis and how the area constitutes at least an additional floor and with additional mechanicals being placed on the roof as a climate resiliency measure would it make sense to reconsider inclusion of the area for shadow analysis.

Joanne Hayes-Rines, MHPAC Member, asked some clarifying questions about the shadow analysis. Rich McGuinness noted that better graphics could be provided.

Suzanne Lavoie, MHPAC Member, expressed concern with a single date being the standard for analyzing shadow and asked about the dynamics of shadow during the summer months. Matthew Littell, noted that the shadow spread would be smaller and tighter to buildings in the summer months as the apex of the sun is higher in the sky, and if the winter months were reviewed the shadows would be much longer, and noted additional analysis could be provided.

Phil Griffiths, MHPAC Member, asked if from a regulatory perspective if the wind and shadow impacts on the watersheet were reviewed differently. Rich McGuinness responded that watersheet is jurisdictional and part of the offset equation and there is more specific focus on water dependent uses on the water and watersheet and how wind and shadow can impact their use. He noted that the City is looking for feedback from the committee as it relates to wind and shadow impacts on these features and uses.

Vivien Li, MHPAC Member, clarified that although the City does not look at mechanicals with regard to height the FAA will review the ultimate building height. She also noted that additional shadow study can be helpful but the shadow standard of October 23<sup>rd</sup> is what the state has used in the past for making determinations on the approvability of harbor plans. She then asked for clarification on covered and uncovered open space and how that relates to the performance standards and offset. Tom Skinner, stated that open space has been almost exclusively been considered open to the sky and that is the standard DEP has insisted on, however, covered open space can serve the tideland policy objectives in other ways. Vivien inquired whether covered public space could be used for another offset not related to the open space requirement. Tom responded that it could function as an offset for something else and there are ways to give credit through the MHP for great covered public spaces.

Bruce Berman, MHPAC Member, asked if it was possible to have a covered four-season space as part of a project serve as an offset. Rich McGuinness stated that it could function as an offset. Bruce also mentioned with the establishment of the shadow protection zone as part of the South Boston Waterfront MHP the portion of the watersheet included in the zone was specific to areas where docks, ferry terminals and vessels were anticipated, where protection was needed.

Eric White, MHPAC Member, asked about offsets and if they have to happen on a given site. Rich McGuinness stated that the offset discussion will happen in the future and today's discussion is anticipated to cover impacts of wind and shadow and what is acceptable based upon a comparison of the compliant and proposed build-out, and at a future meeting cover what impacts are acceptable and how to mitigate those impacts. That future discussion will review prior means, methods and examples used for offsets.

Bruce Berman, questioned the wind standard and whether the City is still comfortable with the wind standards applied in the past and there may need to be some reevaluation related to anticipated impacts of climate change. Rich McGuinness noted that the standard has been close to what has been required in the Article 80 process and the Committee can suggest more restrictive standards. Bruce also asked if enhanced open space offsite could serve as an open space offset. Rich noted that that is the case.

Richard Meyer, asked for clarification on the regulatory reference of private uses being not primary but incidental to the public's use. Tom Skinner, noted the focus is on the ground level environment and how the public accesses the water dependent activity and the standard is a general Chapter 91 requirement.

Linda Jonash, asked about the 50-percent open space requirement and existing open space enhancements and whether a deck could be built over the water to meet the open space requirement. Tom noted that would not work as watersheet cannot be covered as part of a nonwater-dependent project. He indicated that there is precedence for enhancements of existing open space but not at a one-to-one offset. She asked if the City is looking for feedback on such percentages and offset ratios at this time. Rich McGuinness noted that will be covered at a future meeting on offsets and degrees of mitigation.

Tom Wooters, asked about the lot coverage provision which states that building footprints should be condensed in size and how that conforms to the Harbor Garage proposal. Rich McGuinness noted that the provision also specifies that the standard needs to consider the context of the harbor in which the plan is being developed.

Marianne Connolly, MHPAC Member, noted that it would be useful to know with some level of specificity what types of offsets and mitigation would fit to mitigate the impacts.

Vivien Li, noted that the shadow area is quite broad and stated it would be helpful to get a better sense of what the wind impact could be on the area and more technical guidance is needed to help inform the Committee on the scale of offsets and respond in a more meaningful way. Sydney Asbury noted that all the documents will be posted on-line for further review as a significant amount of information has been presented today and mentioned that Committee members can comment on the information presented at a later time when members have had more time to digest the content.

Jim Klocke, MHPAC Member, commented that the Chapter 91 compliant alternative is not preferable and it would be helpful to provide additional information on that option.

Bud Ris, referenced the model of the Harbor Garage proposal in the BRA model room and what was surprising about the model is its bulk and mass of the project and questioned how that enters into the wind and shadow analysis and an issue that needs to be discussed.

North End Resident, asked how the Greenway effects private land and how public land is rented to private entities, and shadow from new buildings are part of the City's growth and new development along the Greenway.

Diane Rubin, Representative of Harbor Towers Trustees, indicated she was confused by the presentation comparing the compliant scenario with the Chiofaro proposal, with no discussion of the Greenway Guidelines Study and review of the best possible scenarios for the waterfront. She indicated that the Chiofaro project has sidetracked the planning and asked for greater clarity on the planning process. Rich McGuinness indicated that a build-out scenario is being reviewed as part of the planning process, and it has been referenced that the Greenway Guidelines recommendations for the site are not realistic, and we have been asked to review other options for removing the garage and we are reviewing that proposal along with any other options that the Committee determines are worth exploring.

Toby Bernstien, Harbor Towers Resident, noted that in the winter time there are issues around the planning area and expressed concern that there will be additional issues with ice and pedestrian access and referenced the October 23<sup>rd</sup> date for the shadow analysis as unrealistic.

Steve Hollinger, Fort Point Resident, noted that Chapter 91 is only discussed as a matter of height, massing and the open spaces and exterior, however, there has been no discussion of the ground floor condition and activation of the building and the advanced planning of the ground floor and interiors in advance of project proposals. He stated the City is focused on the wrong issues as a building program is being reviewed rather than the development of a municipal harbor plan. With respect to the ground floors around the waterfront the facilities are substandard and nothing is active in the evening, there are only opportunities to eat, drink and sleep. He also raised issue that there are no cultural and civic representatives on the Committee.

Marcella Willock, Harbor Towers Resident, noted that there are a number of non-profit organizations represented on the committee and asked if there is a conflict of interest and if those organizations or their representatives are prohibited from being direct beneficiaries of offsets that may result from the



project. Sydney Asbury, noted the intent was to have representation on the committee of those that may be directly impacted by development within the planning area, and any conflicts will be disclosed as part of the offset discussion.

Tom Palmer, Harbor Towers Representative, commented that an enormous amount of information was conveyed today and noted he can't absorb everything and hopes the Committee and public have time to review the material and develop substantive comments and reactions on the material. Sydney Asbury, agreed that there is a lot of information to review and today's discussion is just the first of several on the material. Tom Palmer also noted the importance of reviewing shadow in the winter months due to the colder temperatures and more extensive shadows at that time of year.

Steve Willstein, stated that the best public use of the space would be to follow the model of Post Office Square where the garage is suppressed and parkland is created above. He noted the City could offer the Harbor Garage owner a different location to develop where it is more needed and utilize the site for a park.

Steven Comen, Harbor Garage Resident, expressed confusion with the material presented today and the process, particularly with the focus on the Chiofaro proposal. He asked if all the analysis presented today was conducted independent of the Chiofaro Team and their consultants. Rich McGuinness, stated that the City received the 3-D model of the Harbor Garage proposal from the Chiofaro Team as that model was necessary to conduct a thorough analysis of the shadow impacts, and the analysis of the proposal and the Chapter 91 compliant massing was conducted in-house by the BRA's consultant team, and the compliant scheme is what could be built without relief through a municipal harbor plan. Steven Comen then asked about the process to follow. Rich McGuinness noted that the conversation will be continued at the next meeting and the BRA will provide more information on wind conditions and shadow during additional seasons. He further clarified that although there is a specific project being analyzed a harbor plan is intended to be more general and would not embed a specific project and noted the plan will reference height and lot coverage parameters for various locations along with a program of mitigation. He noted it would be a failure to have final plan that did not anticipate and accommodate a variety of build-out options and scenarios for the parcels within the planning area and impressed upon the need for the plan to be flexible.

Sydney Asbury, noted that there will be ample time to comment and provide feedback on the information provided today and thanked the Committee and public for their participation.

Meeting adjourned at 5:10 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, September 22, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Committee:**

Sydney Asbury, Janeen Hansen, Vivien Li, Bruce Berman, Lois Siegelman, Jim Klocke, Greg Vasil, Susanne Lavoie, Tom Wooters, Linda Jonash, Marianne Connolly, Nigella Hillgarth, Lorraine Downey, Eric White, Richard Meyer, Meredith Rosenberg

#### **City of Boston:**

Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; James Chan, City Councilor Linehan's Office; Maria Puopolo, Senator Petruccellis' Office; Patrick Lyons, Representative Michlewitz's Office;

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Utile; Meera Deean, Utile

#### **Members of the Public:**

Al Raine, Steve Mitchell, Caroline Johns, Bill Robbins, Eric Krauss, Pam McDermott, Tom Palmer, Laura Rood, Fred Kramer, Tim Leland, Michael Panararo, Jim Cravens, Lee Kozol, Neil Aresty, Rick Moore, Tom Walsh, Eli Sherman, Dorothy Willey, Dave Goggins, J. Mairano, Gisele Gagnon, Marcella Willock, Gail Hano, Marie Holland, Jane Berman, Thomas Nally, N. Robinson, Jonathan Berk, Talya Moked, Linda Gottlieb, R.D. Maciolek, Desmond McAnley, Robert Gordon, Niki Alleyne, Chris Fincham, David Lightfoot, Chris Miller, O. Mariano, C. Greeley, Adam Costiglioni, Sy Mintz, Janet Sung, Carolyn Spicer, Matt Rubins, Todd Lee, Aylene Lightfoot, Gary Robinson, Morris Englander, Rita Advani, Don Chiofaro, Wesley Stimpson, Geoff Houell, Him Bath, Kristen Phalen, Charlie Fula, Diane Rubin, Andrew Dankwerth

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that today's meeting would focus on further discussion of the BRA's analysis of the Harbor Garage project given the Advisory Committee and public's interest in having more time to review the material presented at the September 10<sup>th</sup> meeting. He then summarized some of the primary points and questions raised by Committee members and the public at the last meeting and noted new information and material would also be presented to respond to those questions.

Tom Skinner, Durand & Anastas, began with a discussion of the open space parameters and requirements for the Harbor Garage site, and referred to a topic raised at the last meeting regarding the approval standard provision that projects should ensure private use is not primary but incidental to achieving public purposes. Tom clarified that the standard only applies to Commonwealth Tidelands and secondly it is not an absolute but rather a failsafe provision. Regarding the building footprint he reviewed the compliant massing standard with 50% open space, and noted the DEP requirement that open space must be open to the sky, which results in almost no open space based upon the Harbor Garage proposal. He stated the regulations specify that an MHP must identify alternative site coverage ratios, and indicated that the state expects open space to be replaced with open space with a focus on that space being located on the water. Tom then reviewed the prioritization of open space offsets, with

new open space proximal to the project site being the first preference for improvement, then areas within the planning area, with funding for maintaining or enhancing existing open space areas within jurisdiction being the last option. He then referenced an inquiry made at the last meeting regarding the installation of a deck over the watershed and whether that could be considered new open space. Tom qualified that it could not for a non-water dependent project, however, something similar could be done if there was something like a water transportation facility that was not part of the project.

Vivien Li, MHPAC Member, asked Tom to clarify how the construction of a water transportation facility could qualify as an open space offset. Tom noted that a water transportation facility or associated infrastructure could be considered by the Committee as a potential offset. Vivien requested that a factual determination on the matter be provided from either DEP or CZM.

Dick Meyer, MHPAC Member, inquired about the open space determination and the proposed Harbor Square as part of the Harbor Garage proposal. Tom responded that it could serve as an offset for impacts other than open space such as shadow.

Bruce Berman, MHPAC Member, noted that there substantial open space and waterside infrastructure in the planning area already, and emphasized the Harbor Square amenity should be open as a consideration of an offset with the magnitude of offset to be determined as well, with consideration given to the spaces utility and whether it is a great space, and how its impact and value are measured.

Lorraine Downey, MHPAC Member, stated that the design and location of open space in the past has been a primary determinant of whether it is successful or not. She asked if it was feasible to have a public easement established in to ensure public access through Harbor Square and whether the state would consider such a provision. She also noted that there is a need along the waterfront for enclosed spaces for public use.

Richard McGuinness, BRA, noted that the City has been meeting with DEP, CZM and the EOEEA's Secretary's Office to keep them apprised of the process, and they have indicated a willingness to appear at a future Advisory Committee meeting to answer questions the Committee and public might have.

Suzanne Lavoie, MHPAC Member, asked if the project were only 50% lot coverage regardless of height would there be a need to engage in a harbor planning process. Rich McGuinness responded that if the project were at 50% coverage relief through the MHP process would not be needed, however, heights in excess of what Chapter 91 requires would need such relief.

Tom Skinner discussed the wind standards and how they were developed, specifying the BRA's design criteria for wind and the establishment of standards through the South Boston Waterfront MHP process in 2000. He noted with the South Boston MHP the City proposed, and the state agreed with, a maximum not to exceed standard that would have to be met through the design review process. He noted the State EOEEA Secretary stated that the state would enforce the wind standard through the MEPA process as well as through Chapter 91 permitting for projects. He mentioned the Greenway Guidelines that apply to the planning area also establish specific effective wind gust velocities in specific areas. He indicated the question for the Committee is whether the current standards are appropriate and if there is an interest in a more restrictive standard.

Linda Jonash, MHPAC Member, asked if the Committee is supposed to weigh in on maximum gust velocity metrics and specific wind speed standards. Rich McGuinness, noted that the City is not looking for feedback on those specifics, rather if there are certain locations the Committee wants analyzed or consider for special areas that there not be a degradation of wind conditions.

Bruce Berman, asked if the Committee were to determine that the wind standard for the Harbor Garage site should not be any more restrictive that what is required of all other developments on the waterfront, if that would be helpful. Rich McGuinness responded in the affirmative.

Meredith Rosenberg, MHPAC Member, noted that put another way if there are locations determined for sitting and benches and the wind study determines that there are uncomfortable winds levels in that location, than benches should not be located in that area. She also questioned why a wind analysis has not been conducted for the area.

Meera Deean, Utile, presented portions of the shadow analysis from the prior meeting and new renderings based upon comments and questions from the Committee. She reviewed the basic massing parameters of a Chapter 91 complaint building and the Harbor Garage proposal and the areas of one hour sustained shadow on October 23<sup>rd</sup> associated with both building scenarios.

Suzanne Lavoie, asked if the shadow analysis is based upon the highest occupied floor and whether Utile conducted the study. Meera responded in the affirmative. She further clarified that all the shadow studies are based upon the height of the highest occupied floor and based on the model provided by the Chiofaro Company.

Linda Jonash, inquired whether the Aquarium Plaza would be in shadow with a Chapter compliant scenario. Meera noted that would be the case. She reviewed the differing shadow resulting from the proposed massing with the highest occupied floor and the ultimate roof heights. Vivien Li, inquired about the Chart House parking lot and the extent that area could be impacted by shadow. Linda Jonash asked if the Committee would be able to review alternate building envelope scenarios to better understand what the incremental differences would be with shadow and differing heights. Sydney Asbury, Committee Chair, noted that that information can be provided. Dick Meyer, MHPAC Member, inquired if there would be any net new sunlight as a result of the proposal. Rich McGuinness noted that there would be on the Harbor Garage parcel and that image could be provided at a future meeting.

Meera then provided shadow renderings of the proposed massing on the seasonal solstices. Nigella Hillgarth, MHPAC Member, noted she was concerned with the level of shadow associated with the proposed Harbor Garage project massing. Linda Jonash, asked for more landmarks on the shadow renderings to better identify locations and the extent of shadow.

Meera then reviewed an example of a building massing envelope of the type that would be submitted and reviewed by the state. Rich McGuinness noted that what the City would be submitted is a massing envelope that will capture the maximum bulk and mass anticipated for the site rather than an actual building profile. Tom Palmer, inquired whether there would be the same envelope throughout the planning area. Rich McGuinness responded that there will be different massing for different sites and parcels.

Sydney Asbury, opened the discussion among the Committee members noting that the conversation would be first focus on lot coverage, then review height and finally review the wind standards. She clarified the Committee is not commenting on or reviewing a specific project, rather a framework for standards and parameters for the site.

Vivien Li, noted that for the record the Chiofaro Company, ADD Inc, AECOM, McDermott and Associates, Utile, and Durand and Anastas are dues paying members of The Boston Harbor Association. She stated TBHA has been on other harbor planning committees and noted it is important to look at the planning area as a whole, including Hook Lobster and the Marriott Long Wharf and other parcels in the area. She mentioned TBHA is not opposed to height rather the impacts of height on wind and shadow and there are some concerns. She made reference to mechanical system located on building roof tops and with anticipated climate change the need to have all such systems possible located on the roof which may require a reevaluation of how shadow is measured due to this possible climate adaptive measure. Regarding open space she referenced examples of open space in New York City.

Nigella Hillgarth, echoed Vivien's comments on height and expressed concern with shadow during spring and summer on Central Wharf plaza, and the watersheet as well as wind.

Suzanne Lavoie, noted she represents the Wharf District Council and expressed concern with getting the decisions right with the planning effort as the Committee are stewards and it is important to make determinations that will preserve and enhance the qualities of the area. She further indicated it will be important to complete the process based on the Greenway Guidelines and move into the detail of the recommendations developed through the process before reviewing building designs.

Linda Jonash, referred to the planning schedule and development review periods for a new project and noted the issue is the amount of time and capacity the Committee has and the level of detail and the broader visioning for the entire planning area as opposed to getting into details on a specific project and the need for information to make decisions. She suggested having the planning and development review process occur concurrently to allow for more details and the development of more informed decisions. She expressed the need for a shared process and open dialogue.

Marianne Connolly, MHPAC Member, asked if there would be any analysis of baseline wind conditions for the planning area. Rich McGuinness responded noting that a wind analysis was not within the scope of the project, however, the intent is to have the Committee determine if there is additional guidance on wind standards and locations within the planning area that should be called out in the plan for the state to require additional or more specific analysis for projects. Marianne also asked if shadow in areas outside of Chapter 91 jurisdiction, particularly on the Greenway, are subject to the analysis and mitigation. Rich noted that the state requires the City focus on those areas within Chapter 91 jurisdiction, however, other open space resources such as the Greenway were included in the shadow studies to convey the full extent of shadow impact on the public realm. He also mentioned that in prior MHP processes there were not established open spaces and parks impacted by project shadow.

Dick Meyer, MHPAC Member, stated that there will be a development on the property sooner or later and referenced the developments at Rowes Wharf and Harbor Towers, and how Rowes should be the example that is followed for new development. He also expressed support for the proposed four season room at the Harbor Garage site noted International Place which currently has an area that functions as such and it is a nice amenity and model that can be expanded upon at the garage location.

Janeen Hansen, MHPAC Member, stated that she agreed with Dick and noted she would like a better sense as to how much lower and thinner could the buildings be for the developer to still make a return and make the project worthwhile. She also inquired about the impacts of shadow on marine life and mentioned that four season room would have to be adequately programmed to function properly as public space.

Lois Siegelman, MHPAC Member, expressed concern with the bulk of the proposed buildings and asked if there are other design options and massing variations that could be reviewed.

Tom Wooters, MHPAC Member, stated that the principles that are derived from the discussion of the current proposal should be applicable to the whole waterfront. He noted that some level of redevelopment of the property is desirable, and referenced the harbor planning performance standards of condensed in foot print and modest in size and how the issue of height has been addressed in EOEA Secretary Decisions on prior municipal harbor plans. He noted it is difficult to reconcile the condensed in foot print standard with the proposed complete lot coverage of the site, and a 600-foot high building could be considered modest with the adjacent buildings and residential uses in the area. He also referenced the extent of shadow impacts on significant open space resources. He requested views from the ground level from a number of different vantage points.

Meredith Rosenberg, MHPAC Member, summarized that the Harbor Garage proposal has zero percent open space, a million more square feet than what is allowed and casts shadow seven times the size of the Harbor Garage property, including over the most active part of the City's waterfront. She expressed confusion over why the current proposal is the only option being reviewed, and noted it is premature to debate offsets and make decisions without complete information. She requested that there be other proposals presented, as we have seen the maximum and the minimum options, and we need to see how the massing will be viewed from various pedestrian level vantage points, as that is the most practical perspective to review the height and massing. She also expressed an interest in seeing a proposal closer to the 50% lot coverage standard.

Tom Nally, A Better City, noted that offsets need to be considered to improve the open space around the property, and that some locations are more sensitive to wind and shadow impacts and those areas need to be better defined and how impacts can be mitigated. He referenced Post Office Square as an example of an open space resource that contends and functions well with shadow from adjacent buildings.

Jim Klocke, MHPAC Member, noted that we can do better than the garage, and the challenge is the tradeoffs of the project, as the economics have to work and from a design standpoint the dynamics of building size and shape that gives the best balance. He also referenced Rowes Wharf as an example of a project that does not fit the standards of Chapter 91, and has a garage below ground, and succeeds on many fronts. He closed noting that Chapter 91 is a vehicle that facilitates a process that has provided good outcomes in the past and we can do it again.

Lorraine Downey, MHPAC Member, noted she has been working on Harborwalk and waterfront issues since before the Chapter 91 Regulations and her observation has been that building height is not so much the problem as the first five or six stories of the building and how it meets the streets and sidewalks and how the programming adds to the area. She noted that we all want to see something

happen to the garage site and the current owner does not have to build anything if they do not want to and expressed support for the four season room concept.

Bruce Berman, began by referencing the current space between the Atlantic Wharf building and the InterContinental and how inactive the area is and cautioned that that the redevelopment of the Harbor Garage site could result in a similar condition and space. He also referenced the Rowes Wharf rotunda and how the area has become far more active during the winter months with the ice skating rink. He referenced support for the establishment of shadow protection zones, but they should not extend out into the middle of the harbor.

Vivien Li, asked Nigella Hillgarth if the Aquarium could provide additional information on the impacts of shadow on marine life. Nigella noted that she would report on the matter at a future meeting.

Linda Jonash, expressed interest in having Parks Department and Transportation Department staff at future meetings to address open space and transportation related issues.

Chris Fincham, Harbor Towers Resident, expressed concern with the direction of the planning effort noting that the process has been backwards with projects being discussed in advance of the planning. He also referenced the Greenway Study and how the current plan is not comprehensively dealing with other properties in the planning area such as 255 State Street.

Michael, Harvard Student, express support for the Harbor Garage proposal and its youthful and innovative aspects.

Jim Cravens, Harbor Towers Resident, expressed an interest in less review of wind and shadow and more of an emphasis on aesthetics and how the new buildings will relate to the adjacent area.

Steven Comen, Harbor Towers Resident, asked if the BRA would be taking the current proposal to the state for approval or if there will be more of a discussion of what the correct massing is for the area, and if two buildings are needed, and the importance of making it clear for the press reporting on the planning process. Sydney Asbury, noted that a comprehensive plan for the waterfront is being developed and not approving specific projects, and alternatives will be reviewed.

Natalie Robinson, Area Resident, referenced the importance of stewardship of the City and the waterfront, and provided examples from other Cities and the need to ensure that what is developed relates and enhances the City and the historic context.

Sy Mintz, Broad Street Resident, mentioned the shadow analysis and observations from the Greenway and Post Office Square and the need to consider how people function in these areas with shadow, and the overall public benefits that can come forth with a new project.

Area Resident, noted that the Harbor Garage project is out of place, inappropriate and not congruent with the surrounding built environment.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, October 8, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

#### **Advisory Committee:**

Sydney Asbury, Lois Siegelman, Greg Vasil, Linda Jonash, Vivien Li, Bruce Berman, Meredith Rosenberg, Janeen Hansen, Joanne Hayes-Rines, Phil Griffiths, Susanne Lavoie, Eric White, Richard Meyer, Paul Saperstein, Nigella Hillgarth

#### **City of Boston:**

Lauren Shurtleff, BRA; Chris Busch, BRA; Dick Mulligan, BRA

#### **Consultant Team:**

Tom Skinner, Durand & Anastas; Utile; Meera Deean, Utile

#### **Government Representatives:**

Ron Killian, MassDOT; Ben Lynch, MA DEP; Maria Puopolo, Senator Petruccellis Office

#### **Members of the Public:**

Chris Fincham, Robert ViDaver, Thomas Nally, M. Barron, Barbara Yanke, Victor Brogna, Jim Cravens, Rick Moore, C. Romanuik, Rita Advani, Dorathy Keville, Pam McDermott, Bill Zielinski, Judah Sugarman, Terry McLaughlin, Gary Murad, Karen Marcarelli, Al Raine, Ann Vassos, Carolyn Spicer, Nathan Storning, Charles Norris, M. Holland, Gabor Korodi, Todd Lee, M. Willock, J. Mairanu, Elis Evans, talya Moked, Valerie Burns, Mike Horn, Sy Mintz, Eric Krauss

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that today's meeting would focus on the Long Wharf Marriott property and mentioned that the Hook Lobster property would be reviewed at the next meeting, and staff from the state's Office of Coastal Zone Management and Executive Office of Energy and Environmental Affairs would also be in at a future meeting to review the state's involvement in the MHP process and answer questions.

Suzanne Lavoie, MHPAC Member, inquired as to the proponent representing the Long Wharf Marriott. Chris Busch responded that property owner is Sunstone Wharf LLC and the operating agent for the property is managed by the Marriott. Yanni Tsisipis, Colliers, affirmed that Sunstone is the owner and project proponent.

Matthew Littell, Utile, provided an overview and background noting that the Marriott previously presented on the property and their interest in expanding the ground floor areas around the site with retail and restaurant pavilions. He noted that the BRA and their consultants had then made some modifications to the expansion design to address some urban design issues and priorities from the Public Realm and Watersheet Activation Plan. He reviewed the Marriott site and discussed the opportunities and challenges related to the site regarding the public realm and connectivity. He noted the Marriott's original proposal brought the total lot coverage from 64% to 84% with the height of the



new expansion areas being approximately 22-feet. He then reviewed some of the primary comments made by the Committee when the matter was last reviewed and presented further modification made to the site plan based upon prior comment and means to improve connectivity, wayfinding, sight lines and pedestrian legibility. Proposed changes included further paring back of the expansion massing on the north and south sides of the hotel, bringing the lot coverage to approximately 80%, improved legibility of the public passage through the hotel from State Street to Christopher Columbus Park and the inclusion of a Harbor Islands Gateway facility on the northeasterly side of the building. He also noted that many of the noted improvements could be included in the MHP as baseline requirements for the proposed expansion.

Bruce Berman, MHPAC Member, asked how much space would be available for pedestrian passage on the south and northeasterly side of the building with the expansion. Matthew responded that there is approximately 20-feet of clearance on the north side and 10-feet of sidewalk remaining on the south.

Vivien Li, MHPAC Member, inquired whether the open space and lot coverage calculations were made based upon inclusion of the BRA parking lot behind the Chart House. Matthew noted that the calculations did not include the lot area.

Joanne Hayes-Rines, MHPAC Member, asked about the BRA property immediately adjacent to the hotel on the north side of the wharf. Chris Busch, noted that there was a Long Wharf Master Plan that was developed and an area was designated for a Sicilian's Fisherman's Memorial, however, the process for establishing the memorial has not progressed.

Matthew Littell, then referenced the open space requirement and needed offset for the loss of open space with the proposed expansion, and that the offset discussion will be reviewed after a more comprehensive review of all the substitutions and proposed offsets throughout the planning area, as the offsetting metrics and measures will need to be applied district-wide. He referenced the existing conditions around the hotel, particularly on the eastern waterside extent of the building do very little to activate the area, and the additions of the proposed expansion areas are an effort to accomplish greater activation, however, the additions will take up available open space. He then reviewed the general prioritization scheme for offsetting loss of open space based upon prior MHP precedent.

Suzanne Lavoie, inquired as to who would make the determination on the prioritization of offsets for open space. Tom Skinner, Durand & Anastas, stated that the BRA would develop recommendations for the Advisory Committee to review.

Dick Meyer, MHAPC Member, asked about the BRA parking lots disposition and how the conversion of the lot to open space would be linked to the expansion on the east side of hotel. Matthew Littell, noted there would have to be a transaction with a property owner to convey the land, and the disposition of the property will affect how the expansion is shaped and massed at that end of the hotel.

Bruce Berman, asked if enhancements could be directed, would the Aquarium Plaza function as a location for offsets. Matthew Littell responded that improvements to the existing open space on the plaza could fit within the hierarchy of open space offsets.

Greg Vasil, MHPAC Member, asked if the last option were exercised would the funds have to go to an existing organization or could be dedicated to a specific use or series of programs. Chris Busch, noted

that it could be either and referenced the Fort Point Channel Operations Board which functions to review and facilitate funding provided by the Atlantic Wharf and 500 Atlantic properties for activation and programming along the Fort Point Channel in accordance with the Fort Point Channel Watersheet Activation Plan.

Vivien Li, asked if there was a sense from Island Alliance, Friends of Christopher Columbus Park and Boston Harbor Cruises with regard to the next five to 10 years and what those organizations have planned in the way of expansion to get a sense of future scenarios. She noted that much of what is proposed will not be implemented for another five years at a minimum and indicated that she was not comfortable with the extent of proposed lot coverage with the ambitions of all the area organizations to increase visitation to the Aquarium, Harbor Islands and waterfront. She mentioned that with the level of change proposed and increased pedestrian traffic there needs to be a significant offset, and that wayfinding and pedestrian legibility has to be addressed by more than a few planters and additional Harborwalk signs. She asked that more information is needed from the BRA with regard to the end of Long Wharf and the Chart House parking lot and future plans for those locations.

Matthew Littell then framed some questions for the Advisory Committee to inquire as to whether the modification that have been proposed address the aspirations of the Downtown Watersheet Activation Plan and prior comments made on the proposal.

Joanne Hayes-Rines, raised issue with the pedestrian, vehicular and tourist vehicle coordination and that the area between Long Wharf and Central Wharf is not comfortable and there needs to be more of a focus on improving pedestrian safety. Matthew Littell responded that many of the concerns regarding safety, flow and pedestrian capacity are addressed and analyzed through project design, and these are concerns we can have as part of the MHP language, and this can guide future development in the area.

Bruce Berman, noted that he shared Vivien's concerns, and stated that he thinks the Marriott proposal would function to activate the area and expressed concern that expansion without conversion of the Chart House lot to open space would create a substantial restriction for pedestrians along the eastern extent of the hotel. He asked that the BRA provide additional information on the disposition of the property and that any new design for the lot would have to address service accommodations for the adjacent marina. He also noted that many of the things that the Marriott wants to accomplish could be done with temporary uses and structures that can activate the area more immediately. He finally noted that the extent of expansion may not function to enhance connections and facilitate public access to and along the waterfront and could create new pinch points.

Jim Klocke, MHPAC Member, asked about the parking lot issue as well. Chris Busch, BRA, noted that he would confer with the BRA's Asset Management Office, and referenced the parcel as a potential open space offset due to the lack of space within the planning area available for new open space. He also stated that the lot could not be tied to a specific project or proposal and needs to be viewed more from an area-wide offset perspective.

Meredith Rosenberg, MHPAC Member, asked for more detail on what the expansion areas would look like and what the actual impact would be to those on the street. Lois Siegelman, MHPAC Member, also raised concern with accessibility through the hotel if additional retail in introduced within and around the hotel. Eric Wright, MHPAC Member, also inquired on the appearance and design of the expansion areas and the importance of enhancing Harborwalk. Dick Meyer, noted that it will be important to have

the areas function well even in the winter time such as the indoor court yard at One International Place, which functions well for those in the building and draws others in from the surrounding area.

Linda Jonash, MHPAC Member, expressed concern with focusing in on specific proposals and looking for fine-tuned recommendations when the context and vision is not being incorporated and recognized that the process is somewhat backward, and expressed an interest in looking at the process from more of a district level.

Matthew Littell, summarized some of the general comments made by the Advisory Committee, including an interest in how the improvement will look, feel and function, as well as more clarity on the Chart House parking lot, and asked Tom Skinner to discuss how such matters have been addressed in prior MHP processes and to what level of detail can the plans be. Tom responded that the MHP is an initial cut to attempt to shape future development along the waterfront and the planning and regulatory tools at the MHP level are awkward when it comes to framing details and formal design elements. He noted that in the past there have been efforts to get very detailed about what is in the MHP and those have run into difficulty as ownership and economic conditions change over time and one needs to be careful with how things are framed. He mentioned that the MHP can identify certain characteristics that the Committee would like to see related to Harborwalk and other open space amenities such as plazas, but getting into specific structural materials can be a problem.

Vivien Li, asked that there be more information provided on all the city owned properties in the area as well as Sargent's Wharf in the North End.

Bruce Berman, noted that the planning process is iterative and all that has been discussed will be advanced into a draft MHP which will allow for further comment by the Committee and then the plan goes on to the state where there is a separate public review process and then, once approved, the project specific review processes can go forward, so there will be additional opportunities to refine and comment on plan.

Todd Lee, Harbor Towers Resident, referenced the high-high tides that bring water into the planning area and the importance of managing and mitigating rising water in the Downtown Waterfront area.

Victor Brogna, North End Resident, asked about how the Marriott expansion components would break through the existing walls, and the need to transform the parking lot if there is to be a view of the waterfront, as well as an interest in discussing a watersheet activation plan.

Chris Fincham, Harbor Towers Resident, noted that a plan needs to be developed in advance of discussing any particular projects and that the process is somewhat backwards.

Mary Holland, Harbor Towers Resident, also expressed concern with project proposal being brought forth at this stage in the process. Sydney Asbury, Committee Chair, noted that we have to address the fact that there are property owner development proposals and that the Advisory Committee should have the benefit of all the information that relates to the properties within the planning area.

Sy Mintz, Broad Street Resident, referenced congestion around Old Atlantic Ave and State Street and that pedestrian flow could be facilitated and alleviated by opening up the passageway through the Marriott Hotel in the alignment of Old Atlantic.

Rita Avanti, Harbor Towers Resident, expressed concern with the proposed Marriott expansion and less open space and the need to maintain pedestrian open space and access.

Todd Lee, also referenced concern with congestion and pedestrians walking and forced out into the street in the area in the area of Old Atlantic Avenue.

Gary Murad, inquired as to whether the meetings could be held at a later time when more convenient for working individuals.

Chris Busch noted the next meeting will be on October 22<sup>nd</sup> and will focus on the Hook Lobster property.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, October 22, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Susanne Lavoie, Vivien Li, Rick Dimino, Janeen Hansen, Greg Vasil, Robert Venuti, Bud Ris, Marianne Connolly, Tom Wooters, Joanne Hayes-Rines, Meredith Rosenberg, Jim Klocke

**City of Boston:** Richard McGuinness, BRA; Chris Busch, BRA; Lauren Shurtleff, BRA

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas

**Government Representatives:** Maria Puopolo, Office of Senator Petrucci; James Chan, Office of City Council President Linehan; Patrick Lyons, Office of Representative Michlewitz; Valerie Gingrich, CZM;

**Members of the Public:** Valerie Burns, Andrew Magee, Julie Hatfield Leland, Victor Brogna, Mary Holland, Charles Norris, Don Weist, Barb Boylan, Edward Hook, Julie Mairanu, James Hook, Rick Moore, Todd Lee, Tom Walsh, Jim Duffey, Wes Stimson, BJ Moriarty, Pam McDermott, Shawn Ford, Rachel Borgatti, Barbara Yanke, Thomas Burroughs, Thomas Nally, Jessica Seney, Marna Peters, Gabor Korodi, Jim Cravens, Stuart Rose, Carol Chirico, Sy Mintz, Scott Fuller

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that the session would focus on the Hook Site.

Matthew Littell, Utile, began with a discussion of relationship between the Watersheet Activation Plan and the Municipal Harbor Plan, reminding the Committee the process is non-linear and operates at multiple scales. The zoomed-in discussion of the Hook site is a means of exploring and understanding what to prioritize in the MHP. As the third of three major sites along the Waterfront, the first two which have been discussed over the past few months – the Marriot Site and the Harbor Garage Site – the Hook property will be integrated into the MHP and then be subject to a further review process under Article 80.

Matthew noted that the Hook site was identified in the Greenway District Planning Guidelines as a key site and is listed in that plan with a height regulation of 175 ft. The site has immense connectivity potential, located between two bridges (the Moakley and Northern Ave), the Harborwalk, the Greenway, and the waterfront itself. The site is also at a complex intersection between the bridges, Atlantic Avenue, and the on ramp to I-93. The site is a critical bottleneck for connection to the rest of the City. Matthew also mentioned an adjacent site along the Harborwalk – a point by the Northern Avenue Bridge where connections are difficult physically and in terms of way finding. In terms of the connectivity of Harborwalk, precedents of connections underneath bridges at North Washington St. and adjacent to the Barking Crab were referenced.

Tom Skinner, Durand & Anastas, began by noting the site constraints. The parcel is both on Private Tidelines and Commonwealth Tidelands (on pile-supported piers), which incur higher standards for

public benefits. There is also a wedge of water along the side of the parcel, and Tom noted that this might impact the Water Dependent Use Zone, asking the committee to consider whether setbacks of 12 feet from this wedge and 25 feet from the harbor are appropriate.

Tom mentioned that the site is 20,000 square feet, which, by current Chapter 91 standards, would mean an allowable 10,000 square foot building area and 10,000 square feet of open space. In addition, the current regulation allow for a building 55 feet in height, and Facilities of Private Tenancy (FPT) are prohibited, meaning that substitute provisions would be needed for private building uses such as an office or residential.

Vivien Li, MHPAC Member, asked Matthew to clarify what was meant by a complex “stumbling” area adjacent to the Hook site and whether in fact that area is part of the Hook site or a General Services Administration building. Matthew noted that the area is indeed a Coast Guard building under the management of the GSA, adjacent but not part of the Hook site, and that the particular section is circuitous and unclear in terms of wayfinding. Vivien then mentioned problems of homelessness and public safety issues under the bridge by the Barking Crab.

Bud Ris, MHPAC Member, asked for clarification on whether the reopening of Northern Avenue Bridge to cars was confirmed. Richard McGuinness, BRA, noted that the city has in fact decided that two lanes will be opened for vehicle traffic and one barrel used for pedestrian travel; the Hook developers have been asked to consider both the current situation and this future plan.

Susanne Lavoie, MHPAC Member, asked for the heights of the buildings on either side of the Hook site. Chris Busch, BRA, responded that the next meeting would include an in-depth analysis of the proposals, including the context and how that compares to the requirements of Chapter 91.

Bruce Berman, MHPAC Member, responding to Vivien’s comment about the bridge underpasses, noting the bridges are very low and sometimes have flooding issues. Bruce also mentioned potential for innovative interventions, such as proposals to activate areas under expressways in other parts of the City, as possible inspiration for this site. Linda Jonash, MHPAC Member, followed up to ask whether there might be an option to bring the Harborwalk over the bridge, rather than under.

Bill Zielinsky, SKW Partners, opened the Hook site presentation noting that several uses had been considered for the property, including office and hotel, but that a decision had been made to pursue residential. He described the significance of Hook Lobster to the area and introduced Eddie Hook, who described the family business’s presence on the site for four generations. After displacement to a modular building for five years since a fire, Hook noted the family’s excitement about bringing the restaurant, wholesale, and retail businesses back onto the site, utilizing water from the harbor to serve the area’s rising residential population and tourists.

Will Adams, SKW Partners, noted that the resounding message from members of the committee and the public were to make sure the Hooks stayed on the site and also the importance of the site as a gateway to the City and as a special building. He stated the proposed building is 280 feet to the roof at 305 feet to the penthouse, which relates to the context of the Intercontinental at 285 feet and the Atlantic Wharf at 430 feet. The building prioritizes pedestrian access and the creation of a Harborwalk extension out underneath the Moakley Bridge.

David Manfredi, Elkus Manfredi Architects, mentioned the Hook site's role as a crucial visual corridor between the Seaport, South Boston, the Financial District, and the Greenway. He noted the complexity of the abandoned roadway between 400 Atlantic Avenue and the site, where there is a complex pedestrian and vehicular conflict. He also mentioned the state-built pump house that is not part of the site or proposal, and the potential for the Harborwalk to be connected by a floating pier. Parking is also constrained on the site due to the piers and small footprint, and David noted the proposal would include a small number of cars on the second and third floors. He answered the earlier question about the heights of neighboring buildings, noting 400 Atlantic is 180 feet and the GSA Coast Guard Building is 100 feet.

David explained that the proposal's intention is to activate three and a half sides of the block. The Hooks will operate 9,000 square feet on the first-floor, featuring multiple uses all open to the public: a retail fish market, wholesale area, and a sit-down restaurant along the water's edge. The final side of the building would include access to the residential building by way of a small lobby. Adjacent will be loading and parking access, with two auto elevators and fully attended parking for around 60 spaces on two floors (.5 spaces per resident or less). Street parking will exist until the Northern Avenue Bridge reopens to vehicular traffic, at which time the number of spaces would greatly reduce and provide only for short-term parking. The residential floor plate is 10,000 square feet; the form was designed to maximize the visual corridors between the Downtown and Seaport, as well as take into consideration the views of pedestrians' crossing over the Northern Avenue Bridge. David then showed a series of views of the proposed building, indicating the connection between the ground floor and the water, the glazed parking floors, and the green terraces for the residential.

Shadow studies of the proposal were then reviewed, which used the penthouse height of 305 feet (285 to the highest occupied floor) in comparison with the Greenway Guidelines regulation of 175 feet. The drawings display new shadow as well as shadow durations, and David explained that the computer model can show any date or increment. June 21, the highest sun of the year, showed almost no shadow by noon, conversely, Dec. 21, represented most of the day was consumed by existing shadow.

Sydney Asbury, Committee Chair, then opened the conversation to questions and comments from the committee. Linda Jonash, asked whether there was potential to create additional value for the public by recapturing the additional wedge of water at the north of the site. David replied that although that option had been considered, the change would not increase the building footprint and would in fact remove pedestrian access to that side of the building.

Bruce Berman, inquired about the specifics of the Harborwalk extension, and David clarified that the extension was not yet fully designed but imagined as floating piers that would ramp down to the water. Susanne Lavoie, followed up by asking about the reality of vehicular traffic stopping on the street and creating congestion problems, as well as the possibility for valet parking for the Hook restaurant. David responded that further discussion with the BRA and BTB was necessary to determine the exact future traffic pattern along the Northern Avenue Bridge, but that one option would be one-way traffic to minimize vehicular and pedestrian conflict. Valet parking will be provided but will not be located in the building. Suzanne then asked for clarification about the pump station, and Rich McGuinness, BRA, explained that it was built by the MBTA to mitigate the impact of the Fort Port Channel excavation during the construction of the Silver Line in order to protect water dependent uses at the Hook site.

Tom Wooters, MHPAC Meeting, noted his concern that the evaluation of this site should be part of a larger approach to thinking about Chapter 91 rather than a site-by-site analysis. He also noted that changing the site to 175 feet, as stated in the Greenway Guidelines, would require substitute provisions, and that a further height extension would require further amendments. He commended SKW for their creative approach to a difficult site.

Joanne Hayes-Rines, MHPAC Member, reiterated Eddie Hook's comment about the rising residential population in the neighborhood and commented that the Harborwalk extension might not do enough to alleviate pedestrian congestion along Northern Avenue and Atlantic Ave, and wondered if there might be a solution that involved crossing over the street. David acknowledged the need to prioritize pedestrians at the intersection and noted that the Harborwalk extension was a possible solution that would help, but not necessarily solve, the issue.

Richard Dimino, MHPAC Member, applauded SKW for simplifying and improving pedestrian experience of the site, and asked Richard McGuinness about the potential to study shadows on the water sheet as well as the greenway. Rich responded that the watersheet shadows, due to the alignment of the building, are not a large concern but will nevertheless be clarified at the next meeting. Further, he noted that the Northern Avenue Bridge will be elevated 8 feet, opening an opportunity to create an uninterrupted Harborwalk. He noted some of the challenges of creating an elevated connection over the Moakley Bridge, such as accessibility requirements and the impact on view corridors. He also mentioned the advantage of the site having roadways on either side, which increases permeability and provides light and air, benefits both to the residential tenants and to the public realm.

Bruce Berman, MHPAC Member, began by commenting on the tragedy of the Hook fire and complimented the creativity of the SKW approach. He commented on the potential complexities in ramping for the Harborwalk extension, but also noted that the pathway does not need to be accessible at each and every point. He reiterated the significance of the bridge raising 8 feet to allow for a seamless connection of the Harborwalk. He then asked SKW to talk a bit more about the residential use of the building, as well as the mix of uses on the ground floor.

David explained the thinking behind the residential program of the building, noting that the footprint was too small to make office feasible, and that while hotel was also an option, a mix of residential and hotel uses would not be efficient due to a need for multiple cores. He noted that the key piece of the building was the ground floor, where the wholesale, retail, and restaurant uses would draw a range of customers.

Jim Klocke, MHPAC Member, inquired about the logistical and financial challenges of the building on such a complex site given the size and pier conditions. David responded that the building is indeed an expensive project due to foundation complexity, a relatively inefficient envelope to floor plate ratio, and the building form. David also noted that the range of units could fall between 100 and 160, but decisions on type of units (number of bedrooms and sale versus rental) would come further down the line.

Linda Jonash, then requested that Utile examine the opportunity for a sculptural elevated passage for the Harborwalk and create some sketches, as well as a few quick illustrations of the pedestrian experience at the end of the Northern Avenue where it intersects with the highway ramp. Utile confirmed that they could make studies of these conditions.



Sydney Asbury, Committee Chair, then expanded the conversation to public questions and comments.

Todd Lee, architect, asked about the decision to raise the entire structure of the Northern Avenue Bridge 8 feet, wondering how Atlantic Avenue would ramp up to meet it and what the visual impact would be. Richard McGuinness responded that the decision was made to elevate the bridge rather than have it swing up, but agreed that the visual and grade connection with Atlantic Avenue should be studied.

Sy Mintz, Broad Street Resident, asked for a reevaluation of Northern Avenue as a vehicular bridge, supporting the continued use of the bridge for pedestrians and bicycles only, and questioning the expenditure to raise the bridge eight feet. He commended the smart ground floor treatment of the proposed design, but also commented on the potential for a stronger link between the Moakley Bridge and the site by eliminating the wedge of water. Todd Lee noted that this wedge in fact flows under the Moakley Bridge and that there is another wedge of water on the other side of the bridge. Sy also suggested the potential for retail uses along the Northern Avenue Bridge to create public use and a strong connection with South Boston and the Innovation District.

Jim Cravens, Harbor Towers, comments on the "stumbling point" mentioned earlier in the meeting and notes that this proposal does not address that issue.

Sydney Asbury, Committee Chair, adjourned the meeting at 4:45pm.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, November 5, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Tom Wooters, Bob Venuti, Susanne Lavoie, Greg Vasil, Bud Ris, Lois Siegelman, Joanne Hayes-Rines, Vivien Li,

**City of Boston:** Richard McGuinness, BRA; Chris Busch, BRA; Lauren Shurtleff, BRA

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas

**Government Representatives:** Valerie Gingrich, CZM; Ronald Killian, MassDOT

**Members of the Public:** M Willock, Will Adams, Bill Zielinski, David Isaak, Thomas Nally, BJ Moriarty, Dorothy Keville, Julie Marau, Wes Stimpson, Al Raine, Michael Burkin, Gianne Conrad, G. Korodi, Kelley Perkins-High, Judith Sugarman, M Barron, Linda Cravens, Sy Mintz, Karen Marcotti, Heidi Wolf, Rita Advani, Jessica Seney, Desmond McAuley, Brian Rossilier, Lindiwe Bennett, Jingwei Zhang, Eric Kraus, R Cravens, Gary Murad, Valerie Burns, Rick Moore, Rachel Bonentti, Mria Peters, Marie Holland, Victor Brogna, Tom Walsh, Gene Kennedy

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that the session would focus on the Hook Site and analyze much of the information presented by the Hook Team at the October 22<sup>nd</sup> meeting.

Matthew Littell, Utile, began the discussion by providing some background on the planning process, noting the Municipal Harbor Plan is general in scope with more specific review of actual proposals through the state and city project review processes after submission of the MHP. The prior planning efforts that relate to the Hook property were also discussed, including the Crossroads Initiative, the Fort Point Channel Watersheet Activation Plan, the Artery Edges Study, the Greenway Guidelines, and the Downtown Waterfront Public Realm Plan. The site was also referenced as a unique opportunity to create a gateway between the Greenway and South Boston Waterfront and releasing the bottleneck at the area created by the lack of Harborwalk connection and convergence of bridges and public ways. He noted that the site and redevelopment can assist in alleviating many of these conditions and improve connections and transitions, referencing some of the Harborwalk and Harborwalk connections presented by the Hook Team at the last meeting. The ground floor design provided by the Hook Team was referenced which provides Facilities of Public Accommodation on most all of the first floor. The Harborwalk connection under the Moakley Bridge was discussed as an important waterside connection to provide continuous Harborwalk access, as were options for spanning over the Moakley Bridge and Atlantic Avenue intersection, and related impacts of a span on view corridors, safety and sidewalk areas. Several examples of over-water walkways were presented.

Joanne Hayes-Rines, MHPAC Member, inquired as to whether the Harborwalk connector would inhibit vessel traffic. Mathew responded that the walkway would be clear of the navigation channel. Bruce

Berman, MHPAC Member, asked which components of the walkway would be floating. Richard McGuinness, BRA, noted that has not been determined. Bud Ris, MHPAC Member, asked if an elevated walkway that would connect through the Hook site had been considered. Matthew noted that a full design study was not conducted, only a crossing of the bridge and intersection.

Matthew then continued with an analysis of shadow associated with the proposal for the redevelopment of the Hook property. First the baseline massing and related shadow were presented; under the Chapter 91 height standards the maximum building height for the site is 55-feet. He noted that for purposes of determining net new shadow, shadow cast by the baseline scenario and existing buildings are not part of the new shadow calculation. The shadow analysis represented shadow based upon the highest occupied floor and maximum building height of the project proposal, and included anticipated seasonal shadows and the MHP standard date of October 23<sup>rd</sup>.

Tom Skinner, Durand & Anastas, then discussed the proposed substitutions related to the proposal. He specified four substitute provisions that would have to be offset based upon the redevelopment proposal, including a minor reduction in the Water Dependent Use Zone, additional height and lot coverage, and Facilities of Private Tenancy over Commonwealth Tidelands. Tom reviewed the spatial parameters of the site and the Chapter 91 dimensional standards, and discussed the Harborwalk connector as part of an appropriate component to an offsetting package for the property. He noted that most of the net new shadow associated with the height substitution is on the watersheet, sidewalks and docks at Rowes Wharf, and indicated that offsets would be focused on ground level public access benefits on or adjacent to the site, which would be drawn from comments from the Advisory Committee and the Public Realm and Watersheet Activation Plan. Regarding open space, he mentioned that the proposal would cover two-thirds of the project site, in excess of the 50% open space required, which could potentially be offset with space on the Harborwalk connector, and or an area-wide strategy could be employed to offset the overall building footprint coverage. The Facilities of Private Tenancy substitution was then discussed and the need to offset with provisions that would promote public use and access to the area including the Harborwalk connector and active Facilities of Public Accommodation on the first floor that work with the Hook's water dependent uses. Tom also noted the option of on or off-site special public destination facilities (SPDF) to serve to activate the waterfront year-round.

Bruce Berman, noted that prior to the fire at the Hook property he had taken hundreds of students through their facility to observe the lobster tanks and operations at the facility, and asked if that type of activity would qualify as a SPDF. Tom responded that it could be considered. Vivien Li, MHPAC Member, stated that there are some significant substitutions proposed and there appears to be some double counting with respect to the offsets. Tom noted that that observation was correct and that some offsetting measures could relate to more than one of the substitutions. Tom then provided an overview of what is proposed as a framework of offsets for the substitutions including the Harborwalk connector, active ground floor FPA supporting water dependent uses, potential on or off-site SPDF's and additional public realm recommendations that fully activate the site.

Susanne Lavoie, MHPAC Member, asked about offsetting benefits that would be specific to the area residents, as most of the existing benefits are related to visitors and tourists. Rich McGuinness, responded that all of the offsets are open to discussion and residential needs will be part of the area-wide discussion of offsets. Linda Jonash, MHPAC Member, referenced that portion of Northern Avenue off of the bridge and the need for public amenities and landscaping to transform the area into

something that is celebrated, as well as possibilities for waterside barges or structures on the watersheet on the Channel side of the property to better activate the area and make it more of a destination. Tom Wooters, MHPAC Member, referenced the Harborwalk connector and questioned its utility and ease of use. Bud Ris, MHPAC Member, inquired about the raising of the Northern Avenue Bridge and how that would impact the landside area elevations. Rich McGuinness noted that only the center span of the bridge would be elevated to 8-feet, with the approach spans on either side ramping up, so no grade change would be necessary on the landside portions of Northern Avenue.

Sy Mintz, Broad Street Resident, expressed an interest in bridging over the Moakley Bridge and Northern Avenue as an alternative to improve connections to the Harborwalk. Tom Palmer, inquired as to whether the height and shadow allowed under a Chapter 91 compliant scenario were less than what the Greenway Guidelines had proposed. Matthew Littell affirmed that that was the case. Tom also asked about shadow on the Moakley Courthouse during the winter solstice. Matthew noted that due to the sun's low orientation in the sky at that time of year much of the buildings behind the Hook site would be creating most all of the shadow.

Bob Venuti, MHPAC Member, asked for a clarification on the width of Harborwalk on the southern side of the site. Tom Skinner stated that the city typically requires a Harborwalk width of 12-feet, however, due to the odd orientation of the site on the southern side the water dependent use zone ranges from 15 to 17 feet in width. Bob expressed an interest in a water taxi dock on the channel side of the site.

Vivien Li, referenced the presentation slide which included all the heights of the buildings surrounding the Hook site, and questioned the dimension of building setback from the water's edge, pointing out the Federal Reserve Building and One International Place have greater height but are located a substantial distance from the water. Tom Skinner clarified that those buildings are beyond Chapter 91 jurisdiction and do not need to comply with the waterway's dimensional standards. Bud Ris noted that having the area building heights represented was important to understand the urban context that surrounds the property. Tom Skinner stated that a massing analysis would also have to be completed as part of the MHP and a review of existing building heights along the waterfront and Fort Point Channel could also be provided to better represent the height dimension along the waterfront.

Bruce Berman, pointed out the Atlantic Wharf property and the connection between the BSA Space and the docks off of Atlantic Wharf with the architectural boat tours of the harbor, and related the arrangement to the Hook site and opportunities for lobster boats and other vessel traffic to frequent Hook Lobster.

Bud Ris, asked for an update on the planning process. Rich McGuinness stated that the BRA will continue to analyze the proposed developments and substitution provision for each of the parcels. At the November 19<sup>th</sup> meeting Secretary Bartlett from the state's Executive Office of Energy and Environmental Affairs will be present to discuss the state's role in the planning process and answer question from the Committee and public, and at the same meeting alternative scenarios for the Harbor Garage site will be presented. He noted beyond that meeting there will be an area-wide discussion and review of all the substitute provisions and their impacts as well as offsets and a mitigation strategy. Regarding schedule he stated that the Committee will be meeting through the spring and the drafting of the MHP will start in December. Bud asked if the draft MHP would proposed substitutions and building heights for the Committee's response. Rich responded that would be the case. Tom Palmer asked about the phasing of the drafting of the MHP. Rich noted that at first just the background and planning

context would be written and the substitution, offsets and amplification sections would be drafted after those issues have been discussed and tested with the Committee.

Victor Brogna, North End Resident, asked when the watersheet would be discussed as part of the process. Rich McGuinness responded that the Public Realm and Watersheet Activation Plan developed as part of the process is the primary reference document on the watersheet and the MHP will focus on implementing aspects of the plan to activate the waterfront. Bruce Berman asked if comments and suggestions could still be made on the plan, and Rich responded that comments could still be incorporated into the document.

Vivien Li, noted that the property owner presentations made to date have been primarily done in isolation without discussion of certain offsets, such as the Chart House parking lot, which most all of the proponents may be looking for as an offset, and additional offsets need to be considered. She also noted that today's presentation on the Hook site referenced double counting of offsets, and the Hook proponents would have to provide Harborwalk and FPA's on the ground floor even with a compliant development, and there are significant substitutions proposed and offsets that will be required. She mentioned that all of the property owners are presenting the maximum for their properties, and the BRA, the Committee and the state does, or does not have to buy into every single proposed substitution for each property and proposed offsets, and there is a redundancy with the offsets the property owners are looking at so additional mitigation options need to be reviewed. She also asked that there be less time dedicated to presentations moving forward and more time allowed for discussion among the Committee members.

Joanne Hayes-Rines, asked for more specifics on details of the proposal and for the Harbor Garage site to allow the Committee to get a better idea of how the project may look and provide more substantive responses.

Meeting adjourned at approximately 4:45 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, November 19, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Bob Venuti, Susanne Lavoie, Greg Vasil, Bud Ris, Joanne Hayes-Rines, Vivien Li, Meredith Rosenberg, Eric White, Richard Meyer, Maura Zlody, Jim Klocke, Linda Jonash

**City of Boston:** Richard McGuinness, BRA; Chris Busch, BRA; Lauren Shurtleff, BRA

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas

**Government Representatives:** Bruce Carlisle, Brad Washburn, Valerie Gingrich, CZM; Ben Lynch, MassDEP

**Members of the Public:** Chris Fincham, Rita Advani, Kaylee Hill, M. Barron, Bob Paone, Nikta A., Jinqwei Zhang, Toby Bernstein, Judish Sugarman, Dian Rubin, Michael Burkin, Mark Warren, Fred Kramer, Gabor Korodi, BJ Moriarty, Frank Nasisi, Dorothy Willey, Carolyn Spicer, Peggy Briggs, James Cravens, Tom Reichart, Frederic Alper, Mike Nichols, Laura Rood, Jay Spence, Mike Horn, William Schulz, Gary Robinson, Julia Jones, Al Raine, Rick Moore, Lee Kozol, N. Kensington, Pam McDermott, Mary Holland, Hugh Shaffer, Daniel Jones, Todd Lee, Wes Stimpson, Julie Mairano, Robert Gordon, Thomas Nally, Undine Kipka, Sy Mintz, Will Adams, Victor Brogna, Chalres Norris, Gail Donovan, Janete Sung, Ash Dyer, Deirdre Offenheiser, Steve Dahill, Sylvia Bertrand

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that the session would focus on a discussion of state's role in the development and approval of the Municipal Harbor Plan, which is governed by Chapter 91 regulations. Members of the Commonwealth's Office of Coastal Zone Management were in attendance to take questions from the Advisory Committee, including Bruce Carlisle, Brad Washburn, Valerie Gingrich, as well as Ben Lynch from MassDEP. The Secretary, Maeve Vallely Bartlett, sent her regrets as she was meeting with the governor and therefore unable to attend.

Bruce Carlisle spoke about the interaction between municipalities and the state's Chapter 91 regulations, noting that the process allows the two to come together to create a hybridized city-state vision for waterfront development. The Secretary's review of the plan takes into consideration the city's desire for substitutions or amplifications to the Chapter 91 regulations. Bruce distributed a flow diagram addressing the joint process and solicited questions from the Advisory Committee.

Tom Wooters, MHPAC member, asked Bruce to clarify the different between substitutions and amplifications. Bruce explained that substitutions are relaxations of regulations, which must be offset by some sort of mitigation in the public interest. Amplifications are where the plan could ask for more stringent guidelines.

Bud Ris, MHPAC Member, asks about the definition of open space under Chapter 91 and whether it includes covered spaces. Further, he asks about and state determinations made regarding the prior Harbor Garage proposal in 2009 and what impact that has on the current planning efforts. In addition, he inquired about how mitigation efforts are handled for projects that significantly exceed the regulation height limits.

Bruce noted that policy at the agency in the past defines open space as “open to the sky.” To the second question, he noted that prior MEPA filings or certificates are applicable, particularly in terms of procedural notes. Finally, he commented that for substitutions, the effort is for offsets to truly mitigate the substitution in order to address their impact on public interests.

Rick Dimino, MHPAC member, commented that the Central Artery Tunnel project as an important precedent to note in considering the definition of open space – for that project, a covered enclosure holding a botanical garden was considered open space. Vivien Li, MHPAC member, followed to note that the Central Artery Tunnel was a major public project that require extensive open space mitigation through the city and might not be the most relevant parallel. She continued by inquiring whether previous MHP requirements – such as the South Boston MHP which required the City of Boston to do a civic and cultural master plan which was never completed – expired at any point. Bruce responded that former plans stay valid and effective until subsequent decisions that supersede previous plan elements are made.

Rick followed up to note the benefit of spaces that are accessible and usable in all four seasons. Bruce noted that these decisions may be more relevant to the MEPA process and less part of the Chapter 91 review.

Bud asked what the Committee should be doing to integrate climate change considerations into the MHP. Bruce responded that it was important for the Committee to be cognizant of integrating the best information and practices into the plan, and to work with the city on this issue, while acknowledging that tackling the issue will require going beyond the harbor planning process.

Dick Meyer, MHPAC Member, asked for direct clarification on the definition of open space, and Bruce responded that the current operative policy at DEP and CZM was “open to the sky.” Rick followed up to comment that one of the benefits of the MHP process is to request variations in respect to the goals and objectives of the local community, and that debates around these sorts of definitions is very important.

Linda Jonash, MHPAC member, commented that it is important to create dialogue centered on thinking creatively and flexibly for the future, not just to debate technical definitions. She then asked for clarification about the level of specificity that is appropriate for an MHP. Bruce responded that different harbor plans have varied based on scope of area and stage of development, but that the preference is for a district view – beyond a single parcel – to look at building envelopes, urban form, and dimensional considerations.

Susanne Lavoie, MHPAC member, inquired about the sequencing of the MHP process in comparison to the plans being made for specific parcels by developers. Bruce noted that it is important to run certain elements of the process in tandem, especially in order to understand developer intentions and interest. In general, however, the sequencing is that the MHP is finalized and approved, at which point the MEPA review is conducted, and then Chapter 91 review. After this, specific plans for each project can be

approved.

Vivien asked whether the Committee could recommend definition changes for things such as water dependent use zones or open space. Bruce noted that substantive changes to operative terms in waterway licensing regulation was unlikely. Ben Lynch, MassDEP, agreed, noting that substitutions are typically changes to numeric standards such as height restrictions. Brad Washburn, CZM, noted that while changes to dimensional and usage was possible, changing definitions would require a separate and more intensive process.

Chris Busch then opened the discussion to public comment.

Tom Palmer, Harbor Towers, asked whether the processes of creating the MHP and permitting are consecutive or concurrent. Bruce responds that it's a little of each: sequencing begins with the MHP and then moves to MEPA filing and finally Chapter 91, but there is also some parallel movement of these processes.

Rick inquired whether there is precedent of development projects filing before the MHP is completed. Richard McGuinness, BRA, responds that in the Fort Point Downtown MHP process, a letter of intent for the Atlantic Wharf project was filed before the completion of the plan. For the 100 Acres Fort Point planning process, however, there was no development proposal and the process was simply about creating the plan. Richard noted that it's important for the MHP to accommodate specific sites but also their potential for future change or growth.

Mary Holland, Harbor Towers, asked for further clarification of the definition of open space. Ben Lynch, MA DEP, noted that while Chapter 91 provides no explicit definition, permitting decisions for the past 20 years have created the precedent of "open to the sky" being the definition.

A Harbor Towers Resident inquired about the amount of flexibility Chapter 91 allows for. Ben responded that most harbor plans have substitutions or amplifications for dimensional standards, which, pending the Secretary's approval, become the new operative standards.

To conclude, Bruce addressed the committee to note that offsets and mitigation elements are required to be in place at the time of licensing, and in order to make the approval and planning process as smooth as possible, the Committee should make an effort to link these offsets clearly with specific substitutions.

Richard McGuinness then introduced the second part of the program: a discussion of massing and height alternatives for the Harbor Garage site. The Committee had previously asked for additional analysis in terms of building height, bulk, and site coverage, as well as shadow analysis and pedestrian level views. He noted the importance of thinking about flexibility and not only specific scenarios. Finally, he noted the central role Long Wharf played in the analysis, as a special space protected under local, state, and federal standards, and as a gateway to the harbor and the Downtown.

Matthew Littell, Utile, presented the shadow analysis previous asked for by the Committee. He first acknowledged existing planning considerations such as the Greenway District planning study, and then explained that the presentation would look at other options and scales. Matthew mentioned the importance of the site as a gateway to Central Wharf.



Acknowledging the importance of considering urban design factors beyond shadow – open space, view corridors, edge conditions, public realm activation, and the broader urban context – Matthew began by showing the baseline for the analysis, which is the Chapter 91 compliant scenario. Proposals are compared against this baseline, using the date of October 23, and net new shadow is displayed where it exists for an hour or longer. Proposals are analyzed based on the highest occupied floor rather than the actual height of the building roof structure.

Matthew then spoke about the importance of shadow impact on Long Wharf, due to its historic relevance, connection to Downtown, views, and because it makes up about one third of open space and one third of shoreline for the district. He reminded the Committee to consider not just one project but the project in the context of the overall district.

Matthew also addressed the idea of shadow protection zones, mentioning the precedent in the South Boston Waterfront, where certain degree of mitigation is necessary for casting shadow into specific areas. He also brought up the possibility of having different zones in the district.

Running through the shadow analysis, Matthew explained the four variables: height, number of towers, building orientation, and location of open space. He noted that the abstract massings used for these studies should not be confused for a design proposal, but were created online to demonstrate the tradeoffs in shadow caused by massing changes. Matthew ran through the various options: two towers, one tower (slender and bulky), southern-oriented single tower, and open space changes. In addition to showing the comparative shadow impact, Matthew also showed various ground level perspectives.

Sydney Asbury, MHPAC Committee chair, then opened the conversation to the committee for questions and comments.

Bud Ris began by asking about the relationship between shadow analysis and an assessment of building bulk. Matthew responded that the trade-offs inherent in a discussion of bulk – for example, views blocked versus programming flexibility – do make it an important issue to be considered alongside height and open space provision. Vivien followed up to comment that there are also considerations of context, including the impact of shadows on the watershed, and noted that those concerned with bulk should take a look at the South Boston waterfront, where large footprints have reduced view corridors toward the water.

Dick Meyer asked about the role of shadow protection zones and whether, beyond asking for mitigation in areas with shadow, something more formal like a protection zone is needed. Rich McGuinness noted the importance of understanding how to mitigate appropriately for shadow and the importance of looking at the entire planning area.

Rick asked the Committee to center the conversation on zones sensitive to shadow in order to understand the impact on public good and how potential mitigation would relate. He also noted the importance of discussing the relationship between the public realm plan and the massing scenarios, as well as the trade-offs.

Linda commented about incorporating more discussion of the public realm, noting a desire to better understand the shadow impact and offsets for the entire area. Rich McGuinness responded that the

next meeting would be an overview of the entire planning area with a focus on how the public realm plan can be implemented through offsets to improve the overall waterfront area. He confirmed that the public realm document, while currently a solid indication of what the plan will be, can still evolve.

Tom Wooters, voiced his support for the podium with single tower as massing, noting that it allows open space while still allowing the activation at the ground level. He also noted that the distance between Harbor Towers and the Harbor Garage is only 70 feet, reminding the committee to remain cognizant of this distance and wind impacts in addition to shadow. Matthew agreed that balancing urban design considerations in addition shadows is crucial.

Jim Klocke, MHPAC Member, asked which of the scenarios generates enough revenue to pay for costly underground parking. Rich McGuinness responded that financial feasibility is not part of the Committee's purview, although obviously implementation is an important goal. Rick reiterated the importance of economic viability in creating a successful MHP.

Bud mentioned his concern for the historic importance of Long Wharf, suggesting that it and the adjacent watersheet should be a shadow-free zone, not just an area for mitigation. Access and views to the water are also important, and volume and placement of the building should be considered. Rick added that shadows should be balanced with overall public realm plan goals, which is the most important thing to consider when thinking about these tradeoffs.

Eric White, MHPAC Member, asked whether mitigation can only happen at the ground level. Tom Skinner, Durand & Associates, responded that the primary focus is at the ground level, although occasionally some mitigation can happen at upper levels.

Sydney Asbury, MHPAC Chair, then opened the meeting to public questions and comments.

Todd Lee, commented that all public space is not equal, and that it is important to think about how to codify hierarchy of public space for areas that need to be treated with greater sensitivity.

Tom Reichart commented that pedestrian traffic on Longwharf is focused around watersheet and over at Central Wharf and the aquarium. It is important to consider watersheet shadows and view corridors, in addition to views from the water.

George Thrush, Director of the School of Architecture at Northeastern, commented that view corridors are very important to consider in addition to shadows. He noted that seeing the building at the water's edge is very important, and that the Committee should be mindful of placing a tower too close to the existing Harbor Towers, where the buildings would together create a visual wall.

Sy Mintz, Broad Street Resident, commented on the importance of Longwharf, in addition to the heavy public use of Central Wharf. He also cautioned against overemphasizing shadow studies.

Rita Advani asked about bulk and its impact on traffic and commute. Sydney Asbury reminded the Committee that traffic is not within the purview. Diane Rubin commented that traffic will be an issue but density could be used as a proxy to study the impact.

Victor Brogna, asked the committee to look at wind shear and the impact on leisure and commercial

boating. Laura Rood, also noted the significance of the wind for pedestrians in the area. A Resident suggested an alternative use for the site that would bring benefit to the community is a park, citing the example of Post Office Square.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, December 3, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Bob Venuti, Susanne Lavoie, Greg Vasil, Bud Ris, Joanne Hayes-Rines, Vivien Li, Meredith Rosenberg, Jim Klocke, Linda Jonash, Bruce Berman, Phil Griffiths, Nigella Hillgarth

**City of Boston:** Richard McGuinness, BRA; Chris Busch, BRA; Lauren Shurtleff, BRA

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Valerie Gingrich, CZM; Ron Killian, MassDOT

**Members of the Public:** Daniel Jones, Mike Horit, Diane Rubin, Don Chiofaro, Niki Alleyne, Rick Moore, Dorothy Keville, Al Raine, Jay Spense, Barbara Yanke, Rita Advani, Karen Marcarelli, Elizabeth Smith, Charles Norris, Peggy Briggs, Will Adams, Rachel Borgatti, Soomin Lim, Gail Donovan, Andrew Magee, Tom Walsh, Lee Kozol, Victor Brogna, Sy Mintz, Valerie Burns, Chris Fincham, Tomas Nally, Gary Robinson, Eric Krauss, Jacqueline Lawless, Gabor Korodi, Pam McDermott, Jamy Madeja, Linda Gottlieb, Jessica Seney, Robert Stricker, Alex Tenenby, Jinqwei Zhang

### **Meeting Summary**

Chris Busch, BRA, opened the meeting and noted that the session would focus on the whole planning area and review the urban design context, proposed substitutions and a recommended strategy for prioritizing locations for area-wide offsets, and implementing the Public Realm Plan.

Matthew Littell, Utile, began the discussion by reviewing building massing, volume and heights in and around the planning area, starting with a diagram representing heights of existing buildings and those proposed within the planning area based on 100-foot increments. The analysis indicates most of the major height is in the Downtown core and Financial District with lower buildings closer to the waterfront and. He noted substantial height on the waterfront would be considered exceptional and not match any existing building height pattern. Matthew also mentioned that there is no standard height pattern for the Downtown Waterfront as there are varied heights and massing along the harbor.

Matthew then presented side profiles which represented the height plane of buildings from the Downtown and Back Bay area to the waterfront, which again represented varied patterns of height with different conditions. Views and view corridors were then presented, focusing on locations along Atlantic Avenue and Downtown and views to the water and how future development might affect those apertures. The Custom House Tower was then called out as an historic asset with views worthy of preservation. Several vantage points along the waterfront were reviewed where the Customs House Tower is part of the skyline, to develop a sense of how new development might impact views from the pedestrian level. Matthew noted the renderings and perspectives provided are intended to assist the Committee in determine the proper limits or costs of certain heights and densities for the development sites in the planning area. Density was then reviewed with a sampling of density as represented by floor

area ratio (FAR) for existing buildings in and around the planning area. Matthew noted it is an abstract measure but assists in gaining some perspective on the whole planning area. The FAR's of the proposed developments and what current zoning allows were also provided.

The ground plane of the planning area was then discussed with a diagram representing different qualifications of open space including Harborwalk, plazas, streets, sidewalks, landscaped zones, and public and private open space. Locations within the planning area serving the general public were then framed, including facilities of public accommodation, special public destination facilities and areas for waterfront and water transportation access. Matthew then presented a proposed prioritization scheme for the open space areas in the planning area, separating the district into five zones: the connective tissue comprised of street, sidewalks and alleys that link the Greenway into the planning area parcels; plazas and open space that connect to the waterfront; public realm along the water which is the prime real estate for waterfront access; the actual watersheet; and opportunity sites which are locations that have been called out through the planning process and Public Realm Plan that could be improved as open space. The zones were presented as another lens to view areas of potential impact and improvement. A prioritization scheme outlining the type and where offsets should occur with new development was also reviewed.

Joanne Hayes-Rines, MHPAC Member, inquired as to how the Northern Avenue area between Hook Lobster and the GSA building could be a priority area if the bridge will be open for traffic. Matthew Littell, noted that one lane of the bridge will be committed to pedestrian and bike traffic, and there are ways to design the area even with vehicular traffic so it acts more as a shared street and treating the whole intersection as one integrated area for public improvement. Joanne asked if vehicular traffic is a given for the rehabilitation of the bridge. Rich McGuinness, BRA, stated that it is planned to have the bridge open to vehicular traffic and it is important for the Committee to recommend different alternatives for improving the space through the harbor plan to provide future guidance.

Vivian Li, MHPAC Member, asked when the Committee would have time to discuss and provide feedback. Rich McGuinness, noted that it will be helpful to have a draft first for the Committee to discuss and review amongst themselves, and a draft will be developed over the winter break. Vivien asked Rich to clarify if the Committee would have time to determine what to recommend to the City. Rich stated that the draft plan would outline recommendations first based upon feedback received to date and material presented.

Bruce Berman, MHPAC Member, noted that it is important to preserve views and to consider how the waterfront is framed and viewed from within the district. He also recognized the BRA's position of incorporating a number of different perspectives and priorities in developing the plan and asked that the Committee have an opportunity to review and comment on the final draft before its submission to the state.

Bud Ris, MHPAC Member, asked if the priority open space areas are limited to only public land and how the offset prioritization type and locational schemes are integrated. Matthew Littell, noted that the goals are general in nature and would guide the types of offsets and how they would be embedded into the locational scheme. Rich McGuinness stated that the prioritization has focused on public land as it might be easier to facilitate improvements at those locations.

Bob Venuti, MHPAC Member, also raised concern with offsets related to the Northern Avenue Bridge area due to uncertainty of when the bridge may be rehabilitated. Matthew Littell noted that it was not the intent to have offsets on the bridge. Rich McGuinness mentioned that offsets would have to be permanent in nature as the state would likely not approve of mitigation that is only temporary. Bruce Berman asked if the bridge tenders house was open for consideration regarding offsets. Rich responded that the structure has been discussed.

Linda Jonash, MHPAC Member, commented that when discussing the public realm that connections be represented more broadly to include open space areas and connections adjacent to the planning area, and suggested that the area in front of the Aquarium be included and be thought of more broadly as part of the open space opportunity areas with the possible relocation of the IMAX theater into an adjacent development to further open the area, and urged that more creative options be explored for areas along the watershed to activate the waterfront.

Meredith Rosenberg, MHPAC Member, referenced two planning priorities of access to the waterfront and open space on the waterfront and noted that it is confusing that there is already discussion of open space offsets offsite when keeping open space on the development parcel should be the priority when there is development from scratch. Matthew Littell, noted that the proposed offset strategy does have as the first priority offsets on site.

Vivien Li, inquired about the heights represented and asked for a clarification of the Chapter 91 performance standards regarding height on the waterfront and the extent of tidelands jurisdiction. Tom Skinner, Durand & Anastas, answered that one of the principles of Chapter 91 is that heights step up from the waterfront to prevent the waterfront from being walled off. He noted the Downtown Waterfront was developed in advance of many of the current performance standards and therefore the existing building massing and open space do not meet the standards in the area. Regarding the extent of jurisdiction the area subject to the tideland regulations applies to filled tidelands and extends landward 250-feet or the first public way, whichever is further landward. He also noted regarding the offset prioritization the state is focused on the implementation of the Public Realm and Watersheet Activation Plan and improvements made in jurisdictional areas before entertaining mitigation options outside the planning area.

Tom Wooters, MHPAC Member, noted that the standard for new non-water dependent development is that it should be modest in size and condensed in footprint and that standard has been emphasized in prior MHP's, along with a proportionality regarding offsets and substitutions and that they achieve the tideland policy objectives with equal or greater effectiveness. He stated we are looking at projects that exceed Chapter 91 standards significantly and it is difficult to understand how offsets could be developed in proportion to the proposed substitutions and meet the statutory requirements. He also noted in the regulation and prior decisions, offsets need to be on site or in proximity to the development site and that offsite offsets should not be included in the prioritization scheme. Lastly he referenced CZM's appearance at the last meeting and there emphasis on precedent and the need for consistency and asked that Committee be provided prior MHP approvals and decision that CZM will be looking at when evaluating the current plan.

Maryanne Connolly, MHPAC Member, asked why the land around Harbor Towers is represented graphically as open space. Matthew Littell, stated that it is represented as open space, however, it is hatched as it is private and not open to the public.

Suzanne Lavoie, MHPAC Member, asked if the Committee would be discussing offsets based on the assumption for the proposed heights will be approved, or is the discussion about offsets to activate the waterfront and water dependent uses irrespective of whether a project moves forward. Rich McGuinness stated that there is no building proposal or height that is set at this time, rather the point of today's meeting was to review area-wide substitutions and an offsetting strategy to begin the discussion of how additional height and lot coverage will be mitigated.

Vivien Li, noted that the planning process is at a point where there needs to be more discussion and back and forth among the Committee members so there is more of a dialogue, which is needed for the development of the MHP.

Sydney Asbury, Committee Chair then opened the meeting for public comment.

Marcelle Willock, Harbor Towers Resident, specified that all of the Harbor Towers green space is private, however, the fence along Atlantic Avenue has been recently replaced and is lower than the previous fence and new plantings have been installed which allow more open sky and better views. She noted the area is an oasis of green. Additionally, the waterfront plaza with the public sculpture is frequented by the public, and there is now improved lighting and wayfinding signage will be installed.

A Harbor Towers Resident, raised concern with the public cutting through the property and not staying on the Harborwalk and there are congestion issues at India Street and where vehicular traffic is present.

Sy Mintz, Broad Street Resident, noted the reality of open space in the planning area differs from the percentages previously presented, as much of the area consists of roads and primarily for cars. He also referenced the Harborwalk and stated it should be specified in all open space plan representations, and called out State Street as a primary view corridor which needs to be maintained and protected.

Tom Palmer, stated that he hopes there will be a real discussion of all the material that has been presented to develop the MHP, and that there needs to be consideration given to all the parcels that may be developed in the future.

Jamy Madeja, referenced the opportunity zones represented in pink as important areas and mentioned the Northern Avenue Bridge and the developments on either side of the bridge that have had to design their projects in anticipation of vehicular traffic on the bridge and cautioned against planning and developing offsets for a bridge that will not carry vehicles. She also noted that private property should be respected and that private property owners often meet their Chapter 91 obligations and that offset efforts should be focused on those areas where there will be the greatest public benefit.

Steven Comen, Harbor Towers Resident, inquired why the Harbor Towers greenspace was included in the open space calculation and percentage. Matthew Littell, noted that it was a calculation based upon a general Chapter 91 standard for open space. Steven noted that the Harbor Towers open space does provide harbor view corridors for those in buildings in the Downtown area, and referenced the views that are now afforded from those in buildings that can see the harbor over the Harbor Garage. He stated there is value associated with those views and those views should be considered. Matthew Littell noted that technically the focus of Chapter 91 is on the ground plane and views from the pedestrian level within the public realm, not private buildings.

Rick Moore, Harbor Towers Resident, asked if the opportunity zones referenced earlier are where offsets are to be focused from adjacent development, or is it up to the developer to come back to the city and determine where the offsets go. Matthew Littell, noted that the areas are called out as locations for off-site mitigation adjacent to development parcels, and the city will be making the recommendations on where mitigation will be focused. Rich McGuinness added that one area will likely be the Harbor Islands due to the direct connection the area has with water transportation and the islands. Bruce Berman, asked if there is a similar connection to the Greenway. Rich stated that there is a stronger case for the islands, but there could be opportunities for offsets with the Greenway for creating or enhancing open space.

Jane Stricker, Harbor Towers Resident, noted that Tom Wooters and Suzanne Lavoie have provided the most direct comments at today's meeting.

Jamy Medeja, noted that preparation for sea level rise could be considered as an offset. Bud Ris noted that the update to the city's Climate Action Plan is currently under review and referenced a plan requirement requiring all city planning efforts to incorporate climate change into the planning document.

Meeting adjourned at 5:00 PM.





## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, December 17, 2014  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Susanne Lavoie, Greg Vasil, Bud Ris, Vivien Li, Meredith Rosenberg, Jesse Brackenbury, Bruce Berman, Lois Siegelman, Nigella Hillgarth, Phil Griffiths, Rick Dimino, Louis Elisa, Bud Ris, Marianne Connolly

**City of Boston:** Richard McGuinness, BRA; Chris Busch, BRA

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas

**Government Representatives:** Valerie Gingrich, all CZM; Andrew Langhauser, MassDEP

**Members of the Public:** Chris Fincham, Rita Advani, Ramesh Advani, Hugh Shaffer, Todd Lee, Bob Faoire, Heidi Wolf, Michael Yasutomi, Elizabeth Smith, Jinqwei Zhang, Mike Freedberg, George Thrush, Rick Moore, Sy Mintz, Jim Cravens, Linda Cravens, Steve Weikal, Marcella Willock, Charles Norris, Bill Zielinski, Rich Koch, Julie Maurano, Iris Taymore Schnitzer, Will Adams, Steve Hollinger, Thomas Nally, Valerie Burns, Gabor Korodi, Erick Krauss, C. Mariano, Al Raine, Wes Stimson, Tom Walsh

### **Meeting Summary**

Sydney Asbury, Committee Chair, opened the meeting and noted the session would serve as an in depth conversation among the Committee members on the planning process and that BRA staff and the consultant team are present to assist in the discussion and answer any questions. She specified the meeting would first be a forum for the Committee members and that there would be an opportunity for public comments and questions towards the end of the meeting. She also welcomed Jesse Brackenbury, Executive Director of the Greenway Conservancy, as the Conservancy's new representative to the Advisory Committee.

To start the discussion Sydney raised the topic of the prioritization of public benefits which was reviewed in the presentation at the last Committee meeting.

Tom Wooters, MHPAC Member, raised the issue of how to quantify the substitute provisions and offsets and whether there is some absolute limit or standard that applies and if there was reasonable discretion for changes to the performance standards in the Waterways Regulations. Richard McGuinness, BRA, responded by stating that the harbor plan will set the limits and maximum substitute provisions and that the City is looking for guidance from the Committee on those limits. He also noted there will be more analysis provided when the plan is drafted that the Committee will have the opportunity to react with more specificity. He referenced the equal or better standard that needs to be met with regard to offsetting measures for impacts associated with development programs and noted that there may be levels of impacts associated with building height or lot coverage that the Committee may feel is too great to be offset.

Sydney referenced Long Wharf and shadow impacts on the open space areas of the wharf and asked what the Committee's reaction is to the prior suggestion of making Long Wharf a shadow protection area. Bruce Berman, MHPAC Member, remarked that he has spent a substantial amount of time in the Long Wharf area and observed that in the summer months people on the north-side actually gravitate toward the shadows caused by the hotel to keep cool while they wait for vessels. He mentioned that shadow isn't the big problem in the area during the warmer months, rather it is the amount of available space, so his comments have less to do with shadow and to do with the proposed expansion of the hotel and how that may further limit and constrict access.

Bud Ris, MHPAC Member, stated that for historical reasons Long Wharf should be considered sacred. He indicated that the shadow impacts are in some way a red herring, although necessary for measuring height impacts related to the Chapter 91 performance standards, and noted that the heights and FAR's of the buildings in and around the planning area provided in the prior meeting's presentation were far more useful for understanding the area's context and determining what will and will not fit in the district. He also referred to the prior meeting's presentation and the comment made regarding the size and massing of the proposed Harbor Garage project as being exceptional for the area, and how that term could be interpreted to mean that buildings of that size should not be there, or if allowed that there should be exceptional offsets to justify the project impacts, and there is the question of what is the order of magnitude of offsets for such a project. Bruce Berman noted that there are different parcel and boundary delineations that can be made for purposes of context and the measures of height and massing such as FAR can differ from parcel to parcel and that there are a number of tools to measure height, massing and related impacts. He indicated that he doesn't have an issue with height and everyone wants to see something that will make the area better and that ground floor uses will be key.

Sydney mentioned that there had been several comments on the Marriott Long Wharf proposal and asked if any of the Committee members had specific issues to raise. Bud Ris stated that if the hotel is to expand the proposal should be linked to a significant transformation of the BRA's Chart House parking lot adjacent to the hotel. Phil Griffiths, MHPAC Member, noted that the whole area around the Long Wharf Marriott needs to be looked at to alleviate pinch points and facilitate access. Bruce Berman asked Phil what was considered a busy day for the Island Alliance and if they anticipate doubling that number in the future. Phil noted that the busy days have about 4,000 people getting out to the islands and the aspiration is to increase that number, but all of that would not be embarking from the Long Wharf terminal. Phil mentioned that he believed that there is enough space to accommodate the numbers of people but the whole Long Wharf area needs to be looked at comprehensively with how visitor flows are managed. Suzanne Lavoie, MHPAC Member, asked Phil if he knew where the visitors were coming from and how they were getting to the waterfront. Phil noted that about 70% of the visitation comes from around the Boston area and people use a mix of modes to get to the waterfront, and that there is no easy location for bus drop off access. Suzanne also noted that bus and trolley congestion is a substantial issue during the summer months and management of these vehicles should be part of the activation planning for the area.

Rich McGuinness, referenced Bud Ris' earlier comment on the Marriott utilizing the Chart House parking lot as an offset and noted that we need to be careful associating a specific benefit with a project as we may want to prioritize benefits regardless of which project proceeds first. He mentioned that at the beginning of the New Year the BRA would like to provide a hierarchy of public benefits and a prioritization scheme and an implementation strategy. Bud also noted the parking needs associated with the property and raised the possibility of a level of parking beneath a new park at the property.

Rick Dimino, MHPAC Member, referenced prior Greenway Corridor planning effort and the important historical relationship between Long Wharf, Central Wharf and the Custom House Tower and how the area functions as a cluster with the Greenway. He noted that the substitution and offset discussion should look for ways to optimize this important area of the public realm and getting all these areas into one coherent approach.

Bruce Berman mentioned water transportation as an important component of the Downtown Waterfront and the need to have a higher level of public sector involvement in the management and ownership of water transportation infrastructure and service. He noted that there is a need for a water transportation oversight entity, a management plan and funds to support it so there is seamless service and access. Lois Siegelman, MHPAC Member, also referenced water transportation as a primary means of getting people to the Downtown area which could alleviate some of the bus and trolley issues. Rich McGuinness noted that ten years ago the MBTA decided to get out of the water transportation business and now there is a fragmented mix of operators and service. Water transportation subsidies have been required of prior projects subject to MHP's however these funds have limited time frames and subsidies can be drawn down quickly, so a more sustainable operating model is needed and will be part of the current MHP. Bruce noted options to incentivize water transit over bus and vehicular modes. Louis Elisa, MHPAC Member, mentioned that there is a need to look comprehensively at water transportation and reach out to adjoining communities and state agencies. Bud Ris mentioned that the MHP cannot remedy all the issues with water transportation overnight, but we can create an anchor in the Downtown Waterfront to assist in making the transition to a more seamless, centralized and organized system, as well as how much it will cost and requirements to facilitate needed improvements such as, more or better docks, signage, vessels, waiting areas, information and wayfinding. Rich McGuinness responded that the state will require a formulaic approach for offsetting provisions, which will necessitate a review of the costs of the offset as they relate to impacts.

Rick Dimino, noted that the MPH should rationalize the water transportation approach for the area and outline all the investments that need to be made to make it work and private development should be leveraged to make it happen. There are still going to be operational questions with how to fund and subsidize service, but we need the basic infrastructure to start and the plan should address this issue. Rich McGuinness noted the state's Ferry Compact and the recent round of grants for ferry infrastructure and that it is something that will need to be raised with the next administration. Marianne Connolly, MHPAC Member, mentioned the need to coordinate the water transportation discussion on a harbor wide level and involve all parties that have a stake in water transportation and related infrastructure. Rick Dimino, also discussed the various markets and scales of water transportation in and around Boston Harbor, and the current plan provides an opportunity to frame out the necessary infrastructure to make the area a water transit hub.

Rick Dimino, indicated the area is significant to pedestrian use and access and needs improvement with regard to crossings, visibility, safety, public amenities, wayfinding and relationship to subdistricts. The public realm strategy needs to deal with coherence and characteristics of the pedestrian experience and make place making more substantive. Bud Ris noted that the public realm-public space subject is the second biggest category and that we know what needs to be prioritized and improved, including the bottlenecks at Hook Lobster, stumbling block areas behind 400 Atlantic, greater clarity through Harbor Towers, the space east of Harbor Garage, the Aquarium Harborwalk on the north-side, Central Wharf

plaza and the Chart House Lot, as well as the east-west links from the Greenway to the waterfront. Lois Siegelman, also noted the need to make many areas within the planning area universally accessible.

Bruce Berman mentioned the need to be flexible with regard to how the Northern Avenue Bridge is viewed and opportunities as to what the bridge could be in the future and the need to consider “if this, than that” planning to look at a number of viable offset options that could relate to a variety of outcomes related to the bridge’s rehabilitation. Vivien Li, MHPAC Member, referenced TBHA’s Harbor Gardens planters on the bridge and similar interventions that are temporary in nature, where offsets should be permanent enhancements, and for planning purposes we have to expect vehicular traffic on the bridge. Rick Dimino referenced the importance of the apron leading up to the bridge and related walkways and Harborwalk and their relationship to the Greenway and the South Boston Waterfront and that the area requires careful thinking about the urban design strategy. He also emphasized the importance of watersheet activation and connections to the water.

Jesse Brackenbury, MHPAC Member, referenced the Northern Avenue and Moakley Bridge areas and the related pedestrian challenges due to the roadway and ramp configurations and that it would be further complicated by vehicular traffic on the Northern Avenue Bridge. He also mentioned the ramp parcel study and the opportunity to think comprehensively about pedestrian access, connectivity and a gateway experience at the bridge.

Tom Wooters, made the distinction between water dependent uses and additional traffic related to new congestion associated with new non-water dependent uses, which may impede access to the waterfront.

Bruce Berman, noted the importance of getting down to the water, and referenced the fishing, fouling and navigation priorities protected under Chapter 91, and the need for facilities that accommodate fishing along the Downtown Waterfront, along with the need to strengthen access for vessels and support for the area marinas.

Rick Dimino, referenced a number of successful public open spaces in the Downtown and waterfront areas and mentioned the importance of programming, activation and maintenance to make the public realm successful. He noted he would like to see programming, maintenance and operation funding for Christopher Columbus Park and the Wharf District Greenway parcels as part of the offset mitigation.

Vivien Li, brought up the importance of activating the end of Long Wharf and the Compass Rose area, as well as looking at Sargent’s Wharf in the North End if additional open space offsets are needed.

Jesse Brackenbury, stated that there are a number of open spaces in the planning area that don’t relate well to each other and adjacent parcels, and could function better in total, and there are opportunities to think comprehensively about the whole area so everything works well together.

Suzanne Lavoie, mentioned the need to consider the residents and employees in the area and the importance to incorporate their needs into the plan.

Phil Griffiths, noted that one of the largest open space resources in the area is the Harbor Islands and the challenge is to how to make it an accessible neighborhood resource so it is easier to access so it does function as a neighborhood park.

Bruce Berman, referenced the end of Long Wharf and the opportunities it presents for historic interpretation and programming and integrating the area into the new open space behind the Chart House, and how the public realm plan can strengthen the area.

Bud Ris, noted that in the absence of an itemized cost estimate he would argue against spending offset money on the Greenway and the Harbor Islands and focus the resources on the specific planning area and connections to those areas.

Andrew Grace, referenced the importance of first categorizing and prioritizing the improvements and then deciding where those improvement should occur in the planning area.

Jesse Brackenbury, impressed upon the importance of east west connections to and through the planning area, and the need for maintenance and operations funds for open space and that the focus cannot be solely on the capital expenditures.

Meredith Rosenberg, MHPAC Member, also referenced the need for long term investments to sustain improvements to the area and the need for continuing obligation after the initial investment. She expressed concern that the prioritization discussion has begun in advance of the Committee's review of what is acceptable in the way of new development, and that conversation is necessary before decisions on improvements and mitigation can be made.

Rick Dimino stated that climate resiliency should be an aspect of the plan that applies throughout the planning area. He referenced the City's draft Climate Action Plan and a new cultural resources plan which should both be integrated into the MHP.

Sydney Asbury, Committee Chair, then opened the meeting to public comments and questions.

Steve Hollinger, Fort Point Resident, stated ground floor uses and areas are key to interacting with the public realm, both the interior and exterior of buildings, and noted there are a number of public spaces established through prior harbor plans such as ferry terminals and meeting space, but there is a lack of cultural uses such as black box theaters, performance spaces and rehearsal areas. He indicated that those that are connected to the MHP process have first access to these spaces, and the civic and cultural community in the City does not have access. He urged greater interaction with civic and cultural leaders, and referenced Secretary Robert Durand's decision on the South Boston MHP which required the City to establish a civic and cultural plan for the waterfront.

Sy Mintz, Broad Street Resident, referenced the Custom House Tower and the adjacent district and how the area links to Long Wharf and Central Wharf. He noted the area behind the Chart House is an important location that could function as a true ferry terminal and such a facility should take priority over new open space in that area. He emphasized the connection from State Street to Central Wharf and that mitigation efforts should be focused on this area.

George Thrush, Architect, Harbor Towers, stated that shadows cast by new buildings should not be the only determining factor in the size and scale of future developments and emphasized the importance of pedestrian level views as the best guides as to what should come next. How the City connects visually from the landside and waterside is extremely important.

Ramesh Advani, Harbor Towers Resident, noted that nobody considers of the Downtown Waterfront as a neighborhood and that planning and developers should think more about the area as a residential neighborhood and that those living in the area are the primary users of the public realm. He indicated that offsets should be focused on the area of impact related to any future development.

Todd Lee, Architect and Harbor Towers Resident, raised concern with impacts related to climate change and the need to consider long range strategies to contend with future sea level rise.

Valerie Burns, Fort Point Resident, commented on the Hook Lobster property and referenced the South Boston Waterfront Transportation Plan and the implications and recommendations for the Northern Avenue Bridge and how the Hook site relates to the surrounding streets, bridges and Harborwalk. She urged the Committee to review the new transportation plan with a focus on Hook Lobster area.

Chris Fincham, Harbor Towers Resident, asked if there was any limit to any proposals that exceed the performance standards under Chapter 91. Rich McGuinness, stated the City has not made any formal recommendations on substitute provisions but will come forth with proposed substitutions in the New Year for the Committees review, which will also include an offsetting strategy.

Tom Palmer, Harbor Towers, noted that there should also be a thorough discussion of the substitution provisions related to offsets.

Marcella Willock, Harbor Towers Resident, noted several improvements that have been made to the Harbor Towers property and the public easement along the waterfront granted by Harbor Towers. She also stated that the residents are committed to working towards future development that contributes to the neighborhood and benefits the Downtown Waterfront and Boston.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, February 25, 2015  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Susanne Lavoie, Greg Vasil, Vivien Li, Meredith Rosenberg, Jesse Brackenbury, Bruce Berman, Nigella Hillgarth, Phil Griffiths, Rick Dimino, Marianne Connolly, Jim Klocke, John Gambino, Joanne Hayes-Rines, Andrew Grace

**City of Boston:** Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Charlotte Moffatt, Boston Environment Department

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Brad Washburn, CZM; Ben Lynch, MassDEP; Ronald Killian, MassDOT

**Members of the Public:** Steve Mitchell, Mark Warren, Max Tanguay-Colucci, Deborah Fung, Shawn Ford, Chris Fincham, Rita Advani, Anne Conard, Marie Peters, Victor Brogna, Daniel Jones, Diane Rubin, SORCHA ROCHFORD, Andrew Magee, Sara McCammond, Rachel Bogatti, Tom Palmer, Marlee Meyer, Robert M ViDaver, Jacqueline Lawless, Alex Blake, Jessica Seney, Michael Yasutomi, David Weaver, Mary Holland, Jingwei Zhang, Richard Koch, Todd Lee, Rick Moore, Sy Mintz, Charles Norris, Bill Zielinski, Will Adams, Thomas Nally, Valerie Burns, Erick Krauss, Al Raine, Beatrice Nessen

### **Meeting Summary**

Chris Busch, BRA, introduced BRA staff and the consultant team and noted that the meeting would follow a round-table discussion format with specific questions for the Advisory Committee to provide the City with guidance related to the prioritization of public benefits and implementation of the public realm plan. He also indicated that Vivien Li would be serving as Acting Chair as Sydney Asbury would be late in attending the meeting.

Rich McGuinness, BRA, provided an update on the Northern Avenue Bridge and mentioned that new pilings are to be installed to help support the bridge structurally. He indicated that the bridge rehabilitation plan has been to raise the bridge and fix it in place to provide pedestrian, bike and vehicular access, which would cost \$60 to \$70 million and require federal assistance. Since the bridge's closure the Mayor has asked a group of stakeholders to review options that could be funded by the city and have the replacement or rehabilitation occur sooner rather than later. The alternatives that have been discussed include a new bridge, or a restoration of some component of the existing bridge, and the Mayor expects a preferred alternative to be determined by the end of March.

Chris Fincham, Harbor Towers Resident, asked how long the bridge could remain in the open position. Rich stated that it is unclear and the bridge was not designed to remain in the open position. Bruce Berman, MHPAC Member, asked if there was a short term option to support the structure. Rich responded that there are bridge engineers evaluating temporary measures to support the bridge. Vivien Li, MHPAC Member, noted that the City's Conservation Commission has issued a permit for repair and

support work on the bridge. Sean Ford, Tea Party Museum, asked which lanes would accommodate vehicles and pedestrians. Rich noted that the long-term intend is to have the bridge serve all modes of travel, however, it is unclear as to how the design will develop and the design will be reviewed with the Committee so that feedback can be provided to the City's Public Works Department. Beatrice Nessen, asked about the role of the Massachusetts Historic Commission with the review process. Rich noted that the Fort Point Channel is on National Register and the bridge is part of that designation, and the Commission would have oversight during the bridge permitting process.

Matthew Littell, Utile, provided an overview of the public realm planning process to date its framework. He reviewed the Public Realm Plan and the lists of benefits that were developed through that process and the need to now prioritize those items and implementation strategies. Tom Palmer, Harbor Towers, asked if the benefits are to be considered offsets within the context of the municipal harbor plan. Matthew noted that the discussion is not being framed that way, but some of the items could develop into offsets and mitigation. Matthew further noted that the improvements should be viewed as enhancement that could improve the condition of the waterfront regardless of new development projects. Rich McGuinness noted that the discussion should look at the whole of the waterfront and what can make it a better waterfront, as well as how to prioritize the elements of the public realm plan and whether there things that the public realm plan may have missed. Vivien Li, noted there may be improvements that should be specified as baseline requirements.

The first question asked was what public realm improvements should be implemented immediately. Joanne Hayes-Rines, MHPAC Member, stated that signage and wayfinding needs to be improved. Jesse Brackenbury, MHPAC Member, seconded Joanne's comments and emphasized the need to improve means and methods of getting people to the opens space resources in the planning area and how to bring people to the water. Nigella Hillgarth, MHPAC Member, also agreed on the signage issue. Bruce Berman, noted the need for stronger connections to the rest of the City by water transportation, bike and walking, with structural improvements as well as innovative means such as lighting. He also referenced the importance of providing access for people to get down to the harbor and touch the water, as well as four season programming for the waterfront that is comprehensive and relates to the surrounding area and Greenway. Rick Dimino, MHPAC Member, prioritized the enhancement and maintenance of existing open and civic spaces. Phil Griffiths, MHPAC Member, noted the need for a formal recognition of Long Wharf as a formal gateway to the Harbor Islands. Suzanne Lavoie, referenced amenities and services that focus on the needs of residents in the area, as well as the children that reside in the waterfront district.

The next question related to specific improvements that could function to improve the entire waterfront area. Bruce Berman noted the Northern Avenue Bridge as key to resolving access issues along and around the bridge which is crucial to improving the area and the planning process should look to unlock resources to make it happen. Vivien Li raised Long Wharf and the need to rethink the end of the wharf and ways to improve activation and programming of the area, as well as Sargents Wharf in the North End and means to improve it beyond its current use as a parking lot. Marianne Connolly, MHPAC Member, seconded the prior comments on the Northern Avenue Bridge, and keeping in mind the conceptual plans for the 2024 Olympics. Jesse Brackenbury, indicated that traffic in general is a problem throughout the planning area for all that live, work and visit the area, and it is a current problem that will only get worse and it needs to be addressed now to improve multi-modal access. Joanne Hayes-Rines mentioned the need for the police to enforce traffic laws. Rick Dimino, referenced needed improvements to Parcel 16 along the Greenway. Jesse Brackenbury noted the need for improvements



to have open space areas in the planning area and the Greenway to relate to one another and draw the public to the waterfront.

The question of additional strategies that have not been discussed or those mentioned that should be reinforced was then posed for the Committee. Phil Griffiths, mentioned the need for a permanent, protected ticketing area that is a public space that is not dependent on a private developer and the need to organize queuing areas that do not interfere Harborwalk. Rick Dimino, added the need to look at resilient strategies that relate to existing and future transportation systems, as well as a shuttle system to connect North and South Stations. Bruce Berman, referenced investments in water transportation infrastructure such as boats. Jesse Brackenbury noted the importance of recognizing what costs we currently have to maintain the public realm and future maintenance costs that will need to be obligated to new public spaces and amenities. Rick Dimino, expressed interest in opportunities for new public moorings and areas for public dockage.

The issue of strengthening lateral connections from the Harborwalk to the Greenway and improving view corridors was then raised for Committee discussion. Jim Klocke, MHPAC Member, emphasized the importance of view corridors and referenced the open space and views at the Aquarium Plaza and Rowes Wharf, however, there are few opportunities to see the water in between and the plan should enhance views in the future. Jesse Brackenbury, mentioned the need of making those spaces that are opened for view corridors inviting and active, and not vacant public spaces.

The question of area-wide design guidelines as an inclusive tool to capture the issues of wayfinding, view corridors and touching the water was posed for the audience to comment on. Beatrice Nessen, noted that a master paving plan makes sense and is being done currently in the Back Bay, and also referenced development to the west of the Greenway and the need for connections to those areas, and need to improve general Harborwalk legibility. Sean Ford, Boston Tea Party Museum, mentioned that with improved wayfinding, signage and public amenities that the area's history should be integrated into those improvements and new infrastructure. Beatrice Nessen, spoke of a master lighting plan and that much can be done with creative lighting technology to make the area an artistic destination that can be viewed from land and water and have several dimensions. Marlee Meyer, noted the importance of pedestrian connections and facilities for residents and relating all the historic resources in the larger area.

Vivien Li raised the issue of commercial signage in the area and whether a plan is need to manage new signage. Rich McGuinness, stated that signage design guidelines are imbedded in zoning and reviewed by the BRA's Urban Design staff. Jesse Brackenbury, mentioned the Greenway wayfinding signage which is insufficient and the need for effective and innovative public signage such as the Freedom Trail surficial inlay which functions well to direct people, and the need for better and more consistent signage. Andrew Grace, MHPAC Member, referenced the importance of identifying important view corridors in the plan. Joanne Hayes-Rines, mentioned the opportunity of using existing public infrastructure such as trash cans that could also function to provide information and improve wayfinding. Bruce Berman, referenced lighting as a public art opportunity in the planning area and could also be integrated into street lighting and street signs.

Matthew Littell noted that many of the comments have been linked to wayfinding and identity and connections between the two. Sy Mintz, Broad Street Resident, spoke of the need to improve the

pedestrian experience along many of the crossroads that connect the Downtown to the waterfront, and lack of inconsistency of surface materials and conditions of those streets.

The discussion then focused on the Northern Avenue and Hook Lobster portion of the planning area and prioritization of improvements. Matthew Littell, reviewed some of the enhancements discussed to date including the Harborwalk connection beneath the Moakley Bridge. Jesse Brackenbury, noted that the connection from the Greenway to the waterfront in that location is problematic due to the highway ramps, road configuration and vehicular traffic, making it confusing and unsafe for pedestrians. He also referenced the current MassDOT ramp parcel study which is looking at opportunities for improving the condition of the parcels and covering the ramps, and the need for innovative thinking on ways to improve the pedestrian experience through the area. Lauren Shurtleff, BRA, stated that MassDOT, the City, the BRA and public have been engaged in a process to review options for the ramp parcels and comments are currently being received with a follow-on meeting scheduled for this spring. Matthew Littell, noted that Utile is also working on the study and that there are a number of factors that will play in to options to improve the area such as how the Hook site will be developed, sidewalk and roadway configurations and the redevelopment of the Northern Avenue Bridge.

Suzanne Lavoie, stated that she didn't see the Harborwalk connector beneath the Moakley Bridge as a viable connection due to safety issues and the fact it is a longer connections. Meredith Rosenberg, MHPAC Member, indicated there are too many questions that need to be answered before discussion of prioritizing improvements. Sydney Asbury asked Rich McGuinness to the background and rationale for the Harborwalk connector. Rich responded that it is modeled after the connections underneath the North Washington Street Bridge which are popular with pedestrians, as well as the Fort Point Channel Activation Plan channel walk which was a primary component of that plan. He also referenced the prior discussion of a pedestrian bridge over the Moakley and City's lack of interest in such connections as it interrupts visual connections. Andrew Grace, also referenced the under bridge walkways in Providence Rhode Island which were designed thoughtfully and are very successful with the public. Bruce Berman, mentioned that the connector would get people down to the water and could serve as a destination and should not be ruled out and make the place interesting.

Valerie Burns, raised issue with the stairway behind the Coast Guard Building up to the bridge and the need to capitalize on the opportunity with this planning effort and the redevelopment of the Northern Avenue Bridge to create an accessible connection through that reach of Harborwalk. Sy Mintz, mentioned the applicability of lifts and a pedestrian bridge connection through the Northern Avenue, Hook Lobster and Moakley Bridge to improve pedestrian access. Rick Moore, Harbor Towers Resident, suggested a Harborwalk arc around the bridges and intersections as a possible preferred route. Bruce Berman, noted the important opportunity for kayak and boat rentals on the Fort Point Channel.

Vivien Li, asked Ronald Killian, MassDOT, to provide an update on the proposed ferry terminal at 500 Atlantic Avenue. Ron noted there were some contractual issues with the first bid and it will be re-bid this year. He stated the facility will be ADA accessible and connect in to the docks at Atlantic Wharf and the facility will accommodate both bow loading and side loading vessels.

The discussion then focused on the Rowes Wharf and India Wharf area, with the question of how to prioritize physical improvements with particular emphasis on management and programming in an area that is largely developed. Vivien Li, stated that Rowes Wharf does exemplary public programming, however, the Harborwalk signage is not clear enough and the water transportation terminal is not fully

utilized and the gazebo is used primarily by private functions and we need to look at how to make it more public, and the new visitors center that will be developed at the ground level which should be referenced in the plan. Bruce Berman, seconded Vivien's statements and noted that programming is key and getting the word out to the public on the programming. Jesse Brackenbury also referenced programming and associated costs and the need to recognize expenses. Tom Wooters, MHPAC Member, mentioned opportunities for improving transportation access such as buses and car share options and being more flexible.

Valerie Burns, referenced public art that uses wind, tide, and shadow that are interactive and engaging and the need for the plan to recognize public art more broadly.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, March 11, 2015  
Atlantic Wharf, 290 Congress Street

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Susanne Lavoie, Greg Vasil, Vivien Li, Jesse Brackenbury, Bruce Berman, Nigella Hillgarth, Marianne Connolly, Jim Klocke, Joanne Hayes-Rines, Andrew Grace, Lois Siegelman, Louis Elisa

**City of Boston:** Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Kara Nagle, Councilor Linehan's Office; Maria Puopolo, Senator Petruccelli's Office;

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Ronald Killian, MassDOT

**Members of the Public:** Eric Geller, Judith Sugarman, Mary Holland, Steve Mitchell, Chris Fincham, Victor Brogna, Eli Sherman, WB Morrison, Al Raine, Nikita A., Kathay M., Charlie Fula, Karen Marcarelli, Jacqueline Lawless, Deborah Fung, Jim Cravens, Christine Colley, Sherry Grancey, Lisa Borgiani, Sorcha Rochford, Thomas Nally, Marcelle Willock, Richard Koch, Julie Mairano, Michael Yasutomi, Tom Walsh, Rob Stricker, Daniel Jones, Andrew Magee, Max Tanguay-Golucci, Tom Palmer, Jessica Seney, Jingwei Zhang, Sy Mintz, Charles Norris, Bill Zielinski, Will Adams, Valerie Burns, Erick Krauss

### **Meeting Summary**

Chris Busch, BRA, introduced BRA staff and the consultant team and noted that the meeting would continue the round-table discussion with questions for the Advisory Committee related to the prioritization of public benefits and implementation of the public realm plan.

Sydney Asbury, Committee Chair, raised the first question for the Committee which related to the public realm around Long Wharf and Central Wharf. Bruce Berman, MHPAC Member, noted that it is the diversity of activities at Long Wharf that make it so attractive and contribute to the congestion in the area which some appreciate and others do not. Regarding new improvements to the area, he mentioned that it is important to ensure there is adequate funding and resources available to maintain benefits for as long as the Chapter 91 License is active. He indicated he has not seen many successful models in the city of management boards made up of property owners, however, good examples can be found at Fan Pier as well as with the Fort Point Channel Operations Board.

Vivien Li, MHPAC Member, stated that a primary issue at Long Wharf is water transportation and a need to better organize the watersheet activity to allow additional space for more vessels as there will be a need for a more robust water transportation system with the build-out proposed in the Downtown area along with plans for the casino and Boston 2024. Regarding open space she also referenced the end of Long Wharf and the Compass Rose location as an area that has not been looked at in 30 to 40 years, and the need to rethink hardscape and consider ADA requirements and climate resilient materials and design options, as well as how to better integrate all open space resources including the Chart House

parking lot and Frog Pond Park. Public and private partnerships were also raised and the Norman B. Leventhal Walk to the Sea referenced as an example of the types of opportunities that exist. Rich McGuinness, BRA, noted that the Sasaki Long Wharf plan represents Long Wharf as a very public space, however, there has been some privatization of the area with the parking lot behind the Chart House, the marina which is for long term boat rentals, and asked if there were ways to make the area more open and accessible to the public on the landside and waterside with more areas for the public, transient berthing.

Lois Siegelman, MHPAC Member, also referenced water transportation and the need for better connections and coordination among routes and facilities as well as public amenities such as shade shelters. Marianne Connolly, MHPAC Member, mentioned concerns with idling vehicles and Suzanne Lavoie, MHPAC Member, expressed concern regarding the number and staging of tour buses and trolleys and referenced the need for a comprehensive plan to manage those vehicles.

Vivien Li, referenced the Aquarium and the educational exhibits and activating elements around the facility and noted that new development in the area should have educational exhibits available for public free of charge as baseline requirements. Nigella Hillgarth, MHPAC Member, referenced the importance of public access around the Aquarium and indicated the Aquarium would have a new strategic plan out by the end of the summer.

Bruce Berman asked about the schedule for the completion of the Municipal Harbor Plan. Rich McGuinness stated that initially the intent was to have the plan submitted to the state later this spring, however, there is additional analysis the BRA and City needs to conduct and there will likely be a few months delay.

Sydney Asbury, opened the meeting up to public comment on issues discussed. Valerie Burns, Fort Point Resident, noted that the MHP should recognize Long Wharf's significance and opportunity for the public to connect to the inner harbor and the need for the MHP to capture and provide guidance for future development that advances the interest of sustainability and public access. Chris Fincham, Harbor Towers Resident, referenced the inundation of Long Wharf at high-high tides and expressed concern with the length of time it has taken to develop the MHP. Sy Mintz, Broad Street Resident, mentioned the need to reconfiguring and consolidating taxi and vehicular space and access along Long Wharf. Victor Brogna, Atlantic Avenue Resident, stated that the National Park Service should be involved early on in the planning process as they have concerns and restrictions with what can be done with Long Wharf and noted that there are short term tie ups at Waterboat Marina. Marcelle Willock, Harbor Towers Resident, asked whether a skate park was part under consideration and the need to include age specific amenities and cater to different populations. Jesse Brackenbury, MHPAC Member, noted that the Charles River Conservancy is constructing a skate park at North Point in Cambridge. Bruce Berman echoed the importance of benefits, improvements and programming that covers a variety of age groups and abilities.

Sydney Asbury then raised the question of whether there is support for formalizing Long Wharf as a public space with a priority on public use. Bruce Berman stated that he did not see as great a great distinction between public and private dockage and there is a more important need for public landings and expanded water transit berthing, but it doesn't have to come at the expense of marinas. Jim Klocke, MHPAC Member, asked if the question was focused on current land owners and uses or the future. Rich McGuinness, noted that in looking at what is public along the waterfront there is Long Wharf and most

of Central Wharf that is accessible, and everything else is private with public easements, so Long Wharf allows for more flexibility and raises the issue of whether we want Long Wharf in the future to be prioritized for the public without conflicts without private ownership.

Vivien Li asked for further clarifications on limitations on residential uses. Rich noted current zoning allows for residential uses on Long Wharf, so there is the question of whether through the MHP there should be limitations or prohibitions on such uses and assurances for facilities of public accommodations such as hotels to prevent conflicts associated with privatization. Vivien Li noted that she did not support any initiative to limit residential uses as part of new projects. Matthew Littell, Utile, mentioned that the MHP process would develop new zoning and residential uses on upper floors do have the effect of changing the nature of activity on the surrounding area. Bruce Berman noted that he did not anticipate through the process of there being any major change with the mix of uses on Long Wharf.

Sy Mintz, mentioned that when the urban renewal plan was being developed for Long Wharf there was an intent in making it a public place and keeping residential uses off of the wharf. Andrew Grace, MHPAC Member, observed that Long Wharf is a public space and because residential uses are currently not present there is an opportunity through the plan to formalize the existing use mix and maintain public attributes to ensure that residential uses do not have the effect of limiting public use and the public experience. Vivien Li, recognized that the ground floors of the Custom House Block and Chart House have been privatized with office use and that there is through the plan an option to require that this ground floor space become FPA space in the future. Jim Klocke, noted that it is important to not push existing uses and business out of these locations under existing lease terms. Max Tanguay-Golucci, Tufts University Student, noted that Boston is in need of additional housing and if affordable housing could be incorporated into new development at Long Wharf it would serve to activate the area more than a hotel use.

The next question for the Committee related to the concept of a shared street and tabling areas around Old Atlantic Avenue and State Street. Bruce Berman inquired as to what constitutes a shared street and tabling of roads. Matthew Littell, stated that a shared street accommodates all modes of travel, where surfaces for cars and pedestrians are coplanar and there are other visual cues and design elements which integrate different modes of travel and function to slow vehicular speeds. Tabling is an elevation of a surface to make the pedestrian and vehicular realm one and the same. Jessie Brackenbury noted that these topics appear to be design details and that the MHP should focus more goals and leave the design elements to be determined by the BRA and design consultants at a later time. Louis Elisa, MHPAC Member, mentioned that these interventions allow for a more accessible area. Suzanne Lavoie, inquired as to how all the traffic and buses will be accommodated if areas are made pedestrian only and expressed concern with implications for traffic and more vehicular problems in the area. Bud Ris, stated that there has been much discussion and agreement that pedestrians should have primacy throughout the whole of the planning area however that is accomplished. Sy Mintz, mentioned the substantial pedestrian and vehicular conflicts along State Street and Old Atlantic Avenue between Long Wharf and Central Wharf.

Chris Busch, raised the question of the development of district-wide design guidelines early on in advance of project permitting to address the design of public realm and street-scape improvements. Bud Ris, noted that the Committee is in agreement that such guidelines should be developed.

Jesse Brackenbury mentioned the importance of public restrooms and there are not currently enough in the area. Vivien Li referenced the Long Wharf Marriott which has recently installed new bathrooms with external access, and she noted bathrooms and associated signage should be a baseline requirement and available regardless of patronage.

Bud Ris also referenced the duration of the planning effort and asked what is left to be done and how long that will take and the need to assign remaining work items to actual dates to allow for more structure to the process. Rich McGuinness stated the purpose of the last few meetings has been to wrap up public realm improvement discussions and determine if what has been reviewed to date will make for a better waterfront. Next steps will involve developing cost assumptions associated with those benefits, as well as working on a formula to relate the benefits to appropriate offset and benefits where applicable. There will be a review of all the properties and recommendations on appropriate substitute provisions and then an involved discussion on an offsetting strategy for height, density, shadow and related development impacts.

Sydney Asbury noted that there may be meetings cancelled in the future until there are recommendations in writing for the Committee to respond to. Tom Palmer, Harbor Towers, asked if the source of the costs would be provided. Rich said that costs would be determined and implementation formulas developed but they would not be associated with a specific projects.

Meeting adjourned at 4:30 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, June 10, 2015  
Boston City Hall, Piemonte Room

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Susanne Lavoie, Greg Vasil, Vivien Li, Jesse Brackenbury, Bruce Berman, Nigella Hillgarth, Marianne Connolly, Jim Klocke, Joanne Hayes-Rines, Phil Griffiths, Rick Dimino, Bud Ris

**City of Boston:** Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Kara Nagle, Councilor Linehan's Office; James Chan, Councilor Linehan's Office; Maura Zlody, Boston Environment Department

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Hon. Aaron Michlewitz, State Representative; Maria Puopolo, Senator Petrucci's Office; Patrick Lyons, Office of Representative Michlewitz

**Members of the Public:** M Holland, Matt Rubins, Dorothy Keville, Thomas Nally, Catherine McDonnell, Wan Yong, Will Adams, Pam McDermott, Fritz Murphy, R. Advani, Al Raine, Arlene Lowenstein, Gary Ronbinson, Joan O'Brien, Julie Mairan, Rita Advani, M Willock, Steven Comen, Faye Ginsberg, Melinda Marble, Kathleen Palray, Dan Adams, Eric Krauss, Chris Fincham, Peggy Briggs, Dr. Robert ViDaver, Laura Jasinski, David Lee, Diane Rubin, Deborah Fung, Jill Horwoods, Gabor Korodi, Jessica Seney, Ed Marcarelli, Chris Cannon, Pran Tiku, Kathleen Tullberg, Chun Cao, Lurn Glattstein, Victor Brogna, Gail Donovan, Wen He, Linda Gottlieb, Lee Kozol, Seve Mitchell, Tom Palmer

### **Meeting Summary**

Richard McGuinness, BRA, introduced BRA staff and the consultant team and noted that the meeting would focus on the three properties where new development is proposed within the Downtown waterfront planning area, Hook Lobster, Long Wharf Marriott and Harbor Garage, and the city's recommended maximum building dimension substitutions for those locations to be included in the harbor plan. He indicated that the city's consultant team would first present the recommendations and then the meeting would open to comments and questions from the Advisory Committee and then the general public. Future meetings will include a discussion of offsetting, or mitigation, strategies and formulas related to the substitutions discussed today.

Bud Ris, MHPAC Members, clarified that the harbor planning process is working up from a body of standards, regulations and past precedent related to harbor planning and Chapter 91 and not working down from a specific proposal for a specific property.

Matthew Littell, Utile, first reviewed the harbor planning and development review process and then discussed the area-wide design context and objectives, including existing building heights, density, floor area ratios in and around the planning area, as well as key view corridors and attributes to preserve. The Chapter 91 Waterways Regulation baseline building dimensions for the three properties were presented. Matthew then discussed the Long Wharf area and the Marriott property and the related the



public amenity and programmatic priorities of the Public Realm Plan. He also referenced the shadow protection zone on Long Wharf to prevent new shadow from development in the planning area over an hour in duration on October 23<sup>rd</sup>, which is the standard for assessing shadow. The initial proposal from the Marriott owners was reviewed along with proposed modifications to the massing and a recommendation of 80% lot coverage with 20% open space on the property was presented.

The Hook Lobster property was then discussed with recommendations for 70% lot coverage and ultimate building height of up to 305-feet. The public realm enhancements for the area that had previously been reviewed were addressed along with a review of the shadow analysis. Matthew noted that the controls for the building dimensional standards should not be limited just to floor area ratio (FAR) but should also include maximums for building volume to assist in limiting impacts of shadow, skyline and presence of new buildings. Regarding the Harbor Garage site the planning objectives related to the property were reviewed including views to the Custom House Tower, views to and from the city and water, and porosity through the site.

Matthew then reviewed the Chapter 91 baseline scenario and presented a number of massing scenarios for the property with a variety of lot coverage and building configurations that would function to remove the existing garage, create more open space on the property and prevent shadow on Long Wharf. A number of controlling dimensional and numeric factors were tested for the property resulting in maximum dimensional standard recommendations for the property of: 600-feet in height, 9.5 million cubic feet, 875,000 square feet and a minimum of 30% of the site as open space. Matthew stated that the purpose of the material presented is not to recommend any one scenario but rather to establish a set of numerical criteria or tests below which there are a number of possible development scenarios that will meet the city's objectives for the site and planning area. Beyond the numeric and dimensional standards there are the ground floor uses, qualities of open spaces, adjacencies, design and architectural considerations, all of which are more specifically dealt with through the development review process, but can be discussed and referenced in the harbor plan.

Sydney Asbury, Committee Chair, gave direction on the question and comment portion of the meeting and noted that at the June 24<sup>th</sup> Advisory Committee meeting the same material would be presented and all would have time to review the presentation material prior to that meeting.

Tom Wooters, MHPAC Member, indicated that his comments also include thoughts from MHPAC Member Meredith Rosenberg. He noted that they appreciate the effort that has gone into the level of analysis conducted to date and the reduced scale from the proposal for the harbor garage site; however, they remain concerned that the envelope greatly exceeds anything in the area in the way of height and density, and is outside the parameters of substitutions previously approved by the state as part of prior harbor plans. He indicated it is hard to consider the scenarios presented as meeting the state standard of condensed in footprint and modest in size. Tom mentioned that it is important before looking at offsets that the underlying policies of Chapter 91 are considered and whether what is being proposed is consistent. He noted the proposal neither is nor facilitates water dependent uses and also sets a precedent for tall and dense development along the waterfront. He added that when Harbor Towers was approved the added height was offset with additional open space on the property, but with the Harbor Garage proposal there is both higher height and lot coverage which is inconsistent with what has been done in prior harbor plan approvals.

Bruce Berman, MHPAC Member, stated that he did not understand the metric of building volume and cubic feet as it applies to the development sites in the planning area. Matthew Littell, answered that floor area is a more traditional measure of density and is the sum of all the built levels of a building, and where there are equivalent amounts of floor area in a residential building with 9-foot floor to floors, and an office building with 13-foot floor to floors, there will be a larger volume with the office building due to the floor heights. The volumetric, cubic-foot metric is a measure of all the building space enclosed by the building's "skin", so it is a three-dimensional measure, which allows more precision and controls more than a floor area ratio measure. Chapter 91 and the state is also more concerned with building volume than floor area when reviewing proposed substitution to the performance standards. Bruce noted that the measure is a different approach and may be instructive and raises some questions, and in the same way it impacts FAR could impact the economics of the building. Tom Skinner, Durand and Anastas, mentioned that with the South Boston Harbor Plan, there was an issues with the square footage metric, there were some changes and floor heights and uses and between the passage of the plan and construction, however, they were limited by square footage and not volume, which placed DEP and the permitting staff in a difficult position of trying to determine which was the controlling measure, height or building square footage. It is easier if the harbor plan specifies a maximum height and maximum volume when reviewing a project permit application.

Rick Dimino, MHPAC Member, noted that the process has been thoughtful, and expressed that the process and the regulations have been consistent with Chapter 91, and noted that the committee is following a path that is consistent with prior harbor planning efforts. He mentioned that the plan does build off of other plans, and future meetings will tie the process back to the public realm plan. He noted there will be connections between the building control thresholds discussed today and offsets associated with the public realm plan, and we need to maximize and balance those benefits relative to the economic development opportunity. Rick stated he did not feel comfortable making any determinations of the recommendations and thresholds presented until there is a better understanding of how they relate to the public benefits and public realm improvements. He also noted he shares Bruce's comment on economic impacts and is interested in economic viability and that there needs to be an explanation of the economics of the density thresholds so there is a viable approach to getting things done and realize the opportunity for an improved public realm and enhanced access to the waterfront.

Bud Ris, MHPAC Member, noted that the committee was given a lot of information today and directed his comments at the press present for the meeting and stated that if committee members do not express comments on what was presented it does not mean that their silence can be interpreted as being for or against the recommendations presented and that time is needed to digest the information. He also seconded what Rick said that before decisions are made on metrics or sites there needs to be an understanding of the offsets related to the substitutions. He noted that all three recommendations are exceptions and go well beyond what Chapter 91 allows and we need to see how it all works together comprehensively throughout the whole planning area and how new development will improve the area as a whole. He indicated that podiums and covered atriums don't cover the key problem with the garage which is to open the site to the waterfront. He expressed concern about precedent and that exceptions here can have state-wide implication for waterfront development. Regarding the height recommendations, he noted that Hook is in Financial District and height there is less relevant. He mentioned Harbor Towers is an anomaly and wouldn't be built that way today and it is important to draw a line that doesn't set higher height that could extend all the way through the North End. Heights and mass should take their cues from the urban form that is already there. He likes the analysis which

considers both height and bulk and would like to see improvements to the Chart House parking lot and consideration given to climate change.

Vivien Li, MHPAC Member, noted that the recommendations provided specify significant deviations from the Chapter 91 open space standards and it is not known as of yet what offsets there will be to mitigate for the loss of open space. Regarding height, she referenced the Chapter 91 compliant heights for the three properties and those proposed, and stated that height in and of itself is not a bad thing, but the impacts of wind and shadow must be considered collectively.

Rick Dimino, noted that the Federal Reserve building is a pioneer structure next to South Station and served as a catalyst for the economic future of the area and sees the development in the Downtown waterfront as a similar positive opportunity. He also noted he would support the opportunity to have additional open space and open space impacts mitigated not just on site but in the immediate planning area as well.

Jim Klocke, MHPAC Member, mentioned the height issue at the Harbor Garage location and noted that it is a unique site and it would be a missed opportunity to have the garage still in place five or ten years from now. He asked for more specifics regarding the economics of redeveloping the harbor garage and whether any options presented are better than others. Rich McGuinness stated that the current process is a planning effort and not an economic development exercise or strategy, that said the city's recommendations for height for the site go up to 600-feet which is substantially larger than the 200-foot height considered under the Greenway Guidelines and one of the reasons for this additional height is to accommodate the removal of the garage. He further added that the intent is to allow exceptional height and density for an exceptional project that will get rid of the garage. Vivien Li, asked whether the 50% open space standard could be met with a 600-foot tower element. Rich stated that there are a number of different scenarios provided that in some cases allow for over 50% open space on the site and there are tradeoffs for height as well as open space depending on the development that is brought forward.

Marianne Connolly, MHPAC Member, asked if about open space coverage and if DEP would have to amend any regulations. Rich McGuinness referenced the proposed winter garden and that the issue resolves around such a public amenity as something that could serve to mitigate shadow impacts but would not be considered open space or an offset for loss of open space.

Joanne Hayes Rines, MHPAC Member, expressed concern and referenced the Chapter 91 regulations which limit heights along the waterfront and referenced Harbor Towers as a waterfront development anomaly. She sees the heights recommended as being a dramatic increase which would also bring additional traffic impacts that would be exacerbated by new development throughout the downtown and waterfront area. She noted that these issues need to be evaluated comprehensively with over five million square feet of developed proposed in the area and stated it may make sense to proceed with the city's comprehensive plan first and then come back to look at the Downtown waterfront area.

Bruce Berman, observed that there is a lot more focus on the city both locally and regionally, and people moving into urban areas throughout the country and with this renewed interest in urbanism issues such as traffic and congestion will be present. Bud Ris, asked if it was possible to have a couple of buildings on the Harbor Garage site that are within the 400-foot harbor towers height range, and less than the bulk maximums presented, that would allow for greater porosity on the site. Matthew Littell noted that

some of the schemes ended up being lower but maintaining the square footage parameter would create a lot of bulk and site coverage.

Suzanne Lavoie, MHPAC Member, noted that the process appears to be a continuation of spot zoning and asked what would happen if another property within the planning area is purchased and a new developer were to want to construct a 600-foot building and asked how the city could deny such a proposal once it has allowed a prior building of that size and scale. She expressed concern that precedent would be set for larger buildings all along the waterfront and that a comprehensive view of the type of character we want for the waterfront needs to be discussed.

Rick Dimino, noted that it would make sense in the future to conduct a Central Artery/Greenway traffic study to help figure out ways to contend with the congestions issues along Atlantic Avenue and that it is prudent to separate out traffic analysis from the harbor planning process.

Sydney Asbury then opened the meeting to public questions and comments.

Steven Comen, Harbor Towers resident, asked about the shadow studies and whether they were on public areas and that the studies to date do not appear to impact the Harborwalk around Harbor Towers. Matthew Littell, noted that those areas are south of the Harbor Garage site and the orientation of the sun on the October 23<sup>rd</sup> date is such that shadows from Harbor Garage would not impact areas of Harbor Towers, however, there could be shadow from existing buildings and shadows from the project site could impact other areas at different times of year.

Ravesh Ashvani, Harbor Towers resident, asked why only form, height and shadow were analyzed and where maximum limits on open space and setbacks are not discussed. Richard McGuinness, explained why the October 23<sup>rd</sup> shadow standard was established and stated that the city is looking at setback, lot coverage and open space and there will be guidelines on maximum width of Harborwalk and setback. Matthew Littell noted that a 30% minimum for open spaces is discussed and offsets for additional coverage will be discussed.

Dr. Lowenstein, Lewis Wharf resident, noted she was unsure of the purpose of the building at Harbor Garage and that there is not a height problem at Lewis Wharf but a use problem with a proposed hotel at that location, and whether Lewis Wharf would be considered as part of the current process. Rich McGuinness mentioned that there is already a harbor plan for the North End waterfront and there is no intention for a new plan for that area in the near future.

David Lee, Harbor Towers resident, raised concerns regarding parking and how parking would be provided for additional people in the area. Rich McGuinness noted that transportation and parking are issues that will be reviewed when a formal project is brought forth and subject to local and state permitting review.

Diane Rubin, Council for Harbor Towers, asked about wind impacts associated with development at the Harbor Garage site and whether there has been any wind modeling, as well as historic sites and the skyline and how new development might impact these resources and views. Matthew Littell, noted that the skyline matter is something that will continue to be looked at and regarding wind, it is difficult to model and predict as building proposal massings are assessed in a wind tunnel, so there are standards

that will be referenced in the MHP and part of the Article 80 process that ensures that new developments do not create uncomfortable pedestrian wind conditions.

Marcella Willock, Harbor Towers resident, mentioned shadows on the water and associated impacts and if that is a subject to be considered. Rich McGuinness noted that at a future meeting shadow impacts and shadow restrictions would be discussed.

Sydney Asbury noted that there will be a meeting on June 24<sup>th</sup> from 6 to 8 PM and the same material will be reviewed.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Public Meeting**

Wednesday, June 24, 2015

Atlantic Wharf, Fort Point Room, 290 Congress Street

### **Attendees**

**Advisory Committee:** Sydney Asbury, Bob Venuti, Eric White, Bud Ris, Andrew Grace, Phil Griffiths, Lois Siegelman, Meredith Rosenberg

**City of Boston:** Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Kara Nagle, Councilor Linehan's Office; James Chan, Councilor Linehan's Office; Maura Zlody, Boston Environment Department

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Maria Puopolo, Senator Petruccelli's Office; Patrick Lyons, Office of Representative Michlewitz; Lisa Engler, Office of Coastal Zone Management; Ben Lynch, Department of Environmental Protection

**Members of the Public:** Judy Ehrlich, Heidi Wolf, Marcia Barron, Norma Poon, Vadim Kuksin, Nicole Rafter, Seth Lattrell, Charlie Fula, Maddy Cammakata, Dieter Reuther, Will Adams, Bill Zielinski, Ron Wallis, David Weaver, Sonia Wu, Tin Ying, Janet Jung, Frank Nasisi, Martha Mazzone, L. Bailey Berman, Michael Olson, Larry Post, Deborah Burnes, John Abdelahad, Paul Magnin, Donna Mager, Selma Rutenburg, Judy Tomer, Robert Hahn, Barry Bluestone, Joseph Benoit, Pat McAneny, Stephanie O'Neil, David Roderick, Emily Goldberg, Nolan Previte, Roger Berman, Carolyn Spicer, Keiko Prince, Mike Panagano, Richard Koch, Fred Alper, Niki Areyne, Suzanne Rogerson, Georgie Hotchkiss, Julie Hatfield Leland, Jessica Seney, Neil Aresty, Todd Guber, Jackie Rock, Sheree Dunwell, Evelyn DeRosa, Thomas DeRosa, Joanne Bothwell, Hill Horwood, Don Chiofaro, Chris Sinclair, Dorothy Willey, Richard Willey, Luke Riscitelli, Eugene Silva, Maggie Dow, Barbara Yanke, David Arnold, Christina Reale, Pamela Bardhi, Peter Gori, Marc Ehrlich, Ginny Houston, M. Willock, Christine Greeley, Julie Marrano, Diane Rubin, Karen Reuther, Jarret Johnson, Linda Cravens, Jim Cravens, Al Raine, Jane Stricker, Rob Stricker, Andrew Denkwerth, Jonathan Berk, Deborah Fung, R. Thompson, Juno Salado, Liz Poratni, Pamela Koch, Deborah Spirio, Scott Webster, Megan Fahy, Liz Nelson Weaver, Denise Wilson, Gerard Wilson, Philip Frank Koviak, Tom Lambert, Joan Green, Raymond Green, Gil Propp, Christian Merfeld, Anusia Gillespie, Paige Fults, Tony LaCasse, Victor Brogna, Russell Gilfus, Sy Mintz, Pam McDermott, Anna Yu, Paul Delios, D. Frattaroli, Elizabeth Cook, Victoria Ippolito

### **Meeting Summary**

Richard McGuinness, BRA, began the public meeting and introduced BRA staff and the consultant team and noted that the meeting would go over the same material and recommendations for the harbor plan presented at the last Advisory Committee Meeting on June 10<sup>th</sup>. He mentioned that all the presentation material is already posted on the BRA's planning webpage. The material focuses on the three properties where new development is proposed within the Downtown Waterfront planning area, Hook Lobster, Long Wharf Marriott and Harbor Garage, and the city's recommended maximum building dimension substitutions for those locations to be included in the harbor plan. He indicated that next phase of the planning effort will involve a discussion of an offsetting strategy, or mitigation for the substitutions to

the Chapter 91 standards. The offsets will embody the public benefits from the public realm plan and will be implemented through an offsetting mechanism or formula. He mentioned this evening's meeting is a public meeting and the city's consultant team will first present the recommendations and then the meeting would open to comments and questions from the public.

Matthew Littell, Utile, first reviewed the harbor planning and development review process and then discussed the area-wide design context and objectives, including existing building heights, density, floor area ratios in and around the planning area, as well as key view corridors and attributes to preserve. The harbor planning process is the first step to establish a broad brush set of controls for any new development in the planning area, with more detailed project development review occurring during the Article 80 and MEPA processes. The Chapter 91 Waterways Regulation baseline building dimensions for the three properties were presented. Matthew then discussed the Long Wharf area and the Marriott property and the related the public amenity and programmatic priorities of the Public Realm Plan. He also referenced the shadow protection zone on Long Wharf to prevent new shadow from development in the planning area over an hour in duration on October 23<sup>rd</sup>, which is the standard for assessing shadow. The initial proposal from the Marriott owners was reviewed along with proposed modifications to the massing and a recommendation of 80% lot coverage with 20% open space on the property was presented, which will reduce the amount of open space on the site but function to better activate the area around the property and Long Wharf.

The Hook Lobster property was then discussed with recommendations for 70% lot coverage and ultimate building height of up to 305-feet. The public realm enhancements for the area that had previously been reviewed were addressed along with a review of the shadow analysis. Matthew noted that the controls for the building dimensional standards should not be limited just to floor area ratio (FAR) but should also include maximums for building volume to assist in limiting impacts of shadow, skyline and presence of new buildings. Regarding the Harbor Garage site the planning objectives related to the property were reviewed including views to the Custom House Tower, views to and from the city and water, and porosity through the site.

Matthew then reviewed the Chapter 91 baseline scenario and presented a number of massing scenarios for the property with a variety of lot coverage and building configurations that would function to remove the existing garage, create more open space on the property and prevent shadow on Long Wharf. A number of controlling dimensional and numeric factors were tested for the property resulting in maximum dimensional standard recommendations for the property of: 600-feet in height, 9.5 million cubic feet, 875,000 square feet and a minimum of 30% of the site as open space. Matthew stated that the purpose of the material presented is not to recommend any one scenario but rather to establish a set of numerical criteria or tests below which there are a number of possible development scenarios that will meet the city's objectives for the site and planning area. The various tower and massing scenarios presented all run into one of the maximum dimensional controls. Beyond the numeric and dimensional standards there are the ground floor uses, qualities of open spaces, adjacencies, design and architectural considerations, all of which are more specifically dealt with through the development review process, but can be discussed and referenced in the harbor plan.

Sydney Asbury, Committee Chair, asked that those that had questions or comments to come up to the microphone at the front of the room and also asked that people be respectful and brief with their comments.

Richard Koch, Resident of InterContinental, commented that all the shadows presented fall on the water and questioned the accuracy and extent of the shadow models, and also referenced traffic congestion and concerns with more extensive traffic with further development. He also referenced the North-South Rail Link and whether the building foundation at Hook would preclude that project.

Neil Aresty, Harbor Towers Resident, spoke of storm inundation and effects on the Downtown Waterfront District and noted he was excited about progress and expressed an interest in having the Harbor Garage replaced by a new development. He noted that Harbor Tower's mechanicals are in the basement of the garage and the need to work collaboratively to have those systems relocated out of harm's way. He also referenced a parking garage in Brooklyn, which functions like a vending machine and noted that a similar design could work at the Harbor Garage location and expressed a need to think creatively.

Victor Brogna, Mercantile Building Resident, referenced the Notice to Proceed from the Office of Coastal Zone Management and the substitution guidance section which states that substitutions be at least as effective at meeting state tidelands objectives, and asked the BRA to reference the specific performance standard in relation to the substitution so that the public is clear on those provisions. He also asked if the BRA has had any conversations with state regulators regarding the substitutions proposed so far in the planning process. Rich McGuinness noted that the BRA will go through the policy objectives and substitutions. He mentioned that state regulators are attending Advisory Committee meetings and the city has been meeting with CZM and DEP through the planning process. Regarding process he stated that the harbor plan has to be approved by the BRA Board and then goes to the Secretary of EOEEA and they run their own public review process before determining if the plan is to be approved.

Tin Ying, Harbor Towers Resident, observed that there have been qualitative and quantitative parameters presented which appear to allow for flexibility for tradeoffs and asked when the formulas or algorithms for the tradeoffs will be decided and presented. Rich McGuinness noted that the city will get into that level of analysis at future meetings and formulas and metrics will be presented for consideration by the Advisory Committee and public.

Meredith Rosenberg, MHPAC Member, praised the BRA for rejecting the Harbor Towers 1.3 million square foot proposal, as well as the New England Aquarium's recent letter regarding the BRA's proposed maximum substitution standards. She asked about outcomes of prior MHP processes and referenced a chart that has been developed from prior approved plans that reviews prior projects substitutions and approved offsets. She noted that the Chiofaro proposal for Harbor Garage and the maximum substitutions presented by the BRA exceed prior precedent.

Paul Delios, Owner of Kane's Doughnuts, stated that he is a tenant at One International Place, and praised the Chiofaro Company for how they maintain and activate the public spaces at One International, which is open to all in the surrounding area to sit and enjoy. He noted that as a small business coming into Boston there has been great support from the Chiofaro Group who have been great stewards to the tenants. He believes that the Chiofaro team will bring positive things to the Harbor Garage redevelopment.

Christina Reale, property owner and resident of South Boston, lauded the Chiofaro Company's management and programming at One International Place and expressed interest in economic growth,



innovation and development along the waterfront and noted that the transformation of the Harbor Garage property would assist in those endeavors.

Todd Guber, Folio Resident, noted he loves living in the Downtown Waterfront area and that the Harbor Garage is an eye sore and much can be done to improve the site. He expressed interest in progress and hopes that a new development proceeds on the Harbor Garage property.

Martha Mazzone, Fort Point Resident, endorsed the prior positive statements about the Chiofaro Company and their proposal for the Harbor Garage site. She noted that the city needs to be progressive and grow and expressed support for new, iconic design and big thinking for the planning area. She referenced the Boston Harbor Project and that we now have a harbor that serves as an incredible resource. She mentioned that the construction in the Seaport District has blocked views and access to the harbor and there is very little street activation in that area. She noted that the Harbor Garage site design will open the property and create new connections to the Greenway and the harbor.

Norman Previtie, Commercial Street Resident, stated that the Harbor Garage project is great for the city and will help advance the city as an international destination and the development will bring jobs and improve the surrounding area and resident's real estate values.

Heidi Wolf, InterContinental, asked how the maximum recommendations were determined and what has changed from the Greenway Guidelines to increase proposed heights, and how the substitutions are related to public benefits. Rich McGuinness, noted that the recommendations started with the Greenway Guidelines, which did not recognize the water's edge and impacts on the waterfront. He noted that the analysis has looked at the type and extent of density that will be necessary to have the properties redeveloped and function to open and activate the area and waterfront. He also noted that the public benefit discussion will be reviewed at the next Advisory Committee meeting.

Gil Propp, referenced transit and transit capacity and existing traffic congestion in the area and noted the need for added capacity. He inquired about the status of the Northern Avenue Bridge and the need to improve transit routes and capacity. He also expressed support for the Harbor Square proposal and noted the area is a gateway to the city and the need for innovative design for new buildings along the Downtown Waterfront.

Donato Favaroli, North End Resident, expressed support for Mr. Chiofaro and his project.

Karen Reuther, Fort Point Resident, mentioned that her view has changed and has been blocked by new development, and accepts the change with the new and improved services, rather her issue is with the design of the new buildings and a game changing building and design is needed for the Downtown Waterfront.

Mary Holland, Harbor Towers Resident, inquired about the acceptance of covered space as open space as part of the planning effort. Rich McGuinness, noted that the garden under glass proposal would not be considered open space, but could serve as mitigation for other substitutions.

Elizabeth Cook, Harbor Towers Resident, expressed concern with traffic and future congestion and praised the New England Aquarium's recent letter regarding the redevelopment of the Harbor Garage site.

Peter Gori, Fort Point Resident, noted the disconnection in the Downtown Waterfront area and the challenges for area businesses. He mentioned he worked on the Greenway Guidelines and indicated there were various schemes and heights along the Greenway and the current process is more thoughtful in its analysis of height and massing.

Larry Post, Harbor Towers Resident, mentioned that the garage is an eye sore and redevelopment will increase property values, businesses, tourism and open the area and create new public amenities and wants to see the project proceed and will be great.

Barry Bluestone, Northeastern University, referenced public open space and the Chiofaro plan will open the property to the public and all neighbors in the community and draw people into the area to use the waterfront and the Greenway. He also noted that we have to think about economic feasibility to make the project work and unlock the public space and amenities.

Pat McAneny, Fenway Resident, noted he is excited by change in the city and views the redevelopment of the Harbor Garage site as important to draw people and activate the waterfront.

Joe Benoit, Harbor Towers Resident, noted he would like to see the garage removed and have the site opened to the surrounding area, but how the site is developed is important and the Chiofaro proposal and the BRA's proposed massings take too much space and are too massive, and supports scaling the project down.

Bud Ris, MHPAC Member, referenced the urban design metrics present in the Downtown Waterfront area and noted that there is no justification of the scope of recommended maximums presented in the existing urban context. He noted that one cannot rationally get to the recommended numeric metrics based upon what exists in the area, so there must be some economic justification driving the numbers and if that is the case than that analysis should be made public. He sees the numbers that have been presented as a departure from the planning that has occurred to date, and conversely the Hook Lobster site and Marriott Long Wharf recommendations do work within their contexts and there are viable tradeoffs for those proposed densities. He also noted the maximums should not be set until we see what is going to happen throughout the whole planning area; how much more access throughout the area, how much more open space, what will be done to support water dependent uses in the area. He mentioned that there has not been any discussion of climate change in the process and climate change must be incorporated into the planning effort based upon city's own Climate Action Plan. He suggested guidelines including that new structures have a base elevation of 4-6 feet above grade to protect new development and limitations on uses on the ground floor and flood proofing of areas below the flood elevation. He stated that the three development sites should serve as a model for climate resiliency.

Marcelle Willock, Harbor Towers Resident, stated that Harbor Towers was a pioneer development and there has been a long commitment by Harbor Towers to the neighborhood and they want what is best for the community. She noted that Harbor Towers is not concerned with views, rather they commissioned an architect to look broadly at the area and impacts upon the surrounding waterfront area, and the interest is keeping Boston the world class city that it is. She noted that Harbor Towers has been meeting with Don Chiofaro and a new development is favored and mentioned they have indicated that height is not the enemy, but we want progress that benefits the whole waterfront.

Frederick Alper, noted that through the presentation there was no mention of the New England Aquarium which is a cultural icon, and the shadows and noise that will come with development need to be considered. He stated that the proposals for the Harbor Garage site are too large and there needs to be moderation with the proposed progress.

Robert Stricker, Harbor Towers Resident, expressed support regarding the scenarios presented for the Harbor Garage site, and referenced the material as thoughtful. He indicated the garage should come down with thoughtful design that opens the waterfront and new development that is iconic. Traffic and climate change are also issues that need to be addressed as part of the project.

Deborah Burns, Harbor Towers Resident, referenced Harborwalk and all the recent, positive development and connections along the waterfront. She mentioned that the existing garage should come down and indicated that height and mass of new development are not as much of a concern as the activation and what the waterfront can be in the future. We need a beautiful new landmark along the waterfront that will make the district even more dynamic, work with the Aquarium and function to alleviate the traffic congestion.

Frank Nasisi, Harbor Towers Resident, stated that he fully supports and endorses the Chiofaro Team's redevelopment of the Harbor Garage. He noted that there have been members of the Harbor Towers Trustees that have spoken against the Chiofaro proposal, but the trustees do not represent all the residents of Harbor Towers and their positions on the project. He mentioned that the area around the garage is dead space and more activity and destinations are needed; an iconic and exciting building is what is needed.

Ginny Houston, Harbor Towers Resident, expressed support for the redevelopment of Harbor Garage, and would like to see a new building replace the garage structure. She noted that Don Chiofaro has been listening and giving consideration to concerns expressed by Harbor Tower's residents.

Mike Penagano, Works in Seaport, noted he works at an ad agency and referenced the younger demographic in the city and indicated that the younger generation would like to see new development and the city progress. He expressed concern with the architecture and lack of activity at the ground level around the Seaport and the need to not make those same mistakes with new development.

Frank Mirano, Harbor Towers Resident, noted that there are a lot of positive comments and opinions being expressed, but the Harbor Garage site is part of a larger municipal harbor planning process and there is more than one project to consider and we need to understand and grasp all the details.

Sydney Asbury thanked all in attendance and noted that the BRA continues to take comments and questions on the process and staff may be contacted for follow up.

Meeting adjourned at 8:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, September 16, 2015  
Boston City Hall, Piemonte Room

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Susanne Lavoie, Greg Vasil, Vivien Li, Jesse Brackenbury, Bruce Berman, Nigella Hillgarth, Marianne Connolly, Phil Griffiths, Bud Ris, Bob Venuti, Maura Zlody, Lois Siegelman

**City of Boston:** Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Kara Nagle, Councilor Linehan's Office; James Chan, Councilor Linehan's Office; Maura Zlody, Boston Environment Department

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas; Steve Mague, Durand & Anastas

**Government Representatives:** Maria Puopolo, Senator Petruccelli's Office; Patrick Lyons, Office of Representative Michlewitz, Brad Washburn, Office of Coastal Zone Management; Lisa Engler, Office of Coastal Zone Management; Ben Lynch, Department of Environmental Protection – Waterways Division

**Members of the Public:** M Holland, R. Barron, Thomas Nally, Arlene Meisner, Karen Marcarelli, Joan O'Brien, Phil O'Brien, Wen He, Wes Stimpson, Robert Stricker, Derek Shooster, Victor Brogna, Chris Fincham, Judith Sugarman, Julie Mairano, Marcelle Willock, Ford Cavallari, Jim Cravens, Will Adams, Bill Ziellinski, Paul Magnin, Heidi Wolf, Dan Adams, Sy Mintz, Clare Kelly, Jill Horwood, Jane Stricker, Charles Norris, Tom Palmer

### **Meeting Summary**

Richard McGuinness, BRA, introduced BRA staff and the consultant team and noted that the meeting would focus on responses received from the Office of Coastal Zone Management and the Department of Environmental Protection regarding the recommendations presented in June, as well as feedback from the Advisory Committee and stakeholders. He mentioned the Tom Skinner, Durand & Anastas, would be presenting material on area-wide substitutions and amplifications for the harbor plan.

Tom Skinner noted that the presentation would cover proposed elements to include as part of the Municipal Harbor Plan (MHP). Tom reviewed the harbor planning and development review processes involved with the MHP and the planning goals and priorities. He indicated an area-wide framework for substitutions and amplifications would be reviewed today and noted there was still significant work to do on specific substitutions for the larger projects in the planning area as well as how the offsets relate to those projects and substitutions. He referenced earlier MHP processes and determinations and MHP planning precedents related to those planning efforts and how the Downtown Waterfront planning process relates and differs.

Suzanne Lavoie, MHPAC Member, asked if during the review of the prior MHP's there was also an analysis of weaknesses and failures associated with the plans. Tom Skinner stated that they did look at

issues with prior plans and their capacity to effectively implement the priorities, goals and offsets with those plans.

Tom noted that the South Boston MHP worked with a blank slate with no existing development on the site, where Lovejoy Wharf and Fort Point Downtown had singular developments. He indicated the Downtown Waterfront is more complex than prior plans with a wide variety of existing uses, buildings and property owners in the area and a variety of proposed projects, so the MHP needs to be structured very carefully to fit with the area. Regarding the development of new approaches, the Chapter 91 Regulations are first reviewed and then the Office of Coastal Zone Management and the Department of Environmental Protection are consulted to discuss the approach framework to get feedback. Tom mentioned one early response was that open space must be open to the sky, and other general opinions from the state have included that existing and future water dependent uses in the Downtown Waterfront must be protected and prioritized in the plan as baseline requirements.

Lois Siegelman, MHPAC Member, asked what comprised the footprint of the Institute of Contemporary Art building and whether it consisted of just the base or also included the overhanging portion of the structure. Tom noted that the ICA is a Special Public Destination Facility and there was a special provision to allow the overhang, as normally that would not be allowed that close to the water. Additionally, the ICA was considered a public benefit and an offset in and of itself.

Tom Wooters, MHPAC Member, asked whether anticipated increased traffic congestion associated with new non-water dependent use projects and those impacts on access to water-dependent uses would be considered as part of the MHP. Tom Skinner noted that to some extent it would be considered, but a full traffic and transportation analysis would be conducted at a later time when an actual project is proposed and subject to the MEPA and Article 80 processes. He also noted that further discussions are needed with water-dependent use in the planning are to review their access issues and capacities.

Ford Cavallari, North End Resident, mentioned that traffic should be a central issue to the planning effort with the plan proposing millions of square feet of new office and residential space. Tom Skinner responded that the harbor plan needs to address what is enforceable under the Chapter 91 Waterways standards, and traffic is not within the Chapter 91 regulatory purview. He further noted that even if a traffic management plan were included in the MHP it would not be enforceable.

Jesse Brackenbury, MHPAC Member, observed that there are significant concerns with current traffic congestion in the area and the impacts of future development in Downtown, and there is no real forum at this time to address this issue and respond more specifically to the public's concern. He noted that he would like to see a process from the BRA to start to respond to traffic and transportation issues in the Downtown area. Rich McGuinness mentioned that when the Secretary of Energy and Environmental Affairs issued their Decision on the South Boston MHP there was language requiring the city to follow up with a transportation plan and the harbor plan can establish priorities for access to the waterfront and consider a future transportation plan for the area. Lois Siegelman noted the importance of considering water transportation and other mobility options other than just cars. Bruce Berman stated that the city's Transportation Department is aware of these issues and is looking comprehensively at mobility and traffic congestion.

Tom Skinner, then discussed amplifications which function to enhance the discretionary provisions of Chapter 91 which are the non-numeric performance standards of the regulations. Tom stated that one

recommendations is to have the whole of the planning area meeting the standards of Commonwealth Tidelands, as most of the planning area consists of Private Tidelands, which requires more substantial activation of the planning area and relates to the priorities of the Public Realm Plan planning process. The second amplification references the New England Aquarium as a Special Public Destination Facility (SPDF) and a prime focus for offsets, with the last amplification specific to the Hook site and Facilities of Private Tenancy over tidelands, and a requirement for the stated offsets in the plan to apply regardless of use, even if an FPA such as a hotel is built on the site.

Nigella Hillgarth, MHPAC Member, inquired about the SPDF designation for the Aquarium. Tom Skinner stated SPDF's were developed during the city's first harbor plan, the Harborpark Plan, and called out certain cultural and civic facilities that promote year round activation and function to draw diverse crowds from throughout the community. Nigella asked if the designation could limit growth of such a facility or institution and Tom noted that it does not and the Aquarium could expand without relief through a harbor plan as it is a water dependent use. Vivien Li clarified that if there are offsets for the Aquarium those improvements would have to be developed in consultation with the Aquarium.

Tom Skinner then reviewed the area-wide substitute provision for lot coverage and height with exceptions for the three sites where development is proposed. He noted that the area-wide standards relate the city's intent for the whole area, so the height proposal is for an area-wide standard of 200 feet consistent with the Greenway Guidelines with exceptions. The open space provision would allow for more lot coverage than 50% but increase open space for new projects where here is currently 100% lot coverage and allow for higher density with more active open space. Tom referenced that there is over 50% open space for the whole of the planning area even without the open space on the Harbor Towers property that is not open to use by the general public. The state allows up to half of the open space to be comprised of roads and parking lots, however, this only makes up 13% of the total planning area. The area-wide substitution for open space would be to allow up to 70% lot coverage for each parcel, with possible exceptions for the Marriott hotel and the Harbor Garage sites. He also presented a tiered approach to the open space offset which would have higher ranges of offsets and mitigation as the amount over 50% lot coverage increases. The offsets will be discrete improvements that would be related to the substitute provision and the offset.

Bud Ris, asked if the total area-wide open space figure of 56% without the space at Harbor Towers is intended to be a minimum that is maintained. Tom Skinner stated that we would want to maintain that as a minimum. Bud asked if we should be looking for a greater percent of open space if we want the Harbor Garage to go away and have more open space on that site. Tom responded that gets complicated due to the Marriott Long Wharf where the intent is to expand the footprint and take up additional open space and there are questions as to how to determine open space at the Hook site. Vivien Li asked if the recent court decision regarding the end of Long Wharf and the open space there would have implications for an expansion of the hotel's foot print. Rich McGuinness stated that there would not be an issue as the decision was specific to the end of the wharf and didn't include the hotel property. Vivien also asked about the change in ownership of the Chart House and the Custom House Block and implications for the harbor plan. Rich noted that the BRA has been in contact with the new owners and there is no intent to expand those buildings and they understand the Chart House parking lot has been discussed as future open space, and they are only looking to make improvements to the interior of the buildings.

Ford Cavallari, inquired as to who is determining the amount of the offset. Rich McGuinness noted that there would be discussions at future meetings as to what those numbers could be for inclusion in the plan.

Bruce Berman and Bud Ris reacted favorably to the area-wide planning analysis and discussion but reserved judgement until there are further details on the relation and amount of offsets. Bud also asked for a more formal agenda of the overall planning process moving forward. Bud stated that the recommended maximums that end up in the final MHP should be established as ceilings that cannot be expanded on and that they should be subject to future traffic analysis to be conducted to determine if the area could handle the traffic, and if not then the project size and scope may need to be reduced.

Suzanne Lavoie, MHPAC Member, expressed concern with the lack of dialogue between Advisory Committee members and what the member's thoughts are after digesting the information from the meetings. Sydney Asbury noted that the next meeting could be used for more of a thoughtful conversation on the information presented.

Victor Brogna, North End Resident, noted that density and traffic are related and need to be discussed together, and cautioned that the open space massing strategy discussed today was also used in South Boston and has resulted in inappropriate massing there.

Sy Mintz, Broad Street Resident, mentioned that it will be important for the BRA and BTB to discuss what is being done in other cities with transportation problems and mobility options including parking, and have a broader conversation of demographics and transportation. He echoed Suzanne's opinion that there needs to be more internal discussion and feedback within the committee.

Derrick Shooster, East Boston Resident, asked if there was an off-street parking census and referenced possible future efforts to direct parking to other locations or ride sharing models to reduce parking congestion in the area.

Fred Goodnow, Harbor Towers Resident, expressed concern with conflicts between the heights of new buildings in the planning area and air traffic out of Logan airport.

Eric Krauss, New England Aquarium, stated that the aquarium has looked at transportation options, but there is still a heavy dependence on the garage even after promoting those alternatives.

Tom Palmer, Harbor Towers, expressed the importance for there to be more discussion on the issues and the ability to ask questions during presentations.

Meeting adjourned at 5:00 PM.



## **Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting**

Wednesday, September 30, 2015  
Boston City Hall, Piemonte Room

### **Attendees**

**Advisory Committee:** Sydney Asbury, Tom Wooters, Susanne Lavoie, Vivien Li, Jesse Brackenburg, Bruce Berman, Marianne Connolly, Bob Venuti, Joanne Hayes-Rines

**City of Boston:** Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management

**Members of the Public:** Clare Kelly, M Holland, Thomas Nally, Arlene Meisner, Norman Meisner, Valerie Burns, Lisbeth Bornhofft, Jane Wolfson, Emily Bauernfeind, Anusia Gillespie, Mike Horn, Diane Rubin, Jill Horwood, Chris Burgess, Rebecca Thibault, Morty Downs, Lera Cavallo, Jim Duffey, Andrew Magee, Heidi Wolf, Sy Mintz, Charles Norris, George Connolly, Keiko Prinie, Meg Rabinowitz, Meghan Jeans, Deborah Kulich, Jamie Fagan, Erick Krauss, Bob Cummins, Victor Brogna, Justin Kelly, Tony LaCasse, Teri Davidson, Tania Taranovski, Mark Smith, Ktie Fagen, Lev McCarthy, Amy Uden, Marcelle Willock, Wes Stimpson, Will Adams, Bill Ziellinski, Tom Palmer, Steven Comen

### **Meeting Summary**

Chris Busch, BRA, introduced BRA staff and the consultant team and noted that the meeting would continue the discussion of district-wide substitutions and amplifications and also get into the mechanics related to offsets for the whole of the planning area. He mentioned that at future meetings there will be more of a focus on the specific development parcels and related offsets and mitigation.

Sydney Asbury, Committee Chair, recognized that the meeting would be Vivien Li's last meeting as part of the Advisory Committee and thanked her for her commitment and years of service. Richard McGuinness, BRA, also expressed thanks for Vivien's years of advocacy and commitment to improve the condition of the harbor and access to the waterfront.

Tom Skinner, Durand & Anastas, mentioned that the presentation was essentially the same from the last meeting's which covered the general structure of the Municipal Harbor Plan (MHP), and that more work is still needed to develop the substitute provisions and offsets for the proposed development projects. He noted that the information provided is in draft form and the city is looking for feedback from the Committee and the public. Tom referenced earlier MHP processes and determinations and MHP planning precedents related to those planning efforts and how the Downtown Waterfront planning process relates and differs. For the current plan there will be broad use of amplifications and substitute provisions with offsets with exceptions primarily for building footprint and building height, and there are others that will be covered. He noted that in developing the framework, guidance has been provided through the MA Department of Environmental Protection and Office of Coastal Zone Management as to how to accomplish the public goals and objectives required through the Chapter 91 regulations and



expanded on in the Public Realm Plan. Feedback to date from the state agencies has included, that open space must be open to sky; that open space should be conserved for water dependent uses, so taller, smaller buildings are preferable; predictable outcomes be tied to specific public benefits; and, protection of water dependent uses. He noted that the area already has many water dependent uses in the planning area and access to those resources needs to be protected.

Regarding new aspects to the Downtown Waterfront MHP, Tom referenced proposed amplifications including protections for existing and future water dependent uses, as well as a maximum building heights with exceptions, also an area wide calculation for open space with open space requirements on a parcel by parcel basis. Additionally, there are restrictions on net new shadow with tiered offsets based upon shadow impacts. Tom then discussed the differences between substitutions, which relate to numerical standards in the Chapter 91 Regulations, and amplifications which involve discretionary standards.

With respect to proposed amplifications Tom noted that one recommendation is to have the whole planning area meet the more stringent activation requirements of Commonwealth Tidelands, regardless of whether the property is located on Commonwealth or private tidelands, and designate the New England Aquarium as a primary special public destination facility (SPDF), with additional SPDF's on the north side of Long Wharf functioning as a Harbor Islands gateway facility and on the ground floor of the Hook Lobster property. The other amplification is specific to Hook Lobster, as the current development plan proposes facilities of private tenancy (FPT's) over flowed tidelands, there is a recommendation that the public benefits associated with an FPT be required regardless of future use at the site.

Tom then reviewed proposed area-wide substitute provisions which relate to the numeric Chapter 91 standards. Regarding height, the recommendation is for there to be a district-wide height substitution of 200-feet for all buildings in the Downtown Waterfront consistent with the Greenway Guidelines, with exceptions for the Harbor Garage and Hook Lobster sites, which allow for higher density with greater public benefit requirements. Tom noted for the open space substitution approach that there are two open space frameworks recommended. The first is an area-wide standard that requires a minimum of 50% of the space within the planning area be open space, which is currently being met even if the open space areas of Harbor Towers are not included in the calculation. The second is a parcel specific standard which limits lot coverage to a maximum of 70% with offsetting mitigation and public benefits for any lot coverage over 50%. Tom mentioned that the New England Aquarium may have to be taken out of the open space equation as they are a water dependent use and do not need to meet the open space requirement in the future. Regarding mitigation associated with these substitutions, there is a tiered approach recommended where the per square foot cost is yet to be determined, but as a lot coverage and height increase on a property the magnitude of offset and public benefit increases.

Tom proceeded with a review of the height substitutions that were not discussed at the prior meeting. There is the area-wide substitution allowing for all buildings to extend up to 200-feet, and meet wind and shadow requirements with two exceptions that apply to buildings under 200-feet and two exceptions for buildings over 200-feet. To address climate change an additional two floors, or maximum 30-feet is allowed for existing buildings provided vulnerable mechanical and building systems are elevated to higher floors and the ground floor and subgrade areas are flood proofed, and all open space made open to the public and ground floor uses must be facilities of public accommodation. Another height parameter is specific to Long Wharf, where for areas seaward of the hotel the 200-foot height

limit is not applicable, however, the 30-feet of added height would be allowed to climate proof existing structures.

Tom noted that there would be height exceptions over the area-wide 200-foot standard for the Harbor Garage and Hook Lobster sites. Eric Krauss, New England Aquarium, asked if the additional 30 feet included roof top mechanicals. Tom stated that the 30 foot standard is a maximum and would include mechanical systems. Suzanne Lavoie, MHPAC Member, inquired as to whether the added 30 feet would also apply to Harbor Towers. Tom noted that the standard is applicable to all buildings in the planning area, with the requirement that all open space be open to the public and ground floors become FPA's. Bruce Berman, MHPAC Member, asked if the shadow prohibition zone on Long Wharf applies to the height substitutions. Tom noted the restriction would apply to all height substitutions.

Tom reviewed the site specific substitution associated with facilities of private tenancy over flowed tidelands at the Hook Lobster location, with offsets on site and regardless of use at the site. Regarding Hook there is also a proposed substitution related to the Water Dependent Use Zone (WDUZ) which would allow for a reconfiguration of the area provided there is no net loss of WDUZ on site. Tom noted the reconfiguration would allow for a larger Harborwalk and there would be provisions to ensure outdoor café seating did not encroach into the public access area.

Regarding next steps Tom noted the city needs to do more work on base line requirements to protect water dependent uses, develop more detail on substitutions and offsets specific to the Marriott Long Wharf, Harbor Garage and Hook Lobster locations, and develop a draft document for review and comment before submission to the state.

Bob Venuti, MHPAC Member, asked about the Marriott Long Wharf and the requested expansion which will reduce the amount of open space on the site. Tom responded that the additional lot coverage may take the amount of open space on the property down to 20%, however, there is the balancing or offsetting factor of the new retail and restaurant space functioning to activate and enliven this portion of the waterfront, which is also a Chapter 91 objective. Rich McGuinness clarified that the hotel would also have to provide offsets or mitigation for the additional lot coverage.

Vivien Li, MHPAC Member, inquired as to why there is not a greater focus on establishing more open space, not making exceptions for additional lot coverage and less space and noted that what has been recommended is a significant deviation. She also mentioned that the recommendations mentioned today will set future precedent and there is concern regarding FPT precedent being established at the Hook Lobster site, and there are substantial substitutions being proposed for the harbor plan.

Suzanne Lavoie, asked why roads and parking areas are included in the open space calculations. Tom Skinner stated that under state policy up to 25% of Commonwealth Tidelands can be roads and parking, but in the planning area there is only 13%.

Jesse Brackenbury, MHPAC Member, mentioned the Marriott Long Wharf expansion and noted that FPA's and additional restaurant and retail space at that location may not be the best of all means to activate the open space in and around the property and there should be additional thought given to the highest and best options for activation and programming the area.

Tom Wooters, MHPAC Member, stated the focus on measuring lot coverage and open space on an area-wide basis creates an incentive to create new, high density tall buildings in low density areas and that is counter to what Chapter 91 should be doing. He also noted allowing significant exceptions from Chapter 91 standards for a single property and establishing substantial limitation on other properties in the planning area, and avoiding establishing precedent is hard to defend.

Joanne Hayes-Rines, MHPAC Member, referenced FPA's and the Seaport and Pier 4 locations, and a public observation area she visited which lacked amenities and. She mentioned it is important that offsets through this harbor plan be located in more obvious and accessible areas to draw the public in and facilitate their use. Tom Skinner stated that there are things that can be specified in the harbor plan such as signage and locational requirements for FPA's which can help improve the success of these public spaces.

Marianne Connolly, MHPAC Member, asked about funding related to offsets for shadow impacts and other project substitutions. Tom noted those formulas and calculations are being developed at this time and the focus will be on ensuring that discrete and tangible public benefits are delivered with new development and the funding calculations establish a minimum that needs to be met to facilitate the mitigation components. Marianne also asked about focusing offsets on the Northern Avenue Bridge. Rich McGuinness noted that the plan for the rehabilitation of the bridge is not set and the future not certain as to what will happen with the structure, so it would be difficult to have specific mitigation requirements attached to the facility.

Bruce Berman, expressed the need to support through the MHP enhanced access to water dependent uses particularly marinas, public amenities such as fish cleaning stations, and robust special public destination facilities that are well planned and supported. He also asked about directing offset funds to ensure the viability of required civic and cultural uses that are developed through the plan. Vivien Li noted that there are many waterfront property owners who meet the letter of the law regarding on site public benefits but not the spirit of the law and it will be important as the plan is developed and implemented that offsets, mitigation and public benefits and accessible and function for the public.

Andrew Grace, MHPAC Member, inquired as to the owner of the Marriott Long Wharf property and whether the existing space around the hotel functioned as open space. Tom Skinner noted it is Sunstone Realty that owns the land and the areas around the hotel count as open space.

Tom Palmer, Harbor Towers, asked how the Chapter 91 regulations allow for deviations from requirements such as the standard for 50% open space. Tom Skinner noted that the regulations do not allow for such changes, but the Harbor Planning regulations do have provisions for substitutions for the standard provided offsets mitigate impacts associated with the additional lot coverage.

Jamie Fagan, Aquarium supporter, asked if there was some limitation on the density for Harbor Garage redevelopment and raised concern with construction at the site and impacts on the Aquarium's capacity to function. Rich McGuinness, noted that in the future specific substitutions for the site are being developed and there is not a singular development program that is being proposed as part of the MHP. He stated that the Aquarium is a primary water dependent use and civic and cultural institution and the plan will have to support the Aquarium and that the state is very focused on this as well.

Steven Comen, Harbor Towers Resident, expressed concern with the extent of lot coverage at the Harbor Garage site and the need to be vigilant in reviewing what goes into the MHP and what is submitted for state approval.

Norman Meisner, Harbor Towers Resident, expressed concern with precedent being set through the planning process and the need to see the whole Harbor Garage proposal and the impact it will have on the city.

Valerie Burns, Fort Point Resident, asked why much of the Hook Lobster site is counted as open space. Tom Skinner noted that there is only a temporary structure on the site now, and other areas are fenced off yet open area. He noted that the area is relatively small and doesn't affect calculations for the whole area and the proposal for the site will provide for more open and active open space. He mentioned there would be a more accurate accounting in the future.

Valerie also expressed concern with the map representing open space as green as portions of the space are sidewalks and streets and therefore misrepresents the notion of open space. Jesse Brackenberry, noted the goal needs to be not one of certain percentages now and in the future but in creating public spaces that people want to be in, linger and engage in. Andrew Grace, noted the need to focus on the qualitative aspects of open space, not just the quantitative figures and advance the opportunity to improve areas that are currently not meeting their full potential as active open space. Tom Skinner referenced the Public Realm Plan that was developed as part of the planning effort and aspects of the plan that call out those areas in the planning area that need improvement and the types of the things the public would like to see in those spaces.

Sy Minz, Broad Street Resident, spoke of the need to look at Long Wharf in its totality and expressed interest in the creation of greater permeability through the hotel and the need to diminish the amount of space dedicated to cars and vehicles to make it more open to pedestrians.

Lisbeth Bornhofft, New England Aquarium, stated that the Aquarium calls to people as it is a portal to the living world and is a magnet for schools, programs and families. She noted that she supports development that will keep the Aquarium accessible and consider the interest of the visitors and welfare of the animals as well as the mission of the Aquarium.

Marcella Willock, Harbor Towers Resident, mentioned that most references of activation relates to restaurants and bars and there needs to also be quiet and contemplative open space as well and space for flexible and temporary use and creative thoughts on activation that enriches the city.

Diane Rubin, Harbor Towers, asked what was the urban design considerations for the recommended height and density for the Harbor Towers site and that the only justification is Don Chiofaro wants to make money and questioned whether that is adequate justification. Vivien Li noted that a specific project is not being discussed today, and that that through the many discussion over the years on harbor planning projects and motives have not been made personal.

Rich McGuinness noted that the specifics related to the garage project will be discussed at a future meeting.

Victor Brogna, North End Resident, asked that at future meetings it be made clear what the Chapter 91 requirement is and any related substitute provision. Steven Comen asked for material to be provided in advance of meetings so the public has time to review the material.

Meeting adjourned at 5:00 PM.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 31**  
Wednesday, January 27, 2016  
Boston City Hall, Piemonte Room

**Attendees**

**Advisory Committee (“Committee”):** Sydney Asbury, Chair; Tom Wooters, Susanne Lavoie, Bruce Berman, Marianne Connolly, Joanne Hayes-Rines, Jill Valdes Horwood, Lois Siegelman, Bud Ris, Greg Vasil, Nigella Hillgarth

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Lauren Shurtleff, BRA; Chris Busch, BRA; Erik Hokenson, BRA

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM); Patrick Lyons, Office of Representative Michelewitz

**Members of the Public:** Rita Advani, M. Barron, Toby Beruiter, Victor Brogna, Steve Dahill, Katie Duggan, Elizabeth Filosa, Eddie Fleckenstein, Donna Hazard, Wen He, Mary Holland, Chelsea Johnson, Michael Kinsavy, Gabor Korodi, Lee Kozul, Eric Krauss, Anne Kreider, Julie Marrano, Lev McCarthy, Jim McCarty, Norman Meisner, Sy Mintz, Thomas Nally, Janet Oberto, Marc Olden, Bob Paoire, Erik Rexford, Diane Rubin, Max Silverman, Iris Taymore Schnitzer, Ann Vassos, Mark Warren, Marcel Willock, Heidi Wolf, Barbara Yanke, Kevin Yazhari

**Meeting Summary**

Mr. Rich McGuinness, BRA, opened the meeting by introducing BRA staff and the consultant team. He reminded the Municipal Harbor Planning Advisory Committee (MHPAC) that per the BRA’s December 1<sup>st</sup> letter, BRA staff were hosting discussions with Prudential Real Estate Investors who have a majority ownership interest in the Harbor Garage, in order to learn more about their long-term plans for the site with the hopes of breaking an impasse with the site’s developer, the Chiofaro Company, regarding site entitlements. The BRA had previously introduced preliminary dimensional recommendations in the summer of 2015 for the Harbor Garage, Hook Lobster, and Marriott Long Wharf sites, which provided the initial foundation for the discussions with each property developer. Mr. McGuinness continued that the discussions with Prudential Real Estate Investors are on-going, which was the reason the previously scheduled Committee meeting was postponed. He stated that Prudential Real Estate Investors presented a case for a 1.1-million-square-foot development and disclosed that the proposal’s financials are driven by the required returns and allowable risk-taking of the high-yield real estate investment trust (REIT) that owns the property. City and BRA staff most recently met with Prudential Real Estate Investors on January 11, 2016.

Mr. McGuinness informed the Committee that the Commonwealth of Massachusetts's Executive Office of Energy and Environmental Affairs (EEA), which must approve any proposed municipal harbor plan (MHP), generally does not provide comment upon a proposed MHP until it is formally submitted. However, EEA officials made it clear that they would not approve an MHP with exceptions exceeding the recommendations for the Harbor Garage site presented by the BRA in the summer of 2015 – no more than 600 feet in building height and 900,000 square feet of space – and that any project would still need to demonstrate its contribution to creating an equal or better waterfront.

Mr. McGuinness continued that BRA staff explored the possibility of removing the Harbor Garage site from the MHP process in order to allow the process and eventual development of Hook Lobster and Marriott Long Wharf sites move forward. This, however, would likely require a future amendment to the MHP for any redevelopment of the Harbor Garage site. Instead, BRA staff will continue discussions with Prudential Real Estate Investments and move onto the next phase of the planning process including offsets and public benefits.

Mr. McGuinness reminded the Committee that they were previously advised to withhold any judgements on proposed recommendations for the developments within the planning area until the public benefits associated therewith were also determined, so as to ensure a complete picture of the waterfront. The BRA has contracted a consultant to review previous, similar developments, such as Lovejoy Wharf, Russia (Atlantic) Wharf, and Fan Pier, to determine any consistencies of these public benefits (e.g. amounts that developers were associating with these benefits in the development of their project financials). In order to allow for the consultant to complete the scope of work, the Committee will not meet in February, but instead reconvene in March with a presentation of the consultant's analysis and findings.

In the meantime, one specific area on which the BRA is requesting guidance from the Committee is the mechanics of these public benefits. For example, some of Fan Pier's public benefits were on-site capital improvements, such as roads and the Institute of Contemporary Art, while Russia Wharf's public benefits included a significant monetary contribution to the Fort Point Operations Committee for the purpose of watersheet activation.

Mr. McGuinness reiterated the BRA's and EEA's support for the New England Aquarium as a special public destination facility (SPDF) and that public benefits should enhance the Aquarium and their mission.

Ms. Asbury, Chairwoman of the MHPAC, opened the floor for comments from the Committee.

Greg Vasil, MHPAC Member, asked if BRA staff could disclose the consultant. Mr. McGuinness replied that Byrne McKinney Associates, Inc. would be conducting the analysis and providing recommendations for strategy moving forward.

Mr. Bud Ris, MHPAC Member, clarified that the BRA would maintain the allowed maximums as presented last summer as a result of EEA's recent input, assuming that the public benefits were able to justify such dimensional aspects. Mr. McGuinness affirmed this and added that the Chapter 91 regulations have an equal or better waterfront standard when judging offsets. Mr. Ris, also asked if concurrent discussions similar to those with Prudential Real Estate Investors were also being held with the owners of the Hook Lobster and Marriott Long Wharf sites, which Mr. McGuinness also confirmed.

Mr. Tom Wooters, MHPAC Member, stated that moving forward with the process is a positive development and that it is important to continue discussions to reach a consensus on land uses and dimensions that maximize the public benefits of the planning area.

Upon a request for further clarification from Mr. Ris, Mr. McGuinness stated that the BRA and MHPAC must analyze the impacts of the proposed substitute provisions and the related offsets to ensure that the offsets actually benefit the public. This is generally the most tedious aspect of the MHP process, but arguably the most important.

Ms. Nigella Hillgarth, MHPAC Member, reminded the Committee that the New England Aquarium (NEAq) wrote last June that they were concerned about the density recommended last June for the Harbor Garage site and the impacts that it would have on the NEAq.

Ms. Marianne Connolly, MHPAC Member, was pleased that EEA provided input to further the MHP process.

Ms. Asbury asked what materials would be presented in advance of the March Committee meetings. Mr. McGuinness replied that Byrne McKinney Associates, Inc. would be providing their analysis of Chapter 91 mitigation. He further added that the BRA is reviewing the previously-developed public realm plan to provide the Committee with guidance on the estimated costs of such improvements to better inform any financial concessions required as mitigating offsets.

Ms. Joanne Hayes-Rines, MHPAC Member, asked about a project previously discussed where the developer was required to provide funds for water transportation that was expected to be taken over by the MBTA, which ultimately declined to do so, and how the Committee could ensure such a scenario can be avoided. Mr. McGuinness replied that this is something the Committee must consider as a possibility and emphasizes the importance of a proper governing structure for these funds, such as the Fort Point Channel Operations Board (FPCOB). Ms. Marianne Connolly, MHPAC Member, asked if Rowes Wharf was a model for the Committee to consider in this instance. Mr. McGuinness stated that all of Rowes Wharf's offsets were on-site, which is an option to consider, but in comparison to off-site benefits.



Mr. Bruce Berman, MHPAC, stated that he was pleased with the transparency of the FPCOB and the rigor applied to evaluating plans for the use of these funds. He continued that while there are plenty of poor examples of management boards and committees, this was not one of those. He concluded by saying that Save the Harbor/Save the Bay Shamrock Splash will be held on March 7<sup>th</sup> to raise funds for the non-profit's initiatives.

Ms. Susanne Lavoie, MHPAC Member, asked who initially proposed removing the Harbor Garage from the current MHP process. Mr. McGuinness replied that the BRA initially explored the possibility to allow for additional time for this particular development and for the NEAq to develop their long-term plan, but EEA concluded that they would not accept additional density and encouraged the BRA to move forward.

Ms. Hayes-Rines stated that the developers of the Hook Lobster site has provided detailed concepts of the proposed development, but that the Harbor Garage and Marriott Long Wharf developers had not and wondered if it would be possible to receive more concrete plans for the sites. Mr. McGuinness stated that the MHP should not be so specific that it is focused on one development concept in the event that the circumstances of a project (e.g. ownership or economics) change and the MHP is too unwieldy to allow for a different development. The MHP design guidelines would be the best tool to implement the MHP's vision for these aspects of the MHP.

Mr. Ris reiterated Ms. Hillgarth's statement that a number of Committee members felt that the proposed maximums for the Harbor Garage site were too great for the area. He continued that the Committee needs to move to the next step and determine what will make the planning area the great public space that it can be in order to determine how the proposed developments will contribute to that. He concluded by inquiring of the impact of the recently-reported removal of the Northern Avenue Bridge would have on the area. Mr. McGuinness replied that BRA staff have been careful to ensure that the plans presented conform to the Federal Highway Administration's (FHA) requirements for federally-funded projects so as to not preclude the possibility of a replacement span.

Ms. Asbury opened the floor to the public. Mr. Tom Palmer, Tom Palmer Communications representing Harbor Towers, asked if Ms. Pamela McKinney of Byrne McKinney Associates, Inc., though well-respected as an expert in the industry, held any conflicts of interest while performing the firm's analysis. Mr. McGuinness replied that Ms. McKinney would have had to disclose any conflicts and that she had not.

Ms. Rubin, Prince Lobel Tye LLP representing Harbor Towers, stated that she was unclear why the maximums proposed for the Harbor Garage were reflective of the development proposed at the time, when it would be better to consider the maximums afresh. Mr. McGuinness replied that a thorough analysis of various massing schemes had been conducted the previous summer that informed the proposed maximums, presentations of which are available on the

BRA's website, and that the material would be revisited moving forward in the context of developing public benefits for the areas. Mr. Greg Vasil MHPAC Member, asked if Ms. McKinney would be reviewing these schemes as a part of her analysis, which Mr. McGuinness confirmed. Mr. Vasil continued that Ms. McKinney has done admirable work on a number of public projects and having her expertise would allay many concerns of the Committee and public.

Rita Advani, Harbor Towers resident, asked for a cost analysis of the potential public benefits identified in the public realm plan, both on- and off-site of these proposed developments. Mr. McGuinness replied that this would be included.

Mr. Ris exhorted the Committee to be cautious in considering the recommended development maximums presented in June as a number of Committee members questioned whether those maximum numbers flowed logically from the MHP planning process and prior planning processes such as the Greenway Study.

Ms. Lavoie asked if Byrne McKinney Associates, Inc.'s analysis would include the impacts on the residents of the planning area. Mr. McGuinness replied that the impacts of the development to the public realm are considered. Mr. Berman added that Chapter 91 is focused on the impact to the public's access to the tidelands and other impacts, such as traffic congestion, are considered until the BRA's Article 80 development review process. Mr. McGuinness concurred, but stated that because NEAq is a water-dependent use, all impacts to NEAq, such as adjacent construction, are under the purview of Chapter 91.

Ms. Hayes-Rines stated that, in her opinion, one of the most significant public benefits that could be rendered from this process, would be solving the inaccessible stairs behind the Coast Guard property adjacent to the Hook Lobster site. Mr. McGuinness continued the notion that given the recent news regarding Northern Avenue Bridge, this is a positive time to consider such an improvement, in concert with a walkway under Moakley Bridge or an alternative.

Mr. Norman Meisner, Harbor Towers resident, asked for clarification on the role of Byrne McKinney Associates, Inc. and if it would include analysis of the realization of mitigating offsets required of previous developments as they were originally intended. Mr. McGuinness confirmed that this would be a consideration in the analysis and advised the Committee to consider such short-comings to on-site approaches. Mr. Berman added that there are disadvantages to both approaches, but that done properly, positive results, such as the ICA being the first development of Fan Pier, can be achieved.

Ms. Marcel Willock, Harbor Towers resident, asked if the public benefits are reserved for the waterfront or if they are similar to other development requirements, such as inclusionary development, which allow the requirements to be satisfied off-site. Mr. McGuinness stated that the City of Boston recently unveiled their new inclusionary development policy, which is a

baseline requirement for new development, as opposed to a public benefit under Chapter 91, though in other municipalities, affordable housing is considered a public benefit under Chapter 91.

Ms. Lois Siegelman, MHPAC Member, suggested that the Byrne McKinney Associates, Inc. analysis include older projects, such as Charlestown Navy Yard to ensure a more whole holistic picture. Mr. McGuinness concurred that reviewing the 1990 Municipal Harbor Plan was a good idea.

Ms. Rita Advani, Harbor Towers Resident, asked that the planning considerations normally covered by Article 80, such as transportation and congestion, be considered in this planning process, as well. Mr. McGuinness stated that the MHP will acknowledge the current congestion affecting access to NEAq and that residential developments typically generate fewer trips.

Mr. McGuinness informed the Committee and public that the next Committee meeting is scheduled for March 9 at 3 PM in the Piemonte Room on the Fifth Floor of City Hall. He added that the BRA is initiating the process to renew and amend the South Boston Waterfront Municipal Harbor Plan. The first MHPAC meeting will be on February 3 at 6 PM at District Hall in South Boston.

Meeting adjourned at 3:50 PM.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 32**  
Wednesday, March 9, 2016  
Boston City Hall, Piemonte Room

### Attendees

**Advisory Committee (“Committee”):** Bruce Berman, Jesse Brackenbury, Phil Griffiths Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Susanne Lavoie, Lois Siegelman, Greg Vasil

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Lauren Shurtleff, BRA; Chris Busch, BRA; Erikk Hokenson, BRA, Catherine McCandless, BRA;

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM); Jame Chan, Office of Councilor Linehan; Jared Hogen, Office of Councilor Linehan

**Members of the Public:** Rita Advani, Jane Berman, Jerry Berman, Sylvia Bertrand, Peggy Briggs, Victor Brogna, Virginia Cantor, Steven Comen, Chris Fincham, David Goggins, Phil Griffiths, Mary Holland, Laura Jasinski, Jenny Kessler, Dorothy Keville, Gabor Korodi, Eric Krauss, Annie Kreider, Tony LaCasse, Jacqueline Lawless, Todd Lee, Julie Mairaw, Lev McCarthy, Norman Meisner, Sy Mintz, Thomas Nally, Tom Palmer, Bob Pame, Joanne Pame, Chris Regnier, Erik Rexford, Sheila Rice, Peter Shelley, Jay Spence, Wes Stimpson, Robert Vidaver, Marcelle Willock, Heidi Wolf, Jane Wolfe, Barbara Yanke, Bill Zielinski

### Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 3:05 PM by introducing BRA staff and the consultant team. He informed the Committee that the BRA had hired RKG Associates, Inc. to conduct financial analyses of real estate developments regulated by municipal harbor plans, with a focus on the costs of offsets, in order to assist the BRA in developing recommended mitigation measures for the Downtown Waterfront Municipal Harbor Plan (MHP). He continued that the City of Boston announced a design competition for the future Northern Avenue Bridge and encouraged those with ideas to submit them.

Mr. McGuinness outlined the agenda of the day’s meeting, which included a review of the Downtown Waterfront Public Realm and Watersheet Activation Plan and revisiting the three proposed developments within the MHP area: the Marriott Long Wharf, Harbor Garage, and Hook Lobster sites. He added that in addition to the meeting agenda, four pages of the Public Realm and Watersheet Activation Plan that would be the focus of the review were also available at the sign-in tables for the Committee and public. He directed the Committee to contemplate a prioritization of the improvements in the Public Realm and Watersheet

Activation Plan and their costs and if they should be considered baseline Chapter 91 requirements or mitigating measures.

Prior to beginning the presentation, Mr. McGuinness asked if there were any questions. Mr. Jesse Brackenbury, MHPAC Member asked if any new content would be introduced. Mr. McGuinness replied that most of the material would be a review. Mr. Tom Palmer, representing Harbor Towers, asked for an explanation of the relationship between the Public Realm and Watersheet Activation Plan and the MHP. Mr. McGuinness explained that the Rose Kennedy Greenway District Planning Study Use and Development Guidelines omitted the water's edge. The Public Realm and Watersheet Activation Plan was the first step in updating the City's vision for the waterfront and provides the framework for the MHP and a buffet of public benefits for the Committee to consider for offsets. Mr. Palmer clarified that the offsets are not necessarily limited to those in the Public Realm and Watersheet Activation Plan, which Mr. McGuinness confirmed.

Mr. Steven Comen, Harbor Towers resident, asked for further explanation of RKG Associates, Inc.'s role. Mr. McGuinness explained that they will be analyzing previous MHPs and cost assumptions associated with real estate developments regulated by them in order to determine if there is any consistency of mitigation costs and to provide recommendations on how to calculate the costs of offsets moving forward. RKG Associates, Inc. is meeting with the appropriate developers and/or owners of licensed developments and with the proponents of the Marriott Long Wharf, Harbor Garage, and Hook Lobster developments in order to understand their cost assumptions given market conditions. This will assist in formulating calculations for offsets within the Downtown Waterfront MHP area.

Mr. Comen asked how today's meeting specifically relates to the Harbor Garage proposal. Mr. McGuinness responded that the content of today's discussion is about the recommendations for the public realm and watersheet in order to prioritize them the public benefits under the auspices of mitigation measures for substitute provisions in the MHP. Mr. Comen followed up by asking if a decision on the Harbor Garage should be expected at the next scheduled Committee meeting in April. Mr. McGuinness replied that the City has proposed dimensional maximums for the substitute provisions, including for the Harbor Garage, and that the present discussion is to determine the magnitude and order of public benefits that would create an waterfront equal to or better than today's.

Ms. Susanne Lavoie, MHPAC Member, asked if anyone has reviewed the impacts of density on the South Boston Waterfront. Mr. McGuinness answered that it is difficult to editorialize on a project-in-progress, but that many lessons, especially on civic, cultural, and educational space, had been learned and incorporated into future planning initiatives. Ms. Lavoie expressed her disquiet over the unintentional consequences of planning efforts, such as the LED light fixtures on the buildings on Fan Pier, about which neighbors have complained. Mr. McGuinness replied that the City had not anticipated the extent and intensity of the lights and that the BRA's urban

designers are revisiting the issue with the developer to reduce their impacts. He suggested that subjecting ornamental lighting to stricter design guidelines and a more thorough review is certainly a lesson learned. Ms. Lavoie asked if there would be a public comment period on these specific lights. Mr. Bruce Berman, MHPAC Member, contended that, as beauty is subjective, an informal opportunity for public comment would prove to be more democratic by ensuring those who love or loathe the lights are given the equal opportunity to be heard. He submitted the lighting on the Leonard P. Zakim Bunker Hill Memorial Bridge as an example of attitudes changing over time. Ms. Lavoie countered that the extent and intensity of the ornamental lighting on Fan Pier affects the entirety of Boston Harbor. Mr. Berman agreed, but pled for balance in the process. Mr. McGuinness concurred that greater emphasis in development review ought to be placed on design.

Mr. Brackenbury requested Mr. McGuinness elaborate on the lessons regarding the public realm learned from the South Boston Waterfront MHP. Mr. McGuinness explained that the South Boston Waterfront District MHP and some of the Chapter 91 licenses should have been more explicit in regard to civic, cultural, and educational spaces; specifically, what rents, taxes, and build-out allowances would be. Mr. Berman suggested that there are trade-offs between capital and operating funds for these non-profits. Mr. McGuinness agreed and added that Lovejoy Wharf exemplifies the application of these lessons; the Chapter 91 license requires a visitor's center and a rent-free, built-out office for a non-profit, in addition to staff funding.

Ms. Mary Holland, Harbor Towers resident, asked if there has ever been an evaluation of the effectiveness of the civic and cultural spaces and other offsets in MHPs. Mr. McGuinness replied that the Institute of Contemporary Art is evaluated by attendance. Ms. Holland inquired about Lovejoy Wharf. Mr. McGuinness indicated that development is underway and BRA staff is working with the developer to issue an RFP for the available space.

Mr. Berman asked about lessons regarding open space. Mr. McGuinness explained that there is a lot of passive open space, but there should be more space for active recreation. Mr. Brackenbury posited that while it is programmed actively, the Rose Kennedy Greenway is a passive recreation space. He suggested that there is a need for a neighborhood park for the Downtown Waterfront, as inglorious as neighborhood parks might be when prioritizing public benefits. Mr. Berman, acknowledging the value of neighborhood parks, countered that tidelands are protected for all in the Commonwealth, not just residents.

With no further questions posed, Mr. McGuinness invited Mr. Matthew Littell, Utile, to begin the presentation. Mr. Littell noted the RKG Associates Inc.'s report would be developed within the next few weeks and thought it would be best to offer a refresher on the Public Realm and Watersheet Activation Plan and broadly discuss the three development sites. He provided an overview of the regulatory framework of the Downtown Waterfront: the Public Realm and Watersheet Activation Plan informs the MHP, which is codified into the Zoning Code. A proposed development project is then subjected to Article 80 Development Review and, if

applicable, the Massachusetts Environmental Policy Act (MEPA) Review. The Public Realm and Watersheet Activation Plan is a broad set of desires that informs the prioritization of the public benefits associated with the MHP. In general, public benefits should activate the waterfront, augment access to the waterfront, and encourage water-dependent uses and transportation. These principles were tailored and incorporated into the vision for the planning area as encouraging multi-modal access; defining connections to other parts of the city; addressing climate change; engendering year-round use of the waterfront; encouraging uses flexible to innovation, and creating a strong identity. Mr. Littell continued that the Public Realm and Watersheet Activation Plan divided the Downtown Waterfront into separate subdistricts – Northern Avenue, Rowes Wharf/India Row, Long and Central Wharves, and the Watersheet – and identified a set of public realm goals for both the entire district and each of the subdistricts. These goals are classified as improving “Connectivity”, “Legibility”, or “Activation and Programming” and evaluated based upon ease of implementation, cost, and time. (This matrix detailing these classifications was printed for the Committee and public.)

Turning to the Chapter 91, Mr. Littell stated that the Commonwealth prioritizes offsets in the following order: those that are 1) on-site; 2) improve an identified priority area (such as Special Public Destination Facilities, or SPDFs, e.g. New England Aquarium, or NEAq); 3) improve connectivity to, from, and along the water; or 4) area-wide improvements (e.g. wayfinding). He reminded the Committee of the previously-presented existing shadow analysis, which revealed that Long Wharf is the only space on land in the planning area that is not under continuous shadow for at least one hour on October 23. Ms. Holland requested a clarification on the time the shadow is determined. Mr. Littell explained that the shadow analysis provides a composite of all shadow cast through the day, as opposed to a specific hour, on October 23. This date has been used as the benchmark date for MHPs in Boston as it represents the “shoulder season”, during which the presence of sunlight or shadow influences people’s choice to go outside. The shadow analysis further informs the prioritization of public benefits based upon locations that are “Connective Tissue”, “Opportunity Sites”, “Public Realm along Water,” and “Watersheet.” Identified public realm priority areas include Northern Avenue, the Harborwalk connection at Northern Avenue, the BRA-owned plaza seaward of the Harbor Garage, Old Atlantic Avenue, Long Wharf Compass, and the Chart House parking lot.

Mr. Littell then presented the Chapter 91-compliant massings of the three proposed developments, Marriott Long Wharf, Hook Lobster, and the Harbor Garage. Marriott Long Wharf, which predates Chapter 91, is considered as both a historic and public realm asset. Mr. Littell summarized the Committee and public’s proposed mitigation in response to the owner’s desire to expand the building: create visible and legible links and a view corridor to the water; add ground-level programming and porosity; improve hardscape and traffic circulation; install unified wayfinding and intelligent transportation system; expand facilities for commuters and transit passengers; and create a permanent Harbor Islands gateway. Mr. Littell summarized the revised proposal for expanding Marriott Long Wharf from October 2014 that incorporated the Committee and public’s feedback. Mr. Brackenbury noted the omission of the Greenway

Carousel from the immediately previous slides, though it is an important example of active connective tissue between the waterfront and downtown. Mr. Littell appreciated Mr. Brackenbury's suggestion that the public realm is not static, but rather an itinerary to connect to the waterfront. Ms. Jill Valdes Horwood, MHPAC Member, quizzed Mr. Littell on the BRA-owned parking lot counting as open space for the project site. Mr. Littell clarified that the parking lot is not included in the calculation of the open space, but is actually beyond the 20% currently proposed as open space.

Ms. Lavoie requested that all future references to the Marriott Long Wharf site reflect that Marriott International is not party to the proposal; they are a tenant of the building, which is owned by Sunstone Hotel Investors, Inc.

Mr. Littell proceeded to the Hook Lobster site, which presents a more challenging and complicated opportunity given its size, encroachment on flowed tidelands, and adjacency to the Old Northern Avenue Bridge. Mr. Littell referred to the Fort Point Channel Watersheet Activation Plan (2002), which called for an extension of the Harborwalk below the Evelyn Moakley Bridge; the Crossroads Initiative (2004), which identified the Northern Avenue Bridge as one of two key connections between Downtown and the South Boston Waterfront; and the Artery Edges Study (2004), whose Wharf District section included additional details on the connection. Mr. Littell caveated that extending the Harborwalk under the Evelyn Moakley Bridge requires an extension over the watersheet. Mr. Brackenbury noted that all of these plans were done at a time when the adjacent section of the Rose Kennedy Greenway was to have a cultural facility, suggesting that these plans were developed at a very different time. Mr. Littell concurred and added that there have been many unexpected developments since that time, including traffic. He continued with a review of the previously-presented proposal for the Hook Lobster site and a shadow analysis of the building. Substitute provisions for the site include an expanded water-dependent use zone (WUZ) (additional 500 SF required); allowable building height of 305 feet; 3500 SF of building footprint in excess of 50% lot coverage (approximately two-thirds of site); and allowing facilities of private tenancy on flowed tidelands.

Mr. Littell advanced to the Harbor Garage site, which he contends presents an opportunity to create views of and physical connections to the water. He explained that the construction of Harbor Garage was a rational reaction to the erstwhile elevated highway, though it now sits adjacent to arguably some of the city's best open space. Committee members had previously asked about lot coverage and establishing shadow protection zones. Mr. Littell summarized the shadow analysis for a Chapter 91-compliant structure on this site and scenarios with two towers beginning at 200 feet and 300 feet tall increasing at 100-foot intervals to 600 feet. He emphasized that regardless of the structure's height – even at the Chapter 91 baseline of 55 feet – it will cast shadow on the plaza in front of NEAq. Mr. Berman clarified that because of the plaza's proximity to the Harbor Garage site, there won't be net-new-shadow on most of the plaza, which Mr. Littell confirmed. Mr. Littell posited that the key variables to the site are the



quantity and quality of the open space. A previous proposal from the development included 100% lot coverage with a four-season, glass-encased “winter garden”. This is not technically open space, as it is not “open to sky”. Mr. Berman clarified that the Committee and BRA could decide to prioritize this “winter garden”, but that Chapter 91 regulations would still require mitigation for the lot coverage. Mr. McGuinness confirmed and stated that this was done with the ICA. Ms. Holland asked what uses would be considered open space. Mr. McGuinness clarified that it is not about uses, but about space that is “open to sky”. Mr. Littell added that in regard to the Harbor Garage site, it’s not just the amount of open space, but also the location of the open space. For example, if it is on the waterside of the structure, it would enhance the waterfront; alternatively, it may be along the northern edge of the site to improve connectivity from the Greenway. Mr. Littell reiterated the opportunities identified in the Public Realm and Watersheet Activation Plan on Central and Long Wharves.

Mr. Littell reminded the Committee that there are qualitative standards within the MHP, such as the orientation, porosity, and accessibility of public spaces; ground floor uses; building materials, transparency, etc.; and views. He added that the Greenway Overlay District (GOD), whose zoning has worked to activate the broader public realm, preserve the character of the Greenway parks, and ensure the long-term value of the public’s investment through general design and environmental standards; ground-level use regulations; enhancement of the pedestrian environment; and building design guidelines. The environmental standards include shadow and wind standards, which are built into the MHP.

Concluding his presentation, Mr. Littell shared that he expects to have the analysis from RKG Associates, Inc. available for the next meeting, scheduled for Wednesday, April 13, from 3 – 5 PM.

Ms. Lavoie, asked if the Committee should expect to have a proposal for the Harbor Garage site to review, as they had for the Hook Lobster and Marriott Long Wharf sites. Mr. McGuinness replied that the respective property owners have been invited to present their proposals to the Committee, but that there have been numerous iterations of the Harbor Garage one. Mr. Busch added that the Committee is considering the impacts massing profiles have on the public realm, as opposed to a detailed proposal. Mr. McGuinness stated that the massing profiles had been initially presented to and reviewed by the Committee the previous June and emphasized Mr. Busch’s warning that the MHP is not designed to approve projects, but rather building envelopes. Mr. Littell clarified that there are separate processes for the separate aspects of a development, such as Article 80 Development Review and MEPA Review. The MHP is limited to impacts on the public’s access to and enjoyment of the waterfront.

Mr. Berman requested further clarification on the task before the Committee. Mr. McGuinness answered that it is to craft a framework for development on the waterfront.

Ms. Nigella Hillgarth, MHPAC Member, informed the Committee that NEAq is drafting their twenty-year master plan, which adds a complicating factor to the development of the Downtown Waterfront MHP. Mr. Berman asked if it is possible to generalize offsets in the MHP, such as funding initiatives, programs, or other improvements in support of NEAq. Mr. Busch replied that the Commonwealth prefers explicit and detailed offsets, but that they, too, support NEAq. Mr. Littell cautioned that an MHP needs flexibility to both temporal and physical changes, but specific enough to avoid vague situations that have provided invaluable lessons for both the BRA and Commonwealth. He added that any project in this area is additionally regulated by GOD and subject to a robust review through Article 80.

Mr. Tony LaCasse, NEAq, inquired if it is possible to quantify the costs to the public realm associated with these developments, positing that any redevelopment of the Harbor Garage will innately reduce access to the waterfront and cast a perpetual shadow on the plaza in front of NEAq. Mr. McGuinness answered that that is part of RKG Associates, Inc.'s analysis. He elaborated that much of the South Boston Waterfront included on-site mitigation, whereas the Downtown Waterfront is largely built-out, which presents an argument in favor of monetizing the mitigation to fund public benefits.

A question was asked if lot coverage between 50 – 70% requires mitigation. Mr. McGuinness affirmed this statement. There was further inquiry if proposals can exceed 70% lot coverage. Mr. McGuinness answered that they could, assuming they are incorporated into the MHP, but would require additional mitigation. Mr. Berman proclaimed that a development in excess of 70% would require a compelling reason to do so. Mr. Littell summarized that any development in excess of 50% lot coverage requires a provision in the MHP.

Ms. Rita Advani, Harbor Towers resident, indicated that this was the first time she was apprised of the “winter garden” concept and asked if the Committee had taken any formal action on it. Mr. McGuinness replied that the Committee and public had expressed interest in the concept as a justification to exceed 70% lot coverage, but that no formal action had been taken. He added that such a proposal would require a significant amount of detail, such as programming elements, types of glass, etc.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on April 13, 2016 at 3 PM in the Piemonte Room on the 5<sup>th</sup> Floor of City Hall, Boston, MA and ended the meeting at 4:45.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 33**  
Wednesday, April 13, 2016  
Boston City Hall, Piemonte Room

**Attendees**

**Advisory Committee (“Committee”):** Bruce Berman, Jesse Brackenbury, Marianne Connolly, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Susanne Lavoie, Bud Ris, Meredith Rosenberg, Joe Ruggiero, Lois Siegelman

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Lauren Shurtleff, BRA; Chris Busch, BRA; Erik Hokenson, BRA

**Consultant Team:** Matthew Littell, Utile; Craig Seymour, RKG Associates

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM);

**Members of the Public:** Will Adams, Sylvia Bertrand, Victor Brogna, Don Chiofaro, L. Dargo, Forbes Dewey, Mary Holland, Pamela Humphrey, Jenny Kessler, Dorothy Keville, Gabor Korodi, Anne Kreider, Eric Krauss, David Lightfoot, Julie Mairaw, Arlene Meisner, Norman Meisner, Sy Mintz, Thomas Nally, Tom Palmer, Chris Regnier, Erik Rexford, Duncan Richardson, West Stimpson, Heidi Wolf, Bill Zielinski

**Meeting Summary**

Mr. Richard McGuinness, BRA, opened the meeting at 3:10 PM by introducing BRA staff and the consultant team and reminding the Committee of the on-going [Northern Avenue Bridge Ideas Competition](#). He introduced the topic of the afternoon’s meeting with a brief summary of substitute provisions, which are modifications to the state-wide numerical standards for development on filled and flowed tidelands as promulgated by the Commonwealth of Massachusetts through Massachusetts General Laws Chapter 91. Substitute provisions, which are developed through a municipal harbor plan (MHP), allow for these standards to be tailored to the local built environment, but whose adverse impacts (e.g. wind, shadow, etc.) must be mitigated, or offset, to ensure a comparable or better waterfront. Mr. McGuinness stated that RKG Associates had been hired to analyze the offsetting strategies for four comparable developments in previous MHPs – Atlantic (Russia) Wharf, Lovejoy Wharf, Fan Pier, and Pier 4 – and invited Mr. Craig Seymour, RKG Associates, to present his analysis and conclusions.

Mr. Seymour noted that the MHP process under Chapter 91 is arguably the most unique planning exercise encountered in his professional career. His firm’s scope of work included reviewing applicable MHPs and Chapter 91 licenses; interviewing property developers and owners; and analyzing other published information; all in order to determine if there are standards, or “rules of thumbs”, that could be applied in order to provide a more predictable

and sound Chapter 91 mitigation strategy in the future. Mr. Seymour was able to make a number of findings based upon this analysis, but cautioned that those hoping for data-rich or quantitative conclusions would be disappointed. Mr. Seymour provided the four key findings of RKG Associates' report:

1. Not only does each development project vary physically, but they do so temporally, particularly within real estate cycles, which impacts funding and development approaches.
2. Costs related to Chapter 91 mitigation are just one of many elements that are factored into a developer's prospective analysis, much like inclusionary development and workforce development exactions. The magnitude of these costs vary widely relative to other project costs and are often dictated by the physical conditions of a specific site and/or its geographic location.
3. Many, if not most, offsets required by Chapter 91 licenses add value to development projects, such as an activated public realm, but such benefits are difficult to quantify.
4. The lengthy time required for Chapter 91 licensing add significant uncertainty and, therefore, risk to a project, which impacts its underwriting and finances. Additionally, the level of detail for offsetting measures, combined with the fact that these elements are negotiated relatively early in the permitting process, frequently results in later modifications to meet changing market conditions and/or additional entitlement requirements. The requirements for on-going facilities management does not appear to be a significant issue, though project size and type should be considered.

Mr. Seymour summarized the four development projects included in the analysis, providing comparative lists of the baseline requirements (e.g. Harborwalk) and offsetting measures (e.g. financial contributions to a fund for watershed activation and enhancement) for each project. Mr. Bud Ris, MHPAC Member, asked if payments made by Atlantic Wharf were one-time or installation. Mr. Seymour answered that they were (are) both. Mr. Bruce Berman, MHPAC Member, noted that these funds have enabled hands-on marine education for students and that the BSA Space has activated the area. He thanked both Boston Properties and the Fort Point Channel Operations Board, comprised of Boston Properties, the BRA, and CZM, which manages the fund. Mr. Tom Palmer, Harbor Towers, requested clarification between baseline requirements and offsets, noting that they both appeared to be forms of mitigation. Mr. McGuinness explained that the baseline requirements are for any development project – regardless of size – that facilitate access to and enjoyment of the waterfront. These include provisions such as the water-dependent use zone, facilities of public accommodation (FPAs) on the ground level of Commonwealth tidelands, license fees, etc. The offsets mitigate the impacts of the substitute provisions (e.g. additional height or lot coverage).

Upon the conclusion of Mr. Seymour's presentation, Mr. McGuinness outlined the choices for an offset strategy for the Downtown Waterfront: each project supports a specific public benefit

and/or each project provides payment to a central fund for public benefits district-wide. Additionally, offsets can be on-site, adjacent, or area-wide improvements; improvements to identified public areas, such as Special Public Destination Facilitations (SPDFs) (e.g. New England Aquarium, or NEAq); or improve connectivity (e.g. access to waterfront, water transportation, etc.). Different developments have taken different approaches. For example, Fan Pier's offsets were entirely on-site and include public infrastructure, civic/cultural space, and open space. Atlantic Wharf provided funds for public benefits adjacent to the site, while Lovejoy Wharf emphasized connectivity. Mr. McGuinness noted that key connections include two of the proposed developments in the Downtown Waterfront: Hook Lobster at Seaport Boulevard and Northern Avenue and Marriott Long Wharf, where Christopher Columbus Park meets Long Wharf. Ms. Lois Siegelman asked if the concept of connectivity includes from the waterfront to the Rose Kennedy Greenway. Mr. McGuinness confirmed this and added that it also includes connectivity to the Harbor Islands.

Mr. Berman asked if improvements that enhance resilience, particularly to sea level rise and storm surge, will become baseline standards. Mr. McGuinness replied that any building must meet the construction and engineering standards, but that district-wide resilience measures could be considered public benefits.

Mr. Palmer asked if the per square foot costs of baselines and offsets provided by Mr. Seymour were for baselines or offsets. Mr. Seymour replied that they were both, if available. He cautioned that some costs were either unavailable or not provided and the numbers are based upon the available information. Mr. Matthew Littell, Utile, asked if they were relative to construction or development costs. Mr. Seymour reiterated that they were based upon what information was provided and therefore vary from project to project. He continued that a recommendation based upon his findings is to better track these costs given the lack of public information.

Mr. Ris stated that the City of Boston's Climate Ready initiative, in which he is participating, will soon be releasing a report detailing climate impacts, including sea level rise. Mr. McGuinness noted that the Downtown Waterfront MHP is incentivizing the relocation of building mechanicals to upper floors by allowing additional height in the planning area and concurred that the timing of this discussion is auspicious. Mr. Ris continued that it would be appropriate and beneficial to determine the costs associated with the public benefits identified through the process. Mr. Littell responded that the numbers have been compiled and will be organized and shared. He wondered if there are any benefits to pooling mitigation funds. Mr. McGuinness replied that there is, exemplifying the city's inclusionary development policy (IDP). Mr. Palmer asked if there has been an MHP process where the pooling worked. Mr. Berman answered with the Fort Point Downtown MHP. He caveated that the South Boston Waterfront MHP was a unique development scenario where an anchoring civic/cultural space (i.e. the Institute of Contemporary Art, or ICA) would enhance the value of the area and that some of the sites of the Downtown Waterfront MHP planning area are very constrained, such as the Hook Lobster

site. He concluded that it is his understanding NEAq is initiating a long-term planning process that will identify improvements that could be funded through mitigation monies.

Mr. McGuinness provoked additional discussion on pooling funds versus specific projects. Ms. Jill Valdes Horwood, MHPAC Member, reiterated Mr. Berman's point that pooling funds is only successful with the presence of active and strong governance, such as the Fort Point Channel Operations Board. Mr. McGuinness concurred, but countered that Everett's Central Waterfront MHP, which includes substitutions for the proposed Wynn casino, prioritized a list of potential public benefits as mitigation, thus providing flexibility for development costs and timing. Mr. Ris posited that it is impossible to evaluate the possibility of pooling without knowing what the cost of the public benefits are. Mr. Berman, alluding to the Hook Lobster site, argued that baseline costs are going to be significant for some of the projects, but are not credited as mitigation, and in these instances a development would be an improvement without much additional mitigation.

Mr. Palmer asked what the baseline improvements for the three proposed developments in the planning area would be. Mr. McGuinness replied that neither Marriott Long Wharf nor Harbor Garage have a waterfront and therefore do not have to provide a Harborwalk and would only have to provide FPA on the ground level if the footprint of the building is on Commonwealth tidelands. The Hook Lobster site's baseline comprises a Harborwalk and FPA over the flowed tidelands.

Mr. McGuinness informed the Committee that he would provide the rough costs of the identified public benefits that Utile had compiled at the next meeting.

Ms. Marianne Connolly, MHPAC Member, inquired about the process for developments along the East Boston waterfront. Mr. McGuinness explained that mitigation included specific on-site public benefits were assigned to specific projects.

Mr. Brackenbury, MHPAC Member, reiterated Mr. Ris' point that in the absence of the costs of the public benefits it would be inappropriate to decide to or not to pool mitigation funds. Mr. Berman concurred. Mr. Ris exhorted the Committee to return the discussion to making the waterfront the best possible in the world and what it would cost to achieve that feat. A member of the public bemoaned the lack of a comprehensive plan for the planning area. Mr. Berman replied that there is one, the [Downtown Waterfront Public Realm and Watersheet Activation Plan](#). Mr. McGuinness stated that for the next meeting in May, this plan would be reviewed and costs of public benefits would be presented and discussed.

Mr. Berman suggested that a clearer understanding of the order of magnitude of improvements NEAq is planning would be beneficial to the Committee. Ms. Nigella Hillgarth, MHPAC Member, replied that whatever is planned for Central Wharf must fit with the redevelopment of Harbor Garage and that the waterfront must be a cohesive area, instead of

discrete parcels. Mr. Berman agreed, but added that any information NEAq can provide regarding their planning would be beneficial.

A member of the public asked about the next meeting. Mr. Chris Busch, BRA, replied that it is scheduled for May 11. Ms. Siegelman noted the agenda indicated the next meeting was scheduled for April 27. Mr. Busch clarified that that date was a placeholder, but the next meeting is May 11.

Ms. Siegelman, referencing her experience in the Charlestown Navy Yard, asked about ongoing maintenance requirements of these public benefits. Mr. McGuinness clarified that maintenance runs with the Chapter 91 license, which typically require a maintenance and operations plan for the public realm and an annual report.

Mr. Palmer requested an outline of the mitigation for the substitute provisions included in Mr. Seymour's analysis. Mr. McGuinness replied that this is available in the report that is being finalized and can also be found in the Secretary's Decisions for each MHP and Chapter 91 license.

Mr. Tony Lacasse, NEAq, asked Mr. Seymour for the range of offsets per square foot in the four developments included in the analysis. Mr. Seymour replied with a range of just over \$1.00 PSF to over \$10.00 PSF of the identified costs. Mr. Lacasse postulated that through the MHP process the public is essentially granting the developer additional square feet to develop and wondered what the current market cost of a square foot of development is. Mr. Seymour differentiated between the salable square feet of the development and the benefit the public realm costs, the latter of which is not easily quantified. Mr. Lacasse argued that the granting of the development rights requires a greater amount of compensation than presented in the report. Mr. Seymour reminded him that the size and various constraints must be considered.

Ms. Susanne Lavoie, MHPAC Member, asked who had been interviewed in the course of Mr. Seymour's research. Mr. Seymour responded that he spoke with both the original developer of the completed developments and the proponents of current projects in the planning area.

Mr. Ris, noting that this was the thirty-third meeting of the Committee, asked for a schedule moving forward to completion. Mr. McGuinness answered that an outline of topics for the Committee to discuss had been previously provided, but would provide a calendar-based schedule. Mr. Brackenbury pled for advance notice of meeting times. Ms. Connolly asked what documents would be provided in advance of the next meeting. Mr. McGuinness replied that in addition to the agenda, RKG Associates' report would also be provided.

Ms. Mary Holland, Harbor Towers Resident, requested evening meetings to engage a larger group of people. Mr. McGuinness responded that this had been done previously and will likely be done again during the formal comment periods.

Ms. Marcelle Willock, Harbor Towers resident, asked is the BRA would accept an above-ground garage on the waterfront. Mr. McGuinness replied that it depends on the site; for example, Hook Lobster has proposed an above-ground parking facility. Regardless, an active ground floor would be a requirement.

Mr. Victor Brogna, North End resident, referenced a letter from CZM to BRA Director Brian Golden that states the deadline for completing the MHP was today. Mr. Busch responded that a six-month extension had been granted and another request would be submitted to CZM.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on May 11, 2016 at 3 PM in the Piemonte Room on the 5<sup>th</sup> Floor of City Hall, Boston, MA and ended the meeting at 4:25.





**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 34**  
Wednesday, May 11, 2016  
Boston City Hall, Piemonte Room

**Attendees**

**Advisory Committee (“Committee”):** Bruce Berman, Marianne Connolly, Joanne Hayes-Rines, Jill Valdes Horwood, Lee Kozol, Eric Krauss, Susanne Lavoie, Bud Ris, Meredith Rosenberg, Lois Siegelman, Greg Vasil, Robert Venuti

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Lauren Shurtleff, BRA; Chris Busch, BRA; Erik Hokenson, BRA

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas; Craig Seymour, RKG Associates

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM); Sue Kim, Massachusetts Port Authority (Massport)

**Members of the Public:** M. Barron, J. Berman, Jane Berman, Victor Brogna, Valerie Burns, Don Chiofaro, Duna Chiofaro, Steven Comen, Steve Dahill, Chris Fincham, Julie Hatfield, Donna Hazard, Mary Holland, Dorothy Keville, Tony Lacasse, Todd Lee, Julie Mairaw, Arlene Meisner, Norman Meisner, Sy Mintz, Thomas Nally, Frank Nasisi, Charles Norris, Tom Palmer, Chris Regnier, Erik Rexford, Laura Rood, Diane Rubin, Bob Ryan, Patricia Sabbey, Wes Stimpson, David Weaver, Heidi Wolf, Barbara Yonke, Parnia Zahedi, Bill Zielinski

**Meeting Summary**

Mr. Richard McGuinness, BRA, opened the meeting at 3:05 PM by introducing BRA staff and the consultant team. Mr. McGuinness informed the Committee that as Ms. Sydney Asbury, Chair of the Committee, is expected to give birth in the coming days, she would not be attending today’s meeting. In addition, Mr. Tom Wooters, MHPAC Member, passed away a number of weeks ago. Mr. Lee Kozol, Harbor Towers, was appointed to replace him on the Committee as a representative of Harbor Towers. Mr. McGuinness also drew the Committee’s attention to the upcoming schedule of meetings on the back of the agenda; the schedule includes two night meetings – June 22 and July 20 from 6 – 8 PM – at the public’s request.

Mr. McGuinness opened the meeting’s discussion about offsets and public benefits in the Downtown Waterfront Municipal Harbor Plan (MHP). As a reminder, substitute provisions, which are modifications to the state-wide numerical standards for development on filled and flowed tidelands are developed through a municipal harbor plan (MHP), must be mitigated, or offset, to ensure a comparable or better waterfront. Mr. McGuinness explained that MHPs are effective for ten years plus extensions; the 1990 Harborpark MHP remains in effect for the

Downtown Waterfront. As a result, it is possible that the projects discussed and their mitigation may not be realized immediately; for example, the South Boston Waterfront District MHP was approved in 2000, but Fan Pier and Pier 4 did not commence construction until 2010. Therefore, it is important to develop a hierarchy of public benefits and alternatives in the event that certain public benefits are completed sooner or later.

Mr. Bud Ris, MHPAC Member, asked when the Committee should expect for the MHP process to conclude. Mr. McGuinness replied that according to the planned schedule, a draft MHP would be presented and reviewed by the Committee in June and July, and then submitted to the BRA Board of Directors for their approval to submit the MHP to the State in the early fall. Submission to the State would initiate a separate public process, including a public hearing, during which a consultation session with the City can be conducted. Mr. Bruce Berman, MHPAC Member, clarified that after the July 20<sup>th</sup> Committee meeting, there wouldn't be any more, which Mr. McGuinness confirmed and to which he added that there would also be a BRA-sanctioned public comment period prior to submission to the State.

Regarding the realization of public benefits, Mr. Berman noted that the Institute of Contemporary Art (ICA) was constructed prior to the development of the rest of Fan Pier, suggesting that public benefits can be induced prior to any other development. At the same time, public benefits identified through the MHP process may become a priority of other initiatives or entities prior to development, thus necessitating a hierarchy of public benefits.

Mr. Tom Palmer, representing Harbor Towers, sought a clarification on the notion of alternative public benefits. Mr. McGuinness explained that the City will make recommendations linking public benefits to the three proposed developments in the MHP area. However, if, for example, the City received a grant to complete one of these benefits, such as the Chart House parking lot, prior to the development of the linked project, the proponent be required to provide an alternative public benefit, as identified in the MHP. The Chapter 91 licensing process for the Wynn Boston Harbor casino in Everett outlined preferred offsets and alternatives in the event the preferred ones materialized through other means.

Mr. Ris asked if the City is in discussions with all of the developers regarding these public benefits. Mr. McGuinness answered affirmatively.

Mr. Matthew Littell, Utile, alluded to the standard of an equal or better waterfront as he recapped the vision developed for the Downtown Waterfront, which includes key concepts such as accessibility, connectivity, resilience, activation and programming, flexibility, and identity. [The Downtown Waterfront Public Realm and Watersheet Activation Plan](#) identifies three subdistricts with distinct character and goals: Northern Avenue, Rowes Wharf and India Row, and Long and Central Wharves. Mr. Littell presented Fan Pier as a case study of a project that on its own merits improved the public realm and waterfront access and, combined with the offsets, improved the waterfront overall. Baseline requirements for the project included

Harborwalk, water-based infrastructure (e.g. Fan Pier Cove and floating wave attenuator) and transportation infrastructure, and other public infrastructure (e.g. roads, sidewalks, etc.). These are based upon the incorporation of the public realm plan into the MHP; the amplification of existing regulations for fully activated exterior & interior areas; large-scale qualitative design that optimizes public space, building orientation, view corridors, and mixed uses; and other City priorities, such as climate resilience. Offsets for the substitute provisions of the South Boston Waterfront District MHP included Fan Pier Park & Green, the ICA, additional civic/cultural space, and other public realm improvements.

Building upon this example as analogous to the Downtown Waterfront, Mr. Littell stated that redevelopments proposed with the Downtown Waterfront provide inherent public benefits. The redevelopment of the Hook Lobster site would revitalize the property, reconnect the water's edge to the public realm, and enhance connections between the South Boston Waterfront, Fort Point, and Downtown through the advancement of the Crossroads Initiative. The redevelopment of the Harbor Garage would activate the edges of the site, eliminate a "wall" to the water, and provide new open space and views to Boston Harbor. The expansion of Marriott Long Wharf would activate the edges of the structure and enhance north-south pedestrian connections.

Mr. Littell continued that offsets provide additional public benefits to ensure an equal or better waterfront. Offsets can be monetary, such as funds for programming and maintenance of the public realm (e.g. Rose Kennedy Greenway, Boston Harbor Islands, or Christopher Columbus Park) or water transportation subsidies; space in support for water-dependent uses, such as parking, office space, or storage space; water-based infrastructure (docks, seawalls, piers); and other public realm improvements, such as plazas, parks, streetscapes, and an enhanced Harborwalk. These public benefits could occur in a number of areas within the MHP and serve to enhance a variety of aspects of it: its connective tissue, opportunity sites, the public realm along the water, and the watershed.

Based upon previous feedback, improvements to the public realm were prioritized in the following order: Chart House parking lot (\$1.5-\$3.8 million of greenscape); Long Wharf (\$5.8-\$15.5 million of hardscape improvements, including tabling and integrated lighting); Old Atlantic Avenue (\$1.2-\$3.2 million of hardscape improvements); Central Wharf (\$2.6-\$7 million in hardscape improvements); the BRA property in front of Harbor Garage (\$1.6-\$4.3 million in hardscape improvements); Northern Avenue terminus (\$1.2-3.2 million in hardscape improvements). (The estimated cost ranges are based upon calculations of \$75-\$200 per square foot for hard costs and 20% for soft costs.)

Ms. Susanne Lavoie, MHPAC Member, asked why a development would pay for a road (i.e. Northern Avenue). Mr. Littell answered that the developer would not pay for the road itself, but for an improved public realm to enhance the pedestrian experience. For example, depending upon the [bridge's final design](#), funds could be used for programming or activating the roadway

if it closed to vehicular traffic at certain times (e.g. non-peak hours). Mr. McGuinness clarified that funds for the Northern Avenue terminus are not being recommended given the uncertainty of the crossing's future, but that any improvements would also consider the Harborwalk adjacent to the Coast Guard, which is not handicap accessible.

Mr. Littell explained the project-specific offset recommendations as follows: for the Hook Lobster site, the Harborwalk connection beneath Seaport Boulevard (therefore, off-site); for the Harbor Garage site, improvements to the Chart House parking lot, Old Atlantic Avenue, Central Wharf Plaza, the BRA property adjacent to the Harbor Garage, and parking for water-dependent uses [e.g. New England Aquarium (NEAq) and Harbor Islands]; for the Marriott Long Wharf expansion, island ticketing and waiting area and funds for maintenance of the public realm. The MHP must decide what improvements are mitigation for the proposed developments, i.e. link the improvements to a particular project. Mr. Littell provided examples of how these improvements can transform the public realm, including the activation of the waterfront behind the Harbor Garage, public art, etc.

Mr. Littell added that improvements that enhance the resilience of projects or the area to the effects of climate change should also be considered. Lower Manhattan and the Netherlands have been pioneers of infrastructures that protect the waterfront, but don't prevent the public's access to it. Examples include floodable open spaces, automatic or deployable flood barriers, and so on.

Mr. Littell posed the question if the spirit of the Downtown Waterfront Public Realm and Watersheet Activation Plan is captured through these proposed offsets or if they need to be reprioritized.

Ms. Lavoie, MHPAC Member, asked how the provision of parking for a water-dependent use (e.g. NEAq) that already exists can be considered "transformative." Mr. McGuinness replied that there is no requirement for parking to be allocated to water-dependent uses, but that it can be through the MHP.

Mr. Berman asked how licensing fees are collected and expended. Mr. McGuinness explained that they are exacted by the State based upon a draft policy of \$2.00/SF of development that MHPs can direct to certain improvements within the MHP area.

Ms. Lavoie clarified that the mitigation is based upon the deviation from Chapter 91 use and dimensional standards, which Mr. McGuinness confirmed. He added that the maximum recommendations for the Harbor Garage are 70% lot coverage and 600 feet in height. Mr. Chris Busch, BRA, clarified that baseline improvements (e.g. Harborwalk for projects on the shoreline) are required regardless of size.

Mr. Berman requested a clarification on the estimated costs of improvements currently proposed to be assigned to the Harbor Garage redevelopment. Mr. Littell explained that the highlights in magenta (slide 31) total up to \$18.3 million. Mr. McGuinness reminded the Committee of the [analysis that RKG Associates, Inc.](#) had undertaken and stated that BRA staff thought it would be more beneficial to assign specific, discrete improvements as opposed to collecting funds from the developments.

Ms. Joanne Hayes-Rines, MHPAC Member, asked about the vision for connecting the Harborwalk under Moakley Bridge and how far out in the Fort Point Channel it would have to go. Mr. Busch responded that it would go out a bit more than fifty feet, but could be a floating structure. Mr. Berman suggested it could be a floodable bridge during astronomical high tides. He also asked if the Harborwalk is a water-dependent use. Mr. McGuinness replied affirmatively.

Mr. Ris asked if the proposed mitigation were comparable to those for Fan Pier, Pier 4, and Atlantic Wharf. Mr. McGuinness answered that they were all unique developments; for example, Fan Pier was a blank slate that required extensive public infrastructure (e.g. roads). In addition, the contexts are very different. Therefore, the question is not necessarily comparative, but if the public benefits adequately improve the waterfront. Regarding the expenditure of funds outside of the MHP area, Mr. Ris opined that it would be better to keep the funds within the MHP area. He wondered what improvements are necessary to create a cohesive neighborhood, e.g. improved signage, design guidelines, etc. Mr. Littell agreed that these are absolutely necessary. Mr. Ris had assumed that there was a legal requirement for the Harbor Garage to provide parking for NEAq. Mr. McGuinness indicated that he was not aware of any such requirement, but welcomed information to the contrary. Mr. Palmer asked if the parking in the Harbor Garage redevelopment would be market-rate, noting that there was no cost associated with this public benefit in the presentation. Mr. McGuinness replied that the MHP could explore subsidized parking for water-dependent uses.

Ms. Lavoie asked if the proposed mitigation under consideration is assuming the BRA's recommended maximums for the Harbor Garage redevelopment (i.e. 600 feet in height, 70% lot coverage, etc.), which Mr. McGuinness confirmed. At Mr. Ris's prompting, he continued that the advantage to requiring discrete public benefits for each project is advantageous compared to aggregating funds for future public improvements.

Mr. Berman concurred with Mr. Ris that seeing the estimated costs of these public benefits helps the Committee understand the scale of them. He also noted that there are other public benefits required by other public processes, such as affordable housing. He submitted the Harbor Islands, the Greenway, and Christopher Columbus Park as "elastic benefits" that could be funded from other sources and drew comparisons to Martin's Park at Children's Wharf. Regarding maintenance, Mr. McGuinness referenced the Wynn Boston Harbor casino written determination, in which an alternative offset is 24 SF of open space maintenance for every

square foot of lot coverage. That concept has been explored by inquiring about maintenance costs for the Greenway and other public parks. He added that in regard subsidies for water transportation, it is easier for the government to receive grants for capital projects (e.g. docking and ferries) than operational subsidies. Mr. Berman recalled a past Committee member's comments from an early meeting that height, density, and so on are allowed, but in exchange for public benefits of a comparable benefit.

Mr. Lee Kozol, MHPAC Member, wondered why the Committee should care about the cost of the public benefits to the developer. Mr. McGuinness replied that the information was provided in response to requests from the Committee. Furthermore, it is useful to have a metric to determine the magnitude of the public benefit in the event that a preferred public benefit is realized prior to the development of the triggering project, so that another comparable public benefit can be provided. Mr. Kozol countered that he understands, but suggested that it is a qualitative matter, not a quantitative matter. Mr. McGuinness agreed and stated that the discussion began with public benefits that enhance the waterfront. Mr. Berman argued that in the event that developments only partially fund a public benefit, it is necessary to know if the funds could fully fund another public benefit. He continued that he would regret unrealized public benefits because those are not transformative.

Mr. Ris compared the cost of the public benefits to the cost of the Harbor Garage redevelopment and posited that given the proposed deviation from the Chapter 91 dimensional standards, the public benefits should be towards the higher end of the scale up to \$20 million, if not even higher.

Mr. Littell asked Mr. Tom Skinner, Durand & Anastas, to explain the difference between on-site and offsite offsets. Mr. Skinner explained that on-site offsets are generally preferable, but that the proposed benefits in the Downtown MHP are a mix of both and include priorities for discrete projects and alternatives of monetary exactions.

Mr. Ris inquired about the dearth of signage and wayfinding for water transportation. Mr. McGuinness answered that it's not only signage, but also the lack of berthing area, which is a hindrance to new ferry service, such as a route to and from the Town of Winthrop. The City has made a concerted effort in partnership with Boston Harbor Cruises, the ferry operator, to improve signage and wayfinding.

Ms. Lavoie expressed her concern that the public benefits sufficiently mitigate the redevelopment of the Harbor Garage at its proposed scale. Mr. Ris and Ms. Meredith Rosenberg, MHPAC Member, concurred. Mr. McGuinness replied that the purpose of this discussion is to explore additional public benefits.

Mr. Berman asked for more specific information about the Greenway's budget in order to better understand how much a certain amount of money would fund on the Greenway. Ms.

Rosenberg suggested that the fact public benefits outside of the planning area were being explored merited reconsideration of the scale of the Harbor Garage redevelopment.

Ms. Lois Siegelman, MHPAC Member, declared that water transportation can be transformative if done properly. She stressed the need for alternative options with the pending closure of the North Washington Street Bridge. In reference to the Harborwalk over the water at Moakley Bridge, she cautioned that in her experience as a physical therapist floating infrastructure can be an impediment to accessibility.

Ms. Diane Rubin, representing Harbor Towers, argued that improvements to the BRA parcel adjacent to the Harbor Garage should not be considered a public benefit as any construction of a structure on the Harbor Garage site would require use of that parcel and, therefore, its restoration or improvement. In addition, she alleged that the image presented by the Chiofaro Company showing an active watersheet adjacent to Harbor Towers was deceptive as they have no rights to that area. Mr. McGuinness replied that the intent was not to be deceptive, but to spark ideas about an active public realm. He added that no one is suggesting the Chiofaro Company has legal rights to that watersheet. Mr. Duna Chiofaro said that every time the image has been presented they have done so conceptually as a potential improvement for the neighborhood and acknowledged that the Chiofaro Company would need permission to provide it. Mary Holland, Harbor Towers Resident, stated that it's an issue of public perception and requested that the image be removed from the presentation. (N.B.: In response to this request, the slide was removed from the [presentation posted online](#).) Ms. Rubin reiterated her allegation that any improvement to the BRA parcel adjacent to the Harbor Garage should not be considered a public benefit as any construction of a structure on the Harbor Garage site would require use of that parcel and, therefore, its restoration or improvement. Mr. Berman wondered if enhancing the parcel, as opposed to simply restoring the parcel, would be an acceptable public benefit.

A member of the public asked if on-going programs, such as excursions or public art programming, would be considered a public benefit. Mr. McGuinness answered that it depends on the context.

A member of the public inquired if estimated costs for all of the potential offsets (e.g. infrastructure improvements, water transportation subsidies, open space maintenance, etc.) would be provided. Mr. McGuinness responded that more information would be provided at the next Committee meeting. The same individual asked if there was a target amount for mitigation. Mr. McGuinness replied that the four suggested improvements provide a range for the mitigation. He then questioned if Mr. McGuinness felt the mitigation was appropriate for the proposed projects. Mr. McGuinness answered that this is the topic of the discussion today.

Mr. Todd Lee, member of the public, noted the recent publication of the submissions to [Northern Avenue Bridge Ideas Competition](#) and suggested that the proposals might provide inspiration for the Committee and public.

A member of the public, asked about neighborhood-wide resilience. Mr. McGuinness answered that measures that enhance resilience to the effects of climate change would be incorporated in the various capital projects and redevelopments. However, the City is loath to require specific projects to be responsible for off-site resilience improvements, such as flood barriers at Long Wharf, in the event that the redevelopment is not initiated for a number of years.

Ms. Heidi Wolf, asked if there had been a discussion on the substitute provisions, such as maximum allowed height. Mr. McGuinness replied that there were a number of meetings last summer on those topics and the City has made its recommendations.

Mr. Victor Brogna, North End resident, wondered why a public benefit that creates an “equal” waterfront (as opposed to “better”) would ever be considered. Mr. McGuinness answered that public benefits are experienced by a diverse public, including residents, commuters, tourists, etc.

Mr. Steven Comen, Harbor Towers resident, sought to clarify the status of the proposed maximums for the Harbor Garage site. Mr. McGuinness clarified that the City has recommended the following maximums: 600 feet in height, 900,000 SF of area, and 70% lot coverage. Nothing in excess is being entertained by the City or the State.

A Harbor Towers resident, questioned the recommended dimensional maximums when NEAq, Harbor Towers, and the North End Association had expressed opposition to them. She compared this situation to the recent Starbucks controversy in South Boston, where neighborhood opposition prevented the national coffee chain from occupying commercial space on East Broadway. In addition, she questioned how a development on the Harbor Garage site would not disturb the foundations of NEAq and Harbor Towers. She concluded by expressing her opposition to the development.

A community member asked if the BRA owns Long Wharf. Mr. McGuinness clarified that the BRA owns Long Wharf except for the Custom House Block.

Mr. Berman suggested that free Wi-Fi and public water access (for refilling water bottles, etc.) should be included as public benefits because small things make a big difference.

Mr. Ris declared that the substitute provisions are the BRA's recommendations and not necessarily those of the Committee.



Ms. Lavoie requested the consideration of public meeting space as an offset.

In reference to [amendments to the Waterways Regulations, the Designated Port Area Regulations, and the MHP Regulations at 310 CMR 9.00, 301 CMR 25.00, and 301 CMR 23.00](#), respectively, proposed by the Massachusetts Department of Environmental Protection (DEP) and CZM, Mr. Ris surmised that they would apply to the Downtown Waterfront. Mr. McGuinness countered that they wouldn't as they are designed for less dense areas that cannot support facilities of public accommodation (FPAs). Ms. Jill Valdes Horwood, MHPAC Member, noted that there are a number of specific requirements to qualify for a facility of limited accommodation (FLA).

Mr. Chris Fincham, Harbor Towers resident, asked about potential conflicts between the redevelopment of the Hook Lobster site and the North-South rail link. Mr. McGuinness explained that all MHPs must be reviewed for consistency with other State plans. At this time, the North-South rail link is being studied, but there are no plans for either the footings of the Hook Lobster redevelopment nor the North-South rail link.

Ms. Rubin referenced [Ms. Shirley Leung's column in the Boston Globe](#) from that morning that reported on the Barr Foundation's grant to the BRA for waterfront visioning. Mr. McGuinness said that the Barr Foundation's grant is to augment the on-going [Image Boston 2030](#) citywide visioning with a focus on the waterfront. Mr. McGuinness indicated that the exercise is expected to begin within the next few weeks.

Mr. Palmer claimed that there was never a discussion on the substitute provisions for the Harbor Garage site, but rather that the BRA provided its recommendations and skipped to discussing offsets. Mr. McGuinness countered that maximums were discussed the previous summer and must be considered within the existing neighborhood context and in comparison to the proposed offsets.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on May 25, 2016 at 3 PM in the Piemonte Room on the 5<sup>th</sup> Floor of City Hall, Boston, MA and ended the meeting at 4:55.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 35**  
Wednesday, May 25, 2016  
Boston City Hall, Piemonte Room

### Attendees

**Advisory Committee (“Committee”):** Bruce Berman, Jesse Brackenburg, Marianne Connolly, Phil Griffiths, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Lee Kozol, Susanne Lavoie, Bud Ris, Lois Siegelman, Greg Vasil, Robert Venuti

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erikk Hokenson, BRA; Lauren Shurtleff, BRA

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM); Sue Kim, Massachusetts Port Authority (Massport)

**Members of the Public:** Rita Advani, Victor Brogna, Sandy Campbell, Duna Chiofaro, Chris Fincham, Dave Gibbons, Erika Gorman, Judith Grasso, Pat Haswell, Donna Hazard, Jenny Kessler, Eric Krauss, Tony Lacasse, Julie Mairaw, Arlene Meisner, Norman Meisner, Sy Mintz, Thomas Nally, Charles Norris, Tom Palmer, Christian Regnier, Erik Rexford, Diane Rubin, Matt Rubins, Eli Sherman, Jay Spence, Wes Stimpson, Marcelle Willock, Heidi Wolf, Parnia Zahedi, Bill Zielinski, Zara Zsido

### Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 3:10 PM by introducing BRA staff, the consultant team, and the topic of the meeting’s discussion: offsets for substitute provisions in the Downtown Waterfront Municipal Harbor Plan (MHP). He reminded the Committee that the recommended offsets had been reviewed at the previous meeting and emphasized the need for alternative offsets in case the public benefits are realized through other means (e.g. grants) prior to the development of the linked projects in the planning area. As requested, additional details on open space maintenance costs and water transportation subsidies would be presented through the course of the meeting. He hinted that the discussion may need to continue at the next Committee meeting, scheduled for June 15 at 3 PM, which would also focus on climate change and resilience. The City plans to meet with the State to discuss progress on the MHP and receive feedback on the proposed offsets.

Mr. Matthew Littell, Utile, began the presentation with a review of the feedback provided by the Committee and public at the previous meeting; in particular, if the scale of the offsets were sufficient for the mitigation of the impacts of the proposed developments and more information on other potential offsets (e.g. water transportation, park maintenance, etc.). He

reminded the Committee that the proposed projects have inherent public benefits, such as activating the public realm, creating open space, etc., and are augmented by baseline public benefits, such as the incorporation of the public realm plan framework to guide decisions.

Mr. Littell recapped the prioritization of the public realm improvements, including the Chart House parking lot, Old Atlantic Avenue, Central Wharf, and the BRA property adjacent to the Harbor Garage. Additionally considered were upgrades and tabling at Long Wharf and the Northern Avenue terminus. He wondered how new open space on the Harbor Garage site could complement and enhance the public realm or if it could be combined with the BRA property and Central Wharf to create a singular offset.

Moving onto monetary offsets for off-site public benefits, Mr. Littell informed the Committee that maintenance costs at Channel Center Park (on A Street) are approximately \$3.21 PSF annually, while the Rose Kennedy Greenway has ranged from \$3.00-\$3.50 PSF annually in 2014-2015. From 2009-2013, the Harbor Islands required on average \$11.4 million in operations/maintenance costs and \$7.4 million in capital improvements. Mr. Bruce Berman, MHPAC Member, commented that given the size of the Harbor Islands (approximately 1,482 acres), the cost per square foot is miniscule. Mr. Littell continued that the Greenway also invests in programming and public art; from mid-2014 to the end of 2015, \$1.344 million was spent on direct program expenses for public art and \$1.131 million for contracted services for the public art.

Regarding water transportation subsidies, Mr. Littell explained that existing ferry routes are subsidized from \$4.31/passenger (MBTA Route F4 from Charlestown Navy Yard to Long Wharf) to \$46.22/passenger (Lynn Ferry Pilot Program); the Cultural Connector is approximately \$528.48/passenger. Ms. Susanne Lavoie, MHPAC Member, inquired about the subsidizers. Mr. Littell replied that it varies depending on the service; for example, the MBTA subsidizes the MBTA routes (F1-F4), while the Cultural Connector is subsidized by the Fallon Company as the developer of Fan Pier. Mr. Joanne Hayes-Rines, MHPAC Member, recalled that a previous meeting included a discussion on previous Chapter 91 licenses requiring subsidies for ferry routes that never materialized. Mr. McGuinness confirmed that there are a number of escrow accounts held by the Department of Environmental Protection (DEP). The City is assuming that the MBTA will continue subsidizing the existing MBTA ferry routes, but not necessarily new routes, for example from Lovejoy Wharf and Fan Pier, which both have new terminals. Mr. Bud Ris, MHPAC Member, cautioned that the ridership numbers for Fan Pier would have been higher if the service had been better promoted. Mr. Phil Griffiths, MHPAC Member, also noted that subsidy calculations for water transportation are not necessarily comparable to subsidies for other public transportation systems, such as light rail, as they do not require as much in capital infrastructure (e.g. tracks). Mr. Berman recounted a recent discussion of the Fan Pier Owners Corporation (FPOC) Advisory Committee meeting, during which DEP indicated that the aforementioned water transportation trust fund amounts to \$5.9 million and that the Fallon Company made an additional contribution of \$190,000 separate from their requirement to

operate the Cultural Connector. He concluded that investments in water transportation are sensible and added that water-based excursions (e.g. to the Harbor Islands) are also vital to the local tourism economy.

Mr. Tom Skinner, Durand & Anastas, explained the recommended substitute provisions for each of the three proposed projects (Marriott Long Wharf, Harbor Garage, and Hook Wharf) and their proposed offsets. Ms. Lavoie asked why square feet of development had been omitted from the table of substitute provisions. Mr. Skinner responded that the table is not exhaustive and the goal was to fit as much information as possible onto the page, but would be happy to include the gross square footages of the developments. He added that total building area is not used as a metric for measuring the impact of developments under Chapter 91; rather, lot coverage (for area) and shadow (for height) are used to quantify any impacts. Mr. Berman suggested that it would be useful to have readily available. Ms. Jill Valdes Horwood, MHPAC Member, asked about the relationship between the Harbor Islands gateway as a proposed offset for Marriott Long Wharf and the maintenance costs for the Harbor Islands. Mr. Skinner clarified that these are separate. Mr. Jesse Brackenbury, MHPAC Member, asked that the estimated costs of the offsets be included on the table, as opposed to a different slide.

Mr. Lee Kozol, MHPAC Member, asked how improvements to the Chart House parking lot could offset the proposed development of the Harbor Garage. Mr. Skinner offered that historically Chapter 91 has mitigated the impacts of height with open space. Mr. Kozol countered that it doesn't make sense to improve a smaller park at the expense of enhancing the Greenway. Mr. McGuinness replied that additional open space cannot be created on the Greenway, whereas investing in the Chart House parking lot creates a more welcoming and opening gateway to the Harbor Islands, another aspect of open space in Boston. These improvements were identified in the [Downtown Waterfront Public Realm and Watersheet Activation Plan](#) and prioritized by the Committee.

Mr. Ris asked why the improvements to Long Wharf were so expensive. Mr. Littell explained that there is a lot of surface area and subsurface work required. Mr. McGuinness added that there are potential marine infrastructure improvements that could be made to the wharf, too. Mr. Ris asked if the new owner of the Custom House block was planning to perform any subterranean work below the parking lot. Mr. McGuinness stated that they have no rights to that area, but they are doing work beneath their building.

Mr. Berman noted that previous discussions on Long Wharf had focused on "pinching" at Long Wharf, which would hinder the movement of passengers and cargo to/from the ferries. He sought to ensure that any water-dependent use would not be interfered with.

Mr. Ris observed that Christopher Columbus Park is intensely used and would benefit from sharing some of its users with additional open space, i.e. an improved Long Wharf and Chart House parking lot.

Mr. McGuinness informed the Committee that the City had recently met with Boston Harbor Cruises (BHC), the operator of many of the ferries operating in Boston Harbor, who had provided an update to their letter from last summer outlining their needs and requests for continued and improved operations at Long Wharf.

Mr. Ris suggested a cohesive wayfinding, signage, and design plan for the neighborhood be added to the list of public benefits. Ms. Lavoie concurred that wayfinding and signage in the area is inadequate. She proposed local ambassadors or ranges, akin to the Downtown Business Improvement District (BID) or National Park Service (NPS). Mr. Berman cautioned that unifying design can also remove local character, where activity, such as food trucks and live music, might provide a better identity for the area. Mr. Brackenbury endorsed Mr. Ris's suggestion, but warned that there are costs to specialized paving, as an example. He recounted a recent experience during which public work had removed a section of granite paving and replaced with asphalt. He opined that a strict framework of governance would ensure a consistently well maintained public realm. Ms. Lois Siegelman, MHPAC Member, agreed based upon her experiences with the maintenance of the Harborwalk in the Charlestown Navy Yard. She added that she would like to weatherproof facilities for waiting ferry passengers.

Mr. Skinner resumed the presentation to discuss the offsets for Marriott Long Wharf and Hook Wharf. Mr. Tom Palmer, representing Harbor Towers, asked if alternative offsets were in addition to the preferred offsets. Mr. Skinner clarified that they are alternatives in the case any of the public benefits are realized prior to the project's development. He continued onto the area-wide offset recommendations, which are classified based upon the location of structures relative to Marriott Long Wharf. Mr. Skinner explained that all new structures seaward of the Marriott Long Wharf would be restricted to their existing height limit plus the lesser of 30 feet or two new floors. In addition, all mechanicals would be required to be flood-proofed and elevated, the ground floor would be a facility of public accommodation (FPA), and all open space would be public. All other new structures would be limited to 200 feet in height and be required to make an annual payment for open space maintenance within or adjacent to the MHP area. Vertical additions to existing structures would be capped at the lesser of 30 feet or two floors, provided that mechanicals are flood-proofed and elevated, the ground floor becomes an FPA, and all open space on the site it made public.

Mr. Ris asked if Long Wharf was being kept free of net new shadow (NNS) cast by new structures or additions, which Mr. McGuinness confirmed. Mr. Berman asked if this included shade shelters, which Mr. McGuinness denied.

Ms. Horwood asked why none of the offsets include district-wide climate resilience improvements. Mr. McGuinness explained that the City is loath to tie time-sensitive

improvements at a district level to specific developments, but that the topic would be further explored at the next Committee meeting.

Mr. Skinner continued his presentation with a summary of the proposed amplifications. Amplifications take an existing Chapter 91 license and adds specific details to it, e.g. regulations that require open space can be amplified to prescribe the type or programming of such open space. The proposed amplifications for the Downtown Waterfront MHP include: all interior ground floor and exterior open space shall meet the standards for Commonwealth tidelands; the MHP will provide specific guidance on protecting existing and proposed water-dependent uses; all offsets for Hook Wharf shall be made regardless of upper floor uses [i.e. FPA or facility of private tenancy (FPA)]; and fees associated with long-term Chapter 91 licenses shall be directed toward water transportation and open space maintenance within and adjacent to the MHP area.

Mr. Berman asked if the MHP would highlight any areas as special public destination facilities (SPDF). Mr. Skinner replied that it would: NEAq would be the primary SPDF, with the potential for auxiliary SPDFs, such as the Harbor Islands gateway, Rowes Wharf ferry terminal, and the water-dependent uses at Hook Lobster. Mr. Berman reiterated his request that water transportation funds are not precluded from subsidizing excursions to the Harbor Islands.

Ms. Hayes-Rines asked how well defined the over-the-water Harborwalk under the Moakley Bridge was. Mr. Skinner replied that it's currently being explored abstractly. She continued that it needs to be well-designed, well-lit, and intuitive to use. Mr. Brackenbury agreed, but posited that it would be a very expensive connection at the expense of improving the existing intersection at Seaport Boulevard and Atlantic Avenue. Mr. McGuinness answered that they could try to calculate the cost of the bridge, but that it is the preferred solution. Ms. Hayes-Rines also asked the Harborwalk behind the Coast Guard, which is not handicap accessible. Mr. McGuinness responded that the City plans on addressing that issue with the redesigned Northern Avenue Bridge. Mr. Ris expressed his disappointment that not a single submission to the [Northern Avenue Bridge Ideas Competition](#) had addressed that need. Mr. Brackenbury stated that it is difficult to understand if the mitigation is sufficient without understanding their costs. Mr. McGuinness replied that they would provide as many additional details as possible at the next Committee.

Ms. Diane Rubin, representing Harbor Towers, asked why Marriott Long Wharf wouldn't be responsible for improvements to Long Wharf given its geographic proximity. Mr. McGuinness explained that this had been considered, but given the modest impacts of the substitute provision for the Marriott Long Wharf was considered unduly burdensome. Ms. Rubin countered that the impacts of the Harbor Garage redevelopment were not being mitigated by proposed offsets. Mr. McGuinness asked if the shortcoming stemmed from the proposed projects themselves or their cost relative to the Harbor Garage redevelopment. Ms. Rubin replied that the residents of Harbor Towers consider the proposed Harbor Garage project as

inherently inappropriate given its size. However, assuming the recommended maximums remain unchanged, the residents of Harbor Towers do not feel that the project impacts would be mitigated by improvements to Long Wharf. Mr. McGuinness answered that some development impacts, such as traffic, are not the focus of Chapter 91 – though they are through the Article 80 Development Review process – but that an MHP can suggest mitigation for these impacts, e.g. water transportation to alleviate congestion. He reiterated that the City remains open to additional suggestions for public benefits to mitigate development impacts.

Mr. Littell reminded the Committee and public that the offsets for the Harbor Garage are a plurality; it is not a singular public benefit selected from a menu of options, but multiple public benefits (buffet-style).

Referring to the BRA parcel adjacent to the Harbor Garage, Ms. Rubin contended that improvements to the parcel should not be considered as an offset as any development on the Harbor Garage site would require use of the site, which would necessitate the restoration of it to its previous condition. Mr. McGuinness answered that this was taken into consideration in determining the proposed offsets, but that the City is interested in improvements to the site beyond restoration to its current condition.

Mr. Brackenbury recalled [the findings of RKG Associates, Inc.'s analysis on Chapter 91 offsets](#) and asked how, in the absence of a formula for mitigation, the proposed offsets were determined. Mr. McGuinness explained that these proposed offsets are a starting point for a discussion on transformative public benefits. Mr. Skinner expanded that in response to a previous presentation on formula-based public benefits, the State had indicated that the City's approach was too formulaic. He continued that the metric for evaluation is not how much a public benefit costs (quantitative), but rather how much does it improve the waterfront (qualitative). Ms. Rubin wondered if the Committee concurred that the public benefits sufficiently mitigate the impacts of the proposed developments.

Mr. Berman opined that the focus of the meeting's discussion – the quality of public benefits – was the opposite of the previous week's, which had focused on the quantity. He added that the proposed public benefits were the result of the Committee's previous work in developing the plan for the public realm of the Downtown Waterfront. He stated that he would be willing to provide additional public benefits to the Committee for consideration, such as water-based events like the Tall Ships. He disagreed with the approach to evaluating the public benefits by their cost relative to the development cost and suggested a better approach is to fulfill the vision of the Downtown Waterfront Public Realm and Watersheet Activation Plan. Mr. Berman also surmised that NEAq's on-going institutional planning process would add to the list of public benefits. He asked if the City was looking for a formula for mitigation for MHPs. Mr. McGuinness replied that the analysis was undertaken to determine if there was a historic rule-of-thumb, but was not necessarily looking for a formula for the City's entire waterfront for the future. He indicated that the City is planning to meet with the State prior to the next

Committee meeting to provide an update on the MHP process. Mr. Ris noted that one of the recommendations from the RKG Associates, Inc. report was the need for the better data and suggested that this MHP would be an ideal time to begin better tracking.

Mr. Palmer admitted that Harbor Towers may be an unfortunate exception to a vision for city whose building heights step down to the waterfront, but argued that the proposed maximums for the Harbor Garage redevelopment are so out of scale with previous substitute provisions in MHPs across Boston's waterfront that their impacts are very difficult to mitigation.

Ms. Marcelle Willock, Harbor Towers resident, opined that improvements to the Chart House parking lot would be best if they served the passengers waiting for ferries, such as sheltered waiting areas. She speculated this would also alleviate pedestrian congestion on Long Wharf. Mr. McGuinness concurred, noting that plans for Long Wharf dating back to the 1970s called for a structure towards the end and that offsets for the Marriot Long Wharf include a waiting area. He added that BHC also indicated a need for additional space for offices and storage, which could present an opportunity to aggregate the offsets into a water-dependent use structure. Mr. McGuinness stated that the offset would be to convert the parking lot from its current use into something that would benefit the area, which might be open space or water-dependent use facilities. Ms. Willock commented that this would be practical, welcomed, and well-used, as opposed to additional green space, which would be superfluous.

Mr. Victor Brogna, North End resident, noted that the applying a "[Percent for Art](#)"-like exaction on development has not been discussed by the Committee as a metric for mitigation, but added that one percent of one billion dollars (ten million dollars) was not enough to mitigate the proposed redevelopment of Harbor Garage. Mr. Brogna also asked about enforcement of area-wide amplifications. Mr. McGuinness responded that both the BRA and Massachusetts Department of Environmental Protection (MassDEP) would be the policing powers.

Ms. Hayes-Rines inquired about offsets for a smaller expansion of the Marriott Long Wharf (e.g. only one or two of the sides, instead of three). Mr. McGuinness replied that guidance would be provided to the State through the MHP as to proportionate offsets, e.g. a shell for a water-transportation passenger waiting area as opposed to a completed structure. Ms. Hayes-Rines followed up a question regarding how the City could compel the owner of the Marriott Long Wharf to provide a passenger waiting area if they opt not to expand. Mr. McGuinness explained that the City has no leverage to compel them to do so, but could pursue grants for such a facility on publicly-owned property (e.g. Chart House parking lot).

Ms. Marianne Connolly, MHPAC Member, urged the City to consider adding the new bridge for Northern Avenue to the list of public benefits in the event that higher-priority public benefits are otherwise realized; she posited that some of these projects have similar timelines to the new bridge, which presents an opportunity to support the bridge's construction. Mr. McGuinness answered that the City has been loath to tie private funds to public infrastructure



projects, but would be open to adding secondary improvements not related to the infrastructure, such as the restoration of the tender's building.

Ms. Willock returned the discussion to the Harbor Garage, cautioning the City against expending resources to activate a "bottleneck" of traffic congestion. She asked what the offset for congesting the Harbor Towers' ingress/egress would be and objected to the lack of a final design for the redeveloped Harbor Garage. Without an understanding of the building, she indicated it wasn't possible to offset. Mr. McGuinness explained that Chapter 91 does not address the specifics of building design, but rather the building envelope through maximums. In addition, an MHP can suggest design guidelines and provide guidance on access to/for water-dependent uses, such as NEAq.

Mr. Robert Venuti, MHPAC Member, shared Mr. Brogna's concerns about enforceability. He relayed his experiences with Casa Maria at 145 Commercial Street, whose requirement for senior housing expires after 20 years. Mr. McGuinness clarified that recurring offsets (e.g. maintenance of open space) can be recommended to run concurrent with the license term. Mr. Venuti bemoaned the lack of consideration for existing and incoming residents who will be forced to live with the decisions developers make.

Ms. Rubin asked if climate resilience is being considered as an offset. Mr. McGuinness reiterated that the City is reluctant to tie area-wide climate resilience improvements to a development without certainty that it will be realized within an appropriate timeframe. Ms. Rubin asked if the area-wide offsets would apply to Harbor Towers. Mr. McGuinness explained that the MHP would be incorporated into the city zoning code. Ms. Rubin suggested a meeting to better understand the implications for Harbor Towers, especially as they are subject to a land disposition agreement (LDA) and urban renewal plan. Mr. McGuinness clarified that those are local ordinances, but Chapter 91 is a state-level regulation. Mr. Brogna asked if the substitute provision allowing for a 30-foot/two-story vertical expansion would apply to the Custom House Block. Mr. McGuinness answered no. Mr. Brogna asked if exceptions to an approved MHP are possible. Mr. Skinner replied you can amend one, which would require a public process.

Ms. Willock strenuously objected to the area-wide offset for vertical existing structures. Mr. Skinner countered that it is in the spirit of Chapter 91, but it is not a requirement. Mr. McGuinness clarified that relocating the mechanicals alone does not trigger these offsets; it is only if the mechanicals are relocated and an occupiable floor is added. Ms. Rubin and Ms. Willock stressed that the distinction must be clear in the MHP.

Ms. Lavoie inquired about next steps for the Committee. Mr. McGuinness requested comments and solicited ideas for additional public benefits.

Mr. Eric Krauss, NEAq, asked how the area-wide offsets apply to NEAq. Mr. McGuinness clarified that NEAq is a water-dependent use and as-such not subject to Chapter 91.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on June 15, 2016 at 3 PM in the Piemonte Room on the 5<sup>th</sup> Floor of City Hall, Boston, MA and ended the meeting at 4:55.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 36**  
Wednesday, June 15, 2016  
Boston City Hall, Piemonte Room

**Attendees**

**Advisory Committee (“Committee”):** Bruce Berman, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Sue Kim, Lee Kozol, Susanne Lavoie, Lois Siegelman, Robert Venuti

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erik Hokenson, BRA; Lauren Shurtleff, BRA; Mia Goldwasser, Environment Department

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM); Patrick Lyons, Office of State Representative Aaron Michlewitz

**Members of the Public:** Rita Advani, Victor Brogna, James Cravens, Don Chiofaro, Duna Chiofaro, Morris Englander, Chris Fincham, Julie Hatfield, Mary Holland, Chelsea Johnson, Gabor Korodi, Nadya Korythikova, Eric Krauss, Todd Lee, Julie Mairaw, Lev McCarthy, Arlene Meisner, Phil O’Brien, Keiko Prince, Levi Reilly, Erik Rexford, Kristina Ricco, Jay Spence, Wes Stimpson, Marcelle Willock, Heidi Wolf, Julie Wormser, Barbara Yonke, Parnia Zahedi, Bill Zielinski, Zara Zsido

**Meeting Summary**

Mr. Richard McGuinness, BRA, opened the meeting at 3:05 PM by introducing BRA staff and the consultant team. While acknowledging that the agenda indicated a discussion on offsets would occur, Mr. McGuinness stated that the focus of the day’s meeting would be climate change in the Downtown Waterfront Municipal Harbor Plan (MHP) area and that the discussion on offsets would take place the following week. This delay was partially due to the fact that a meeting between Mr. Brian Golden, Director of the BRA, and Secretary-level officials at the Commonwealth regarding the MHP was postponed. However, BRA staff was able to meet with staff at CZM, who provided feedback on the proposed offset strategy. In response to a question posed by a Committee member at a previous meeting, BRA staff also spoke with Mr. Chris Osgood, the City’s Chief of Streets regarding the use of funds for the future Northern Avenue Bridge as a potential public benefit, even though it is outside of the MHP area. Mr. McGuinness stated that such a use would be directed towards improving the public realm. Additional feedback from CZM staff included the need for additional public benefits to offset the proposed developments within the Downtown Waterfront and their preference for improvements to the public realm or programming thereof, as opposed to maintenance of adjacent open spaces.

Mr. McGuinness noted that this would be one of the first instances that a new MHP in Boston would explicitly reference climate change and its effects, namely sea level rise, but that the role an MHP could play in advancing the city's climate resilience agenda is presently unclear. He added that the City's Environment Department had recently published "Climate Change and Sea Level Rise Projections for Boston". This report explores and explains the climate change projections for the city, as researched by the Boston Research Advisory Group, and is an initial step in the Climate Ready Boston initiative, on which Ms. Mia Goldwasser would be presenting to the Committee. Mr. McGuinness explained that this work would further build on the [revised FEMA flood maps](#) implemented this past March and incorporate future sea level rise. The FEMA flood maps were appealed and redone as a result of the City's work with the Woods Hole Group, who had provided additional and more detailed analysis. Mr. McGuinness invited Mr. Chris Busch, BRA, to discuss the district's vulnerability.

Mr. Busch stated that the Notice to Proceed for the Downtown Waterfront MHP issued by the Secretary of Energy and Environmental Affairs (EEA) directed the City to include guidance on climate adaptation strategies to ensure the long-term effectiveness of public benefits in tidelands. The [Downtown Waterfront Public Realm and Watersheet Activation Plan](#) also highlighted resilience and preparedness as a key goal and objective of the public realm. Mr. Busch summarized the Downtown Waterfront's vulnerability to inundation. Most of the wharves consist of filled tidelands up to just above high high water (HHW) and, as a result, are typically inundated during astronomical high tides and storm events. Furthermore, the district's location at the base of Boston Harbor subjects it to significant winds, which results in wave action and energy as well. Directing the Committee's attention to the FEMA flood maps, Mr. Busch pointed out the Special Flood Hazard Area, which is subject to the 100-year flood event and covers much of the MHP area. Mr. Busch also explained that CZM issued a sea level rise reference document in 2013, [Sea Level Rise: Understanding and Applying Trends and Future Scenarios for Analysis and Planning](#), which has been used in the development of the MHP. This document provided a number of ranges of sea level rise based upon different emissions scenarios. The Committee's Resilience Subcommittee concluded that the [intermediate to highest emissions scenarios](#) should be used for the MHP, which anticipate 1.19 to 1.81 feet of sea level rise by 2050 and 4.20 to 6.83 feet by 2100. However, the City initiated "Climate Ready Boston" to develop city-specific climate change predictions. Mr. Busch invited Ms. Mia Goldwasser, City of Boston Environment Department, to explain the initiative and the recently released [Climate Change and Sea Level Rise Projects for Boston](#).

Ms. Goldwasser explained that Climate Ready Boston is a partnership between public, private, and non-profit stakeholders to "generate solutions for resilient buildings, neighborhoods, and infrastructure to help Boston and its metro region prosper in the face of long-term climate change impacts, including sea level rise, coastal and stormwater flooding, and extreme temperatures". The latest report builds on previous ones examining climate change impacts and adaptation at a variety of scales, ranging from building to region, issued by a variety of

organizations, including the City, Boston Water and Sewer Commission (BWSC), Massachusetts Department of Transportation (MassDOT), the State, etc. Climate Ready Boston comprises the aforementioned climate consensus, an integrated vulnerability assessment, and a variety of resilience initiatives.

Ms. Goldwasser continued that climate change will predominantly affect Boston in three areas: extreme temperatures, sea level rise, and precipitation. The number of very hot days (defined as those that reach temperatures higher than 90° will increase from 11 days (baseline based upon historical average from 1971-2000) to 20-40 days by 2030 with up to 5 days over 100° and to 25-90 days by 2070, with up to 33 days above 100°. However, cold days are likely to decrease. Regarding sea level rise, Boston anticipates 0.33'-0.67' by 2030, .60'-1.5' by 2050, 1.3'-3.1' by 2070, and 2.4'-7.4' by 2100. Ms. Goldwasser noted that the 2030 projections are independent of the various carbon emission scenarios considered due to the nature of climate change impacts. For precipitation, Boston anticipates an increase of 1.5 inches in the 10-year, 24-hour design storms by 2100.

Ms. Goldwasser added that the City is overlaying this data to other layers including utilities, hospitals, etc. to develop a vulnerability assessment, which will identify "critical resilience focus areas", or areas of critical vulnerability by the end of the summer. All of the findings will be put on the [initiative's website](#) as they become available.

Mr. Busch invited Mr. Tom Skinner, Durand & Anastas, to explain how an MHP can address climate change. Mr. Skinner explained that, while the focus of Climate Ready Boston is city-specific and focused on climate change, the Waterways regulations (Chapter 91) is neither. There are a number of enforceable provisions that can be substituted or amplified with a direct impact on climate resilience, but, Mr. Skinner surmised, these are likely more indirect approaches than would be expected of such a document. He reminded the Committee that neither an MHP nor the City can supersede applicable building codes with enforceable provisions, but that these can be encouraged and incentivized. Mr. Skinner continued that the MHP addresses three elements of climate resilience: one amplification specifies that areas improved for public open space shall also be incrementally elevated, to improve resilience; another amplification promotes, where possible, design standards and construction methods that improve the resilience of interior facility of public accommodation (FPA) space within the MHP area; and a substitute provision allows additional building height for existing structures as long as steps are taken to flood-proof mechanicals and provide additional public benefits.

Mr. Busch recapped the existing climate change policies the City has adopted, including the [City of Boston Climate Action Plan](#) (last updated in 2014) and provisions in the City of Boston Zoning Code, which mandate that all new buildings greater than 50,000 SF are subject to Article 37 (Green Building Zoning Code) and expected to be LEED Silver certifiable and that all projects subject to Article 80 (Development Review) complete the Climate Change Preparedness and Resiliency Checklist. He added that in terms of preparedness planning, the

subcommittee had discussed the possibility of requiring developments receiving dimensional and use relief through substitute provisions to develop a preparedness plan based upon current best practices for existing and new construction.

Ms. Jill Valdes Horwood, MHPAC Member, asked if the best practices listed were separate considerations or multiple pages of a single list. Mr. Busch answered that the best practices together create a single list that was divided into multiple slides. Ms. Horwood also inquired how the best practices were compiled. Mr. Busch replied that they came from a variety of sources presented to the subcommittee with the intent of further refining them based upon new information (e.g. climate change impacts) or technology. Ms. Horwood suggested that, given the new information from Climate Ready Boston, the MHP should provide a greater emphasis on resilience. Mr. Busch responded that Chapter 91 does not include construction standards. Ms. Horwood provided examples of resilience, such as requiring high-albedo roofing to reduce the urban heat island effect, and opined that the greater the level of detail in the MHP, the better. Mr. Busch indicated that the draft MHP will provide recommendations of that type. Ms. Horwood also mentioned non-linear or living shorelines as potential solutions. Mr. Skinner referred to the proposed amplification of the Commonwealth tidelands standards being applied to the entire MHP area, which create a sense of cohesion throughout the MHP area through signage, materials, pavers, etc., that accentuate the special public destination facilities (SPDFs), such as the New England Aquarium (NEAq). Such a plan would be completed by the City/BRA prior to the issuance of any Chapter 91 license to ensure compliance with the eventual design guidelines. Mr. Littell posited that Article 80 Development Review is a much better tool for enforcing design specifics. Ms. Horwood also wondered if any funds for maintenance of the public realm could be used for adaptation and resilience. Mr. Busch explained that the subcommittee had contemplated a “flood resilience district”, similar to a business improvement district (BID).

Mr. Robert Venuti, MHPAC Member, asked Ms. Goldwasser if Climate Ready Boston would result in unfunded mandates for private property owners, such as requiring flood-proofing. Ms. Goldwasser responded that the City is still in an exploratory phase, but would keep that under consideration. Mr. McGuinness added that FEMA provides low-interest loans or grants to elevate properties and Mr. Busch indicated that most of the flood-proofing would be retrofitting the existing structures.

Ms. Joanne Hayes-Rines, MHPAC Member, asked about the ordering of the MHP, the public realm design guidelines, and the licensing of developments. Mr. Skinner clarified that the public realm would not be uniform throughout the area, but that the document would set standards to create a cohesive public realm. Ms. Hayes-Rines inquired how the guidelines would be developed. Mr. Skinner replied that it would be for the City to determine how and when, but that this amplification requiring these guidelines is still a draft and that feedback on it is welcome. Ms. Hayes-Rines asked what would happen if the City failed to finalize such a plan, to which Mr. Skinner answered that it would preclude future licensing of projects. She

asked how it would be paid for. Mr. Skinner replied that it could be an offset of a development project, but that's only one idea. Ms. Susanne Lavoie, MHPAC Member, asked if the public would be involved in the development of these design guidelines. Mr. McGuinness responded that it would be done through a public process.

Ms. Lois Siegelman, MHPAC Member, asked who controls the watershed in the MHPAC. Mr. Busch answered that the BRA, Harbor Towers, and NEAq all own some of it, but would need to consult a parcel map. Ms. Siegelman noted that most of the flooding would occur on BRA and NEAq property and wondered if a breakwater could serve as a wave action attenuator and a water transportation hub.

Mr. Todd Lee, Harbor Towers resident, inquired about public property and private interests. Mr. Busch replied that the MHP is parcel-specific in this instance, but that there are other initiatives that are at a district or neighborhood scale. Mr. McGuinness continued that public benefits will be realized on both public and private properties.

Mr. Bruce Berman, MHPAC Member, postulated that sea level rise is a regional issue that requires significant short-, medium-, and long-term public investment.

Ms. Julie Wormser, Vice President of Boston Harbor Now, noted that the Climate Ready Boston projections for sea level rise increased by three feet from their previous projections due to improved modelling. She called for district- and regional-scale initiatives that incorporate the best practices from the on-going Dutch Dialogues and HafenCity in Hamburg, Germany, including seawalls, floodable plazas, and building flood-proofing. While she agrees that Chapter 91 does not address climate change explicitly, she suggested the MHP presents an opportunity to incorporate resilience and adaptation, such as applying the relevant zoning for the end of the building's lifecycle, as opposed to the start of it.

Mr. Berman stated that Miami requires all buildings be brought up to code every 40 years and asked if Boston would consider a similar requirement. Mr. McGuinness replied that most buildings are grandfathered under new regulations, but that Chapter 91 licenses have a definitive license term, as opposed to building permits, which last in perpetuity, and how that might present an opportunity for requiring buildings to adapt every 30, 65, etc. years. Mr. Berman also cautioned that some building-scale flood-proofing can be detrimental to adjacent structures if not installed properly. Mr. Littell noted that permits for renovations also present an opportunity to require building adaptation.

Mr. Berman asked when filled tidelands are considered flowed tidelands. Ms. Wormser predicted that Chapter 91 would be moot (*sic*) by the end of the century when all of the filled tidelands become flowed again.

Mr. Berman also asked if any Chapter 91 license has ever been renewed without a redevelopment. Mr. McGuinness answered that the 30-year licenses granted immediately following the revisions to Chapter 91 in the 1980s are coming to a close, but that many developments existing at that time were issued amnesty licenses.

Ms. Mary Holland, Harbor Towers resident, wondered how spot zoning resolves a city-wide waterfront issue. Mr. McGuinness clarified that MHPs are another planning layer that incorporates the information from Climate Ready Boston, but is not the main tool to implement the policies resulting from Climate Ready Boston.

Mr. Victor Brogna, North End resident, asked if the building code addresses construction on filled tidelands as opposed to upland. Mr. McGuinness explained that there are certain zoning areas, such as a groundwater conservation area, which regulate construction in filled tidelands. Mr. Busch added that properties within the FEMA flood zones must be built to their specifications, but that there is no difference between filled tidelands and upland.

Mr. Berman asked if the City requires property owners to insure properties in flood zones. Mr. Busch answered that the mortgagee typically does, but the City does not.

Ms. Rita Advani, Harbor Towers resident, inquired if the City expects to engineer a solution to sea level rise or if they are considering a coastal retreat. Mr. McGuinness responded that the climate change consensus was just published and that the vulnerability assessment is on-going, but that it would be inappropriate to prescribe an approach without defining the specific issues.

Mr. Berman asked for a link to the FEMA flood maps. (The FEMA flood maps for Boston are available [here](#).)

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on June 22, 2016 at 6 PM in the Piemonte Room on the 5<sup>th</sup> Floor of City Hall, Boston, MA and ended the meeting at 4:20.





**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 37**  
Wednesday, June 22, 2016  
Boston City Hall, Piemonte Room

### Attendees

**Advisory Committee (“Committee”):** Joanne Hayes-Rines, Nigella Hillgarth, Sue Kim, Lee Kozol, Bud Ris, Lois Siegelman, Robert Venuti

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM)

**Members of the Public:** Forbes Dewey, Fred Goodman, Donna Hazard, Pamela Humphrey, Roger Joseph, Gabor Korodi, Eric Krauss, Todd Lee, Sara McCammond, Tomoki Mirra, Sy Mintz, Thomas Nally, Tom Palmer, Erik Rexford, Diane Rubin, Jay Spence, Dan Stewart, Meaghan Stiman, Ginny T., Dan T., Robert Vidaver, Marcelle Willock, Heidi Wolf, Parnia Zahedi, Morton Zisk, Myra Zisk

### Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 6:00 PM by introducing BRA staff and the consultant team. He explained that the purpose of the meeting was to discuss the proposed substitute provisions for the Downtown Waterfront Municipal Harbor Plan (MHP) and the accompanying offsets.

Mr. Matthew Littell, Utile, began with a summary of the regulatory framework for the MHP: the [Public Realm and Watersheet Activation Plan](#), which informs the MHP, which is then codified into the City of Boston Zoning Code. This is then applied to proposed development projects, which have a separate development and environmental review process [e.g. Article 80 Development and Massachusetts Environmental Policy Act (MEPA) Reviews]. Mr. Littell recapped the vision for the Downtown Waterfront, which entails an accessible, clearly-defined, resilient, year-round, flexible, and innovative destination. He continued that the Public Realm and Watersheet Activation Plan identified three subdistricts: Northern Avenue, Rowes Wharf and India Row, and Long and Central Wharves. These subdistricts possess unique opportunities and goals to be incorporated into the MHP and organized into three themes: connectivity, legibility, and activation and programming. These opportunities and goals serve to inform the discussion on substitutions and offsets.

Before summarizing the potential public benefits in the MHP area, Mr. Littell reminded the Committee that the proposed projects have inherent public benefits, including revitalizing properties (Hook Lobster and Harbor Garage sites), improving access and views to the water (Harbor Garage), and activating the edges of Long Wharf (Marriott Long Wharf). He continued that previously-identified public benefits have been assigned estimated costs, but that the prices are not the focus of the offsets, but rather a tool for measurement. The public benefits have been organized into project-specific offset recommendations: for the Hook Lobster site, an enlarged open space area along the Fort Point Channel, interior and exterior special public destination facilities (SPDF), and over-the-water Harborwalk connection to the south of the Moakley Bridge; for the Harbor Garage site, open spaces improvements to the Chart House parking lot, adjacent BRA property, Central Wharf, and Old Atlantic Avenue, and financial support for New England Aquarium (NEAq); for Marriott Long Wharf, an interior water transportation waiting room, Harbor Islands gateway, and ticket sales. Alternative offsets include parking for water-dependent uses (e.g. NEAq, Harbor Islands), funds for open space programming, and water transportation subsidies.

Mr. Tom Skinner, Durand & Anastas, summarized the substitute provisions for the three sites and the offsets with approximate cost estimates. Ms. Joanne Hayes-Rines, MHPAC Member, asked why the Harbor Garage is not required to have a SPDF on the premises. Mr. McGuinness explained that NEAq is a SPDF adjacent to the site that the City wants to support, instead of compete with. Ms. Hayes-Rines suggested that an upper-story space such as Top of the Hub in the Prudential would be an attractive use to the public. Mr. McGuinness concurred, but cautioned that existing observation spaces required through Chapter 91 licenses are under-utilized. Ms. Hayes-Rines claimed that this was the result of poor promotion, not a lack of interest. Mr. Skinner added that MHPs are generally focused on the pedestrian experience at the ground-floor level.

Mr. Bud Ris, MHPAC Member, asked about the discrepancy between the total cost of public benefits and the total cost of public benefits assigned to specific projects. Mr. McGuinness explained that some of the public benefits are not being proposed as offsets, such as improvements to Long Wharf.

Mr. Skinner continued with a summary of the area-wide offset recommendations that were developed from future projects not currently proposed. Different substitutions require different offsets. He summarized the five proposed amplifications to the existing Chapter 91 regulations, which are: 1) all interior ground floor and exterior open space shall meet the standards for Commonwealth tidelands; 2) the MHP will provide specific guidance on protecting existing and proposed water-dependent uses; 3) all offsets for Hook Wharf shall be made regardless of upper floor uses; 4) open space shall be elevated as appropriate as a coastal resilience measure; and 5) fees associated with long-term Chapter 91 licenses shall, to the extent possible, be directed toward water transportation and open space programming within and adjacent to the MHP area. A member of the public asked if raising the public areas

would be detrimental to the private areas. Mr. Skinner answered that this would be determined on a case-by-case basis and only done where appropriate. He added that it might need to be done incrementally, but it is not designed to be a dramatic change. Mr. Ris suggested that the Chart House parking lot presents an obvious opportunity to test a variety of flood resilience measures.

Mr. Skinner read the draft amplification for Commonwealth tidelands: "To ensure the Downtown Waterfront district provides high-quality public areas, without noticeable differences in the quality of public spaces on Private or Commonwealth tidelands, and to the extent possible, all interior and exterior areas located on Private tidelands within the MHP planning area shall be considered as if they are on Commonwealth tidelands and be required to conform to the interior and exterior public activation requirements under 310 CMR 9.53(2), including provisions for interior ground floor facilities of public accommodation (FPAs), excluding Upper Level Accessory Uses. To implement this amplification and the provisions of 310 CMR 9.53(2), the City of Boston shall develop design and use standards for: (1) new, publicly accessible interior areas, including new SPDFs, if any; (2) the general types of FPAs and water-dependent uses to be located in ground level interior areas and all publicly accessible exterior areas; and (3) water transportation facilities, including a water transportation and watershed management plan. To the extent possible under applicable building codes, and subject to the amplification in Section 3.2.2 below, the design and use standards shall also provide direction and guidance on making interior FPAs and exterior public realm areas climate resilient. All SPDFs, FPAs, signage, amenities, landscaping features, wayfinding, and the location and size of public restrooms shall conform to the City's design and use standards, which shall provide guidance to Massachusetts Department of Environmental Protection (DEP) to meet this amplification for Chapter 91 licensing decisions." Ms. Diane Rubin, representing Harbor Towers, expressed confusion over how this amplification would apply to Harbor Towers. Mr. Skinner clarified that this would not apply to minor modifications to or renewals of existing licenses. Mr. Tom Palmer, representing Harbor Towers, asked why the amplification is necessary. Mr. McGuinness responded that there are other instances where this amplification would apply, such as developments seeking relief through substitute provisions. Ms. Rubin asked if the Harbor Towers pool or lawn would become public spaces. Mr. Skinner explained that this would only happen if a new license were required for some aspect of the Harbor Towers site.

Mr. Ris inquired about the timeline for promulgating the design guidelines. Mr. Skinner replied that it would have to be done prior to the issuance of any license and would likely be an offset for the first project to initiate a licensing project.

Mr. Littell presented two public realm design precedents as examples for the Downtown Waterfront design guidelines: Dewey Square, which features unique pavers, and the Broad Street corridor. He highlighted that lessons learned from these two experiences include a

centralized planning and governance regime and ensuring financial feasibility and sustainability.

Mr. Skinner continued with an outline of the elements and structure of the Downtown Waterfront MHP to prepare the Committee and public to receive and read the draft MHP.

Ms. Hayes-Rines asked who controls the licensing fees. Mr. Skinner responded that this would be specified in the MHP, but historically they have been held in escrow accounts.

Mr. Ris asked if the building massing metrics would be included in the MHP. Mr. Skinner replied that they are in the dimensional standards. Mr. McGuinness added that building volume is not a substitute provision, but that the volume of a building can be inferred through lot coverage and height. Mr. Ris asked about progress in negotiations with the respective developers of the proposed projects. Mr. McGuinness replied that they are ongoing with a focus on the costs of the public benefits. The draft would be based upon the most current discussions.

A member of the public inquired if there have been any formal submissions of projects for the development sites in question. Mr. McGuinness answered that there are no formal proposals under consideration, but some concepts have been previously presented.

Ms. Pamela Humphrey, member of the public, expressed disquiet regarding transparency of the process developing the offsets. Mr. McGuinness responded that the City has proposed the offsets in the draft MHP, which is then submitted to the state for their approval. The Committee meetings and a public hearing administered by the state are opportunities for the public to provide feedback.

A member of the public requested a clarification on the substitute provisions, which Mr. McGuinness detailed in response.

Mr. Ris returned the conversation to the improvements to Long Wharf. Mr. McGuinness explained that it is identified as a public benefit, but never as an offset. It was considered, but determined to be less of a priority than the Chart House parking lot, for example. The estimated cost exists only to provide the state guidance if the public benefits are realized independent of a development in the MHP area (e.g. through a grant).

A member of the public asked if the proposed maximums are likely to increase. Mr. McGuinness answered that it is possible, but unlikely; he was unable to recall an instance where the maximum for a development had ever increased during the state's review.

Ms. Humphrey inquired about the formula used to determine the offsets. Mr. McGuinness replied that it is qualitative, not necessarily quantitative. She then asked when the public is engaged in the process of revising the zoning for the Downtown Waterfront. Mr. McGuinness

responded that there has been more than three years of public engagement through the MHP process and will have more through the state's review process and again when the zoning code is revised.

A member of the public asked why the Hook Lobster and Harbor Garage sites have different height maximums. Mr. McGuinness answered that they are different sites with unique contexts and goals. She then asked if the public should expect more 600-foot buildings. Mr. McGuinness replied that the MHP proposed a maximum of 200 feet for new construction in the planning area with exceptions for the Hook Lobster and Harbor Garage sites.

Ms. Marcelle Willock, Harbor Towers resident, suggested that the majority of testimony at the meeting has objected to the proposed 600-foot-maximum for the Harbor Garage site. Mr. McGuinness reminded the Committee that the developer originally sought 1.1 million SF, which the City rejected.

A member of the public suggested that the MHP include a statement regarding climate change. Mr. McGuinness replied that there is an entire section on the topic. The same member of the public suggested investigating other potential offsets, such as the Rose Kennedy Greenway.

Ms. Hayes-Rines stated that the brick plaza around Rowes Wharf is budgeted to cost \$22 million and opined that the estimated costs for the public benefits may be too low. Mr. McGuinness explained that there aren't any direct comparisons for the improvements, but that a number of parks both within Boston and beyond were researched to develop the cost estimates. Mr. Sy Mintz, member of the public, countered that the cost of Rowes Wharf is due to the waterproofing necessary for the site.

Mr. Palmer asked if improvements to public properties would mean they would become privately owned. Mr. McGuinness answered they would remain public property and cited Atlantic Wharf's provision of a travel lane in the public right-of-way as an offset.

Mr. Ris wondered how the Committee's input would be characterized in the MHP. Mr. McGuinness replied that notes from all of the Committee meetings are included as an appendix to the MHP and added that the state can reconvene the Committee if necessary.

Ms. Hayes-Rines asked why the stairs on the Harborwalk adjacent to the Hook Lobster site are not included as an offset. Mr. McGuinness responded that a number of improvements, including these stairs, would be listed as alternatives.

Mr. Todd Lee, Harbor Towers resident, opined that the Harbor Garage developer's original plans are irrelevant to the negotiation, whereas the starting point for negotiations should be the height specified in zoning.

A member of the public wondered why unflattering language regarding Harbor Towers is on the BRA's website. Mr. McGuinness replied that the referenced statements are planning observations. Ms. Willock countered that they are an example of the BRA sacrificing planning principles to appease developers. She continued that the site is not isolating, but rather filled with people and is well-maintained. She suggested that the City should thank Harbor Towers for their investments in the area.

Ms. Rubin reiterated her concern regarding improvements to the BRA parcel as an offset for the Harbor Garage redevelopment. Mr. Busch answered that the developer would be required to restore the site to its existing condition if it were disturbed during construction, but that only improvements would be considered as an offset. Ms. Rubin posited that the proposed offsets are not transformative, but that the proposed maximums for development are the truly transformative element of the MHP. She concluded that it is of the opinion of Harbor Towers that there is nothing that could offset the proposed maximums.

A Harbor Towers resident argued that the development of Harbor Towers initiated significant investment in Downtown Boston and that the redevelopment of the Harbor Garage could not offer the area anything more than what it currently has.

Ms. Humphrey suggested that the City does not have a good record of transformative investments, citing the Seaport and City Hall Plaza, and complained that the MHP process has been unnecessarily complex. Mr. McGuinness replied that harbor planning is complicated, but stated that the draft MHP should clarify some confusion.

Ms. Hayes-Rines asked when the draft MHP would be available. Mr. McGuinness responded that the next Committee meeting is on July 20 and that it would be available prior to then. He added that there would likely be another Committee meeting in late summer or early fall, followed by an unofficial 30-day comment period prior to being submitted to the Board. Upon Board approval, the MHP would be submitted to the state, at which point there is an official comment period and consultation period. Following these two periods, a decision on the MHP is issued and finalized. Ms. Willock suggested the draft MHP should be made available to the Committee prior to the public. Mr. McGuinness asked the Committee when they would like to receive the draft MHP. Mr. Ris answered that it would be useful to have as soon as possible. Mr. McGuinness stated that the draft MHP would be provided to the Committee at least a few days prior to the next meeting with ample opportunity to further review thereafter.

Ms. Humphrey posited that the proposed offsets are not transformative. Mr. McGuinness explained that the Public Realm and Watersheet Activation Plan have guided the development of the MHP.

A member of the public sought a clarification over the cost of the offsets. Mr. McGuinness stated that the developer would be responsible for the discrete projects regardless of costs; the estimated costs serve as a guide.

A member of the public asked if parking is included in the MHP. Mr. McGuinness answered that parking is addressed through the Article 80 Development Review process.

Ms. Sara McCammond, Fort Point resident, suggested that the estimated costs be chained to inflation. She continued that, in her experience as a member of the advisory committee for the amendment and renewal of the South Boston Waterfront MHP, a consensus hadn't been achieved by the committee.

A member of the public inquired if the Committee is empowered to override the BRA's recommendations. Mr. McGuinness explained that the Committee serves to advise the BRA, but does not vote or make an official recommendation. The state can reconvene the Committee if they so desire.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on July 20, 2016 at 6 PM in the Piemonte Room on the 5<sup>th</sup> Floor of City Hall, Boston, MA and ended the meeting at 7:45.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 38**  
Wednesday, July 20, 2016  
Boston City Hall, Piemonte Room

### Attendees

**Advisory Committee (“Committee”):** Sydney Asbury (Chair), Bruce Berman, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Lee Kozol, Susanne Lavoie, Bud Ris, Meredith Rosenberg, Lois Siegelman

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erikk Hokenson, BRA; Adria Boynton, BRA;

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Engler, Office of Coastal Zone Management (CZM)

**Members of the Public:** Rita Advani, John DeChiaro Forbes Dewey, Donna Hazard, Mary Holland, Laura Jasinski, Gabor Korodi, Eric Krauss, Julie Mairano, Sy Mintz, Deanna Moran, Thomas Nally, Regina Noonan, Tom Palmer, Erik Rexford, Diane Rubin, Kendra Slaughter, Jay Spence, Dan T., Ginny T., Parnia Zahedi

### Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 6:05 PM by introducing BRA staff and the consultant team. He explained that the purpose of the meeting was to share [the initial draft of the Downtown Waterfront Municipal Harbor Plan \(MHP\)](#). He added that the Committee would not meet in August to allow time to read the MHP, but would reconvene in September with a Committee working session on September 14 and a Committee meeting on September 28. Mr. McGuinness indicated that he would walk through the framework of the MHP and answer any initial questions.

Ms. Joanna Hayes-Rines, MHPAC Member, asked what the expected outcome of the Committee working session on September 14 would be. Mr. McGuinness answered that the meeting would allow the Committee to go through the draft MHP page-by-page to review and discuss in detail.

Mr. Bruce Berman, MHPAC Member, asked if the draft MHP would be made available to the public. Mr. McGuinness replied that the draft was provided to the Committee first at their request, but that any extra copies would be given to interested members of the public tonight and [posted online](#) the next day.



Mr. McGuinness recounted the outline of the MHP: background and goals; amplifications, substitute provisions, and offsets; Chapter 91 long-term license fees; preparing for climate change; and MHP consistency with state coastal policies. The MHP provides a comprehensive summary of the tidelands within Chapter 91 jurisdiction, a list of the water-dependent uses within the MHP area, and the planning and development context for the MHP area. A section looks back at the history of the Downtown Waterfront, while another looks forward at the potential impacts of climate change, including sea level rise. The parcel catalogue describes the developments and uses of the district and notes challenges and opportunities, such as Harborwalk inaccessibility.

Mr. McGuinness continued that the MHP follows the Notice to Proceed (NTP) issued by CZM, which outlines the goals of the MHP. Ms. Hayes-Rines inquired about Goal #6, the implementation of the Greenway District Planning Study Wharf District Guidelines, specifically the height limits prescribed therein. Mr. McGuinness responded that the MHP builds upon the Greenway District Guidelines with a more specific analysis of parcels within Chapter 91 jurisdiction, including the shadow impacts and waterfront access, and an exhaustive public process.

Mr. McGuinness stated that the MHP incorporates the [Public Realm and Watersheet Activation Plan](#) implicitly throughout and explicitly as an appendix. The next section details the amplifications, substitute provisions, and offsets for the Downtown Waterfront, including those for the three potential development sites: Marriott Long Wharf, Harbor Garage, and Hook Lobster. Regarding Chapter 91 long-term license fees, the MHP recommends that these fees be used to support open space maintenance and programming within and adjacent to the district. Ms. Hayes-Rines asked what these fees would amount to. Mr. McGuinness answered that it depends on the size of the development and the licenses term, but that a recently approved project in the South Boston Waterfront MHP, 150 Seaport Boulevard, was expected to contribute up to \$500,000. Mr. Bud Ris, MHPAC Member, questioned if these were recommendations or options. Mr. McGuinness explained that they are options for Massachusetts Department of Environmental Protection (MassDEP) at licensing, but the BRA is recommending that they be used in a certain way. Mr. McGuinness added that licensing fees can also be directed to subsidizing water transportation. Mr. Ris clarified that these are licensing fees, not offsets, which Mr. McGuinness confirmed.

The MHP also includes a section on climate change, which incorporates the [latest climate change projections](#) for Boston recently published by [Climate Ready Boston](#), and a final section on MHP consistency with state coastal policies. Mr. McGuinness detailed next steps for the draft MHP, which include the goal of approval by the BRA Board at their November meeting. After such approval it would be submitted to the state, who would host a public comment period and hearing and a consultation with the BRA, and then a final decision would be issued by the Secretary of Energy and Environmental Affairs (EEA).

Mr. McGuinness solicited questions or comments from the Committee. Mr. Ris noted that there appeared to be ample support for the South Boston Waterfront MHP from the Mayor's Office at the state's public hearing on the MHP and wondered if there would be such support for the Downtown Waterfront MHP. Mr. McGuinness replied that the South Boston Waterfront MHP differed as a site-specific amendment, as opposed to a district-wide MHP and suggested that the Mayor's Office is looking for public feedback as the document remains a draft.

Ms. Diane Rubin, representing Harbor Towers, asked if there is a deadline for comments. Mr. McGuinness explained that there is a city-sponsored, 30-day public comment period once the final draft is issued by the BRA, but that comments are welcome prior to that period. In addition, the state will have their own 30-day public comment period once the MHP has been submitted to them. Ms. Rubin wondered if any changes would be made to draft based upon public comments. Mr. McGuinness answered that all comments would be considered and incorporated as appropriate. Mr. Tom Palmer, representing Harbor Towers, wondered how there could be a 30-day comment period prior to the BRA Board's November meeting if the last Committee meeting is scheduled for October. Mr. McGuinness stated that the BRA Board meeting is on November 17, allowing ample time for a public comment period.

Mr. Ris asked if there was agreement with the developers of the three sites examined in the MHP. Mr. McGuinness declined to speak for the developers, but that these are the same provisions presented since June 2015.

Ms. Rubin inquired if the MHP would initiate zoning changes. Mr. McGuinness confirmed and added that any zoning changes would occur following the Secretary's Decision on the MHP and must be approved by the BRA Board and Zoning Board of Appeals.

Mr. Ris wondered if BRA Staff feels that the MHP is "transformative." Mr. McGuinness answered that the MHP outlines building envelopes and cannot comment on potential projects, but that, together with the public realm improvements proposed, they will significantly improve the Downtown Waterfront in a number of ways, such as flood resilience, water transportation, access to the waterfront, etc.

Ms. Mary Holland, Harbor Towers, asked why the BRA would propose certain heights if they don't expect developers to build that. Mr. McGuinness explained that there are typically trade-offs between height and lot coverage given the maximum square feet and building volumes allowed. For example, a building may be taller with a smaller footprint or shorter with a larger footprint. Ms. Holland asked what Chapter 91 prescribes for lot coverage. Mr. McGuinness answered 50% in the absence of an MHP.

Mr. Palmer inquired if the state had indicated approval of the draft MHP. Mr. McGuinness declined to speak for the state. Mr. Palmer asked why the Greenway Guidelines were included as a goal of the MHP. Mr. McGuinness explained that the implementation of the Greenway

Guidelines were a goal of the NTP, but that the Greenway Guidelines were clear that additional height would be considered assuming a thorough public process.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the draft MHP would be [available online](#) the following morning and that the next meeting would be on September 28, 2016 at 3 PM in the Piemonte Room on the fifth floor of City Hall, Boston, MA. He ended the meeting at 6:40 PM.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 39**  
Wednesday, September 28, 2016  
Boston City Hall, Piemonte Room

### Attendees

**Advisory Committee (“Committee”):** Sidney Asbury (Chair), Bruce Berman, Jesse Brackenbury, Rick Dimino, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Lee Kozol, Suzanne Lavoie, Marc Margulies, Lois Siegelman, Bud Ris, Meredith Rosenberg, Joe Ruggiero

**City of Boston (“City”):** Richard McGuinness, Boston Planning & Development Agency (BPDA); Chris Busch, BPDA; Lauren Shurtleff, BPDA

**Consultant Team:** Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Berry Engler, Office of Coastal Zone Management (CZM)

**Members of the Public:** Brigitte Alexander, Sarah Barnat, M. Barron, William Beckwith, Jonathon Berk, Victor Brogna, Linda Cabot, Richard Cane, Jack Clark, John Copley, Jim Cravens, Emily DaSilva, Mistral Diane, Chris Fincham, Todd Giben, Duncan Gratton, Aeron Hodges, Mary Holland, Pamela Humphrey, Chelsea Johnson, Peter Kimbill, Gabor Korodi, Eric Krauss, Tony LaCasse, Jim Lelard, Julie Lelard, Julie Mairano, Robert McLamette, Norman Meisner, Charlie Mills, Sy Mintz, Olivia Moore, Deanna Moran, Thomas Nally, Ethan Nessen, Charlie Norris, Margie Palace, Michael Panagako, Devanshi Purohit, Chris Reed, Diane Rubin, Matt Rubins, Lucas Sitter, Debra Lee Stevens, Kishore Varanasi, Heidi Wolf, Barbara Yanke, Parnia Zahedi

### Meeting Summary

Mr. Richard McGuinness, Boston Planning & Development Agency (BPDA), opened the meeting at 6:05 PM by introducing BPDA staff and the consultant team. He reminded the public that the [draft Downtown Waterfront Municipal Harbor Plan](#) and [Downtown Waterfront Public Realm and Watersheet Activation Plan](#) are both available online and that the next, and likely final, Municipal Harbor Planning Advisory Committee (MHPAC) meeting is scheduled for October 19 from 6 – 8 P.M. This meeting will be followed by an unofficial comment period prior the BPDA Board meeting on November 17 for authorization to submit the plan to the Office of Coastal Zone Management (CZM). Such a submission initiates another public process, which includes a notice in the Environmental Monitor, a 30-day comment period, a public meeting, and a consultation period, after all of which the Secretary of Energy and Environmental Affairs (EEA) would issue a decision on the MHP, likely sometime in February.

Mr. McGuinness continued that the Committee’s feedback from its two working sessions on September 14<sup>th</sup> and 21<sup>st</sup> included stressing exceptional design and architecture and concerns related to the offsets. He stated that the BPDA has had productive meetings with the New

England Aquarium (NEAq), which developed a plan for their institution that the BPDA will be incorporating aspects thereof into the MHP, and invited Ms. Nigella Hillgarth, NEAq CEO and MHPAC Member, to present NEAq's plan.

Ms. Hillgarth introduced "Blueway", NEAq's new master plan for their Central Wharf campus, which is intended to be a compelling vision for the district's open spaces and complement the MHP. She clarified that it does not contemplate a number of significant issues, such as parking, traffic, and density of nearby developments, but looks forward to working with BPDA and the public to realize the vision. She invited Mr. Eric Krauss, NEAq COO & CFO, Mr. Kishore Varanasi of CBT Architects, and Mr. Chris Reed of Stoss Landscape Urbanism to present NEAq's new master plan.

Mr. Varanasi stated that NEAq is uniquely situated between the Rose Kennedy Greenway and Boston Harbor and a new institutional master plan presents a once-in-awhile opportunity to create a public space to unite the two. He caveated that the vision is aspirational, not a specific design for such open space or developments. The foundation of the NEAq's vision is that aquariums are redefining themselves as civic spaces engaged in discussions about climate change, ecology, the environment, and so on. As such, NEAq is shifting from an inward institutional focus to an external focus that attracts people not only to NEAq itself, but the waterfront as a whole. Mr. Varanasi provided a brief history of NEAq, from its inception and through its growth and additions, including the existing IMAX theater.

Mr. Varanasi explained that, throughout their development of their vision, NEAq sought to emphasize their desires to transform the public realm, connect the public to the waterfront, grow as a civic institution, and create a destination not only for NEAq visitors, but for the public at-large. He continued that given climate change, specifically sea level rise, NEAq is literally on the front lines of the coming conflict. He added that NEAq would like to improve pedestrian and bicycle safety on Central Wharf and their access to the waterfront.

Mr. Varanasi continued that NEAq, CBT, and Stoss's "big ah-ha moment" was the realization that the public doesn't really see the water on Central Wharf, despite its proximity to it. Mr. Reed commented that seeing the water is the first step in recognizing the city's relationship to its harbor, followed by feeling it. As a result, NEAq's vision seeks to improve and maximize both water views and water access through "the Blueway," which is an approximately 80-foot-wide by 1000-foot-long public space leading from the Rose Kennedy Greenway along the south side of NEAq to the waterfront that is legible, accessible, and prominent. Mr. Reed continued that the Blueway would be landscaped with appropriate coastal vegetation, adorned with trail markers and seating to foster its identity as a coastal path, and could include stormwater gardens. NEAq would have educational and interpretive elements, programming, and an island or two built on the harbor. Mr. Varanasi noted that NEAq would need to relocate the IMAX theater and become a strong component of the public realm. He shared some sample

concepts of the vision, such as opportunities to engage with the water along the south side of the new NEAq, and then concluded his presentation.

Mr. Jesse Brackenbury, MHPAC Member, thanked NEAq for their presentation and commented that the plan is inspirational. He applauded them for “coloring outside the lines” by considering the public realm beyond their buildings and expressed hope that it is financially feasible. Mr. Krauss responded that the vision is still conceptual, but conceded that it would like require a significant investment.

Mr. Marc Margulies, MHPAC Member, congratulated NEAq on the Blueway concept and suggested that, given the consistencies between the Blueway and the Wharf District Council’s (WDC) public realm plan, the implementation of it is the right thing to do.

Mr. Lee Kozol, MHPAC Member, agreed with Mr. Margulies that the plans are not inconsistent and asked if WDC would be allowed to present their plan and, if so, should the schedule for the MHP process be adjusted. Mr. McGuinness replied that the draft MHP does not conflict with the Blueway vision. He continued that the WDC’s plan was not developed through a public process, but that the BPDA has encouraged them to publicize it. NEAq, on the other hand, is a water-dependent use and cultural institution and, as encouraged by CZM, a potential recipient of offsets. BPDA has reviewed the WDC’s plan, which is consistent, if only more specific, than the Downtown Waterfront Public Realm and Watersheet Activation Plan, which was developed through a public process. Mr. McGuinness stated that he expects the forthcoming design study to be more specific than the existing Public Realm and Watersheet Activation Plan. Further, Mr. McGuinness noted that the WDC plan does not make any recommendations for the public realm at Rowes Wharf or Harbor Towers, whereas the Public Realm and Watersheet Activation Plan is more comprehensive.

Mr. Rick Dimino, MHPAC Member, concurred that connecting the Rose Kennedy Greenway to NEAq and the waterfront is an excellent idea that had been previously contemplated during the development of the Rose Kennedy Greenway. He suggested further potential opportunities for connections, such as the Custom Tower, that further integrates the various aspects of the district into a cohesive neighborhood.

Ms. Meredith Rosenberg, MHPAC Member, urged Mr. McGuinness to reconsider allowing the presentation of the WDC’s plan to the Committee.

Ms. Jill Valdes Horwood, MHPAC Member, applauded NEAq’s plan as transformative and asked how the plan would be incorporated into the Public Realm and Watersheet Activation Plan. Mr. McGuinness answered that BPDA has encouraged NEAq to comment on the draft MHP. Ms. Horwood suggested that it be included in the actual MHP. Mr. McGuinness suggested a review of the Public Realm and Watersheet Activation Plan at the next MHPAC meeting, during which WDC could provide specific comments.

Mr. Bud Ris, MHPAC Member, opined that if *the* water-dependent use in the MHP area is given ample consideration, then *the* neighborhood association of the MHP area should receive the same consideration. He noted that Climate Ready Boston has indicated Central Wharf as one of the most vulnerable sites in all of Boston to sea level rise, but wondered what was being done as it relates to climate resilience in addition to elevating the site. Mr. Reed explained that the site is incrementally elevated with floodable layers, including the plaza, and capable of storing water on-site. He stated that NEAq wants to serve as an example to others of strong, resilient design.

Ms. Hillgarth thanked the Committee for their compliments, but added that the Committee should consider the WDC plan.

Mr. Berman thanked NEAq for sharing their innovative and precedent-setting vision, especially in providing the public an opportunity to touch the water and for “coloring outside the lines.” He suggested that the proposed island be enlarged to provide protection to parts of East Boston and the Fort Point Channel. He added that nothing presented is precluded by the draft MHP or Public Realm and Watersheet Activation Plan, but that governance is integral to the success of the district. Mr. McGuinness noted that at some point in the MHP process, it had been suggested to NEAq that the IMAX theater be relocated, but NEAq declined to consider. Another similar instance was the proposal to activate “the Cove,” or the watersheet adjacent to Harbor Towers, which was also rebuffed. As a result, BPDA opted for a lighter touch in the development of the Public Realm and Watersheet Activation Plan, but Mr. McGuinness expressed pleasure at NEAq’s reconsideration in the pursuit of a greater public realm.

Ms. Joanne Hayes-Rines, MHPAC Member, applauded both NEAq and the WDC for both of their plans, especially for their focus on pedestrian access and safety, and suggested that WDC be allowed to present their plan. Mr. McGuinness replied that the Public Realm and Watersheet Activation Plan would be re-presented alongside the WDC plan.

Ms. Lois Siegelman, MHPAC Member, asked if NEAq has contemplated pedestrian circulation and access to and from the ferry. Mr. Krauss replied that traffic and circulation are being examined through a number of studies of both existing and future conditions and also includes a water taxi stop.

Mr. Berman requested a rendering of the proposed Blueway from a street-level viewpoint.

Mr. Dimino offered the services of his organization, A Better City, as it relates to transportation at Central Wharf. Though excited by the Blueway, he asked about the climate resilience of the proposed islands. Mr. Reed explained that Boston is not subject to a significant storm surge like New York City, but water levels still increase. The proposed islands would serve as wave attenuators during storms and also have floodable areas to accommodate stormwater and

storm surge. Mr. Dimino expressed skepticism about its sustainability, but expressed interest in learning more.

Mr. Berman asked where along the Blueway you would actually begin to see the water as you approached it. Mr. Reed answered as far back as the Ring Foundation on Rose Kennedy Greenway.

Mr. Margulies encouraged the Committee to remember that Harbor Garage is not the only potential development in the MHP area, but also the Hook Lobster and Marriott Long Wharf sites.

Mr. McGuinness asked NEAq to post their plan online and informed the Committee and public that the WDC plan is available on their website.

Mr. Dimino suggested BPDA also consider overlaying the NEAq vision onto the Public Realm and Watersheet Activation Plan and encouraged BPDA not to neglect improvements to the Chart House Parking Lot through this process.

Mr. Ris commented that a consolidation of the plans would be transformative. He asked what the legal relationship between the Public Realm and Watersheet Activation Plan and MHP is. Mr. McGuinness answered that it is the framework for public benefits to be realized through the MHP and also acts as a planning document for BPDA in the event there is no development in the MHP area. Mr. Ris asked if CZM reviews the Public Realm and Watersheet Activation Plan and MHP together, which Mr. McGuinness confirmed. Mr. Ris also inquired about shadow impacts from the redevelopment of Harbor Garage on NEAq's site. Mr. McGuinness answered most of the area already experiences shadow, except for Long Wharf, which is why it was preserved as a shadow protection zone, but that it would be reexamined.

Ms. Rosenberg encouraged the consideration of other view corridors to Boston Harbor and how those relate to lot coverage of the Harbor Garage site.

Mr. Dimino encouraged BPDA to consider offsets adjacent to the MHP area, such as the Rose Kennedy Greenway, and also argued that the substitute provisions outline maximums and that 70% lot coverage should be an option to maximize flexibility and public benefit because there are trade-offs between limiting substitutions and maximizing offsets. Mr. McGuinness responded that public benefits outside of the MHP area, such as decking over the ramp parcels on the Rose Kennedy Greenway, but that the need for investment along the waterfront is tremendous.

Ms. Diane Rubin, representing Harbor Towers, suggested that the principles of the NEAq's vision should be applied to the entirety of the waterfront in order to transform the public realm. She insisted that the WDC plan be presented at the next MHPAC meeting.



Mr. Sy Mintz, member of the public, congratulated NEAq and their consultants on the Blueway concept and noted that BPDA recently and rightly unveiled its new identity as a planning and development agency. He suggested that it was worth delaying the MHP process for a month or two to incorporate NEAq's and WDC's plans into the Public Realm and Watersheet Activation Plans.

Mr. Tom Palmer, representing Harbor Towers, seconded Mr. Mintz's comments. He asked for specific justifications for the proposed substitutions, but stated that he was not expecting an answer. He continued that the Harbor Garage should be redeveloped, but is not interested in allowing any additional deviations from Chapter 91's dimensional regulations. He suggested that the Public Realm Plan and Watersheet Activation has been unnecessarily presented continuously and hopes that moving forward an inordinate amount of time will not be spent on it.

Mr. Ethan Nessen, member of the public, thanked NEAq for their vision and the Committee for their dedication to the process.

A member of the public, concurred with Mr. Mintz that a short delay to consider and incorporate NEAq's and the WDC's plans is warranted and asked Mr. Krauss if there is a schedule for the phasing of the development of the Blueway. Mr. Krauss answered that a schedule is being developed, but that there would be a capital campaign to supplement any offsets received through the MHP process.

Mr. Norman Meisner, member of the public, praised NEAq for the Blueway, but stated that the renderings don't show any redevelopment of the Harbor Garage.

Mr. Allan McIntosh, member of the public, exhorted the Committee and public to embrace the vision presented today and at previous meetings to complete the MHP process and move forward to allow the proposed developments that will provide a portion of the funding toward the realization of the Public Realm and Watersheet Activation and NEAq's plans.

Ms. Mary Holland, member of the public, requested that the WDC should be allowed to present their plan at the next plan. Mr. McGuinness answered that the WDC plan will be presented alongside the Public Realm and Watersheet Activation Plan to compare and contrast them.

Ms. Pamela Humphrey, member of the public, applauded NEAq's vision and concurred with Mr. Mintz's suggestion to delay the process to incorporate the NEAq's plans into the MHP. She lamented previous missed opportunities for a vibrant public realm, such as City Hall Plaza and the Seaport.

Mr. Victor Brogna, member of the public, also agreed that the WDC plan should be presented and thanked the WDC and NEAq for their plans.

A member of the public agreed with Mr. McIntosh that the plan should not be delayed any longer.

Mr. Don Chiofaro, Jr., Chiofaro Companies, thanked NEAq for the expedited development of their vision and expressed his interested in working together to realize both the Blueway and the redevelopment of the Harbor Garage.

Mr. Jonathan Berk, member of the public, commended NEAq for their vision and the Committee's dedication, but urged for the advancement of the plan.

Mr. Duncan Gratton, member of the public, agreed that it is time to move forward with the plan to allow for the redevelopment of the Harbor Garage and Hook Lobster sites, especially given the cyclical nature of real estate development.

A member of the public agreed with Mr. Gratton and expressed the urgency of advancing the plan to avoid further delays that would accompany a market downturn.

Mr. John Copley, member of the public, also expressed support for moving the plan forward.

Ms. Sarah Barnat, member of the public, opined that now is the time to act on the plan and move to its implementation.

Ms. Rubin reminded the public that the BPDA had cancelled a number of meetings that delayed the process and a few more months are necessary to ensure a transformative plan.

Mr. Ris countered that he would like to see the various plans incorporated in the MHP and Public Realm and Watersheet Activation Plan without any further delay.

There being no further questions or comments, Mr. McGuinness reminded the Committee and public that the next meeting would be on Wednesday, October 19, 2016 at 6 PM in the Piemonte Room on the fifth floor of City Hall, Boston, MA. He ended the meeting at 4:40 PM.



**Downtown Waterfront Municipal Harbor Planning  
Advisory Committee Meeting No. 40**  
Wednesday, October 19, 2016  
Boston City Hall, Piemonte Room

**Attendees**

**Advisory Committee (“Committee”):** Bruce Berman, Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Lee Kozol, Suzanne Lavoie, Marc Margulies, State Rep. Aaron Michlewitz, Bud Ris, Meredith Rosenberg, Lois Siegelman, Greg Vasil, Robert Venuti

**City of Boston (“City”):** Sara Myerson, Boston Planning & Development Agency (BPDA); Richard McGuinness, BPDA; Chris Busch, BPDA; Erik Hokenson, BPDA; Lauren Shurtleff, BPDA

**Consultant Team:** Matthew Littell, Utile; Tom Skinner, Durand & Anastas

**Government Representatives:** Lisa Berry Engler, Office of Coastal Zone Management (CZM); David O’Connell, United States Coast Guard (USCG)

**Members of the Public:** Will Adams, Kana Alhussani, Amy B., M. Barron, Jerome Berman, T. Bernstein, Victor Brogna, Richard Cane, Catherine Carlock, Don Chiofaro, Steve Dahill, Andrew Dankwerth, Lois Dargo, Chris Fincham, Elizabeth Gillis, Fred Goodman, Donna Hazard, Mary Holland, Grace Holley, Lejla Huskic, Laura Jasinski, C. Johnson, Julia Jones, Dorothy Keville, Michael Kineavey, Gabor Korodi, Eric Krauss, Tony LaCasse, Julie Mairaw, Sara McCammond, Arlene Meisner, Norman Meisner, Deanna Moran, Tom Nally, Bob P., Tom Palmer, Rachael Rosselli, Diane Rubin, Matt Rubino, Shelley Stenstrom, Wes Stimpson, Dan Thurler, Ginny Thurler, Bob Uhlig, Joe Walters, Wen He, Marcelle Willock, Steven Wilstein, Heidi Wolf, Julie Wormser, Barbara Yanke, Parnia Zahedi, Bill Zielinski

**Meeting Summary**

Mr. Richard McGuinness, Boston Planning & Development Agency (BPDA), opened the meeting at 6:05 PM by introducing BPDA staff and the consultant team. He continued that instead of submitting the Downtown Waterfront Municipal Harbor Plan (DTWMHP) to the BPDA Board at their November meeting, the comment period on the draft DTWMHP would be extended and the document instead submitted to the BPDA Board for their consideration at the December meeting. Further, BPDA staff and state officials from the Executive Office of Energy and Environmental Affairs (EEA), including the Massachusetts Office of Coastal Zone Management (CZM) and Department of Environmental Protection (DEP), were continuing to meet, which could result in changes to the draft DTWMHP. Mr. McGuinness asked that if members of the DTWMHP Advisory Committee (MHPAC) were interested in further public meetings to advise him at their earliest convenience.

Mr. McGuinness stated that the meeting would include a presentation of the Wharf District Council's (WDC) Public Realm Plan and a review of the Downtown Waterfront Public Realm and Watersheet Activation Plan for comparison.

Mr. Marc Marguilies, MHPAC Member, introduced himself and Mr. Bob Uhlig, Halvorson Design Partnership, to begin his presentation of the WDC's Public Realm Plan. He stated that the purpose of the plan is to embellish the draft DTWMHP with additional ideas to transform and activate the waterfront. Mr. Uhlig explained the bounds of the study area and the objectives of the plan, including improved wayfinding and experiences, enhanced views, and better pedestrian and vehicular circulation. He highlighted opportunities for wayfinding from the Financial District and Downtown Boston across the Rose Kennedy Greenway to the waterfront and along the waterfront. Similar to the DTWMHP, the WDC Public Realm Plan focuses on three development opportunities: the Hook Lobster, Harbor Garage, and Marriott Long Wharf sites. Mr. Uhlig detailed a number of site-specific recommendations for each of these sites, such as enhanced wayfinding, chamfered corners for views, continuity of materials, etc. More specifically, the WDC Public Realm Plan calls for 50% lot coverage at the Harbor Garage site with a future building positioned to maximize views of the watersheet from key points on and across the Greenway. For the Hook Lobster site, the WDC Public Realm Plan similarly calls for 50% lot coverage for a future development to create a wider space for pedestrians on both the Harborwalk and leading to the future Northern Avenue Bridge. Mr. Uhlig continued that the Wharf District Council would also like the installation of an overwater Harborwalk connection under the Moakley Bridge on Seaport Boulevard, while the future Northern Avenue Bridge could also incorporate amenities such as a beach, pool, and others. To further activate the end of Long Wharf, Mr. Uhlig presented inspirational precedents. To conclude, Mr. Uhlig recapped potential capital improvements and design interventions for the district and shared estimated prices for these. Mr. Marguilies add that the WDC Public Realm Plan is available on the WDC's website, [www.wharfdistrictcouncil.org](http://www.wharfdistrictcouncil.org), for those interested.

Mr. Matthew Littell, Utile, provided a brief summary of the MHP process to-date, including the development of the Downtown Waterfront Public Realm and Watersheet Activation Plan, and the drafting of the DTWMHP, which is a regulatory document as opposed to a typical urban planning document. Upon approval by the state, the MHP would be translated into the City of Boston's zoning code, after which development projects would be reviewed through the City's Article 80 Development Review process and the state's Massachusetts Environmental Policy Act (MEPA) Review.

To provide more planning context in addition to the New England Aquarium's Blueway and the WDC Public Realm Plan, Mr. Littell recapped past planning initiatives related to the Downtown Waterfront, including Boston 2000, the Crossroads Initiative (2004), Connect Historic Boston, the Norman B. Leventhal Walk to the Sea, the Fort Point Channel Watersheet Activation Plan, the Long Wharf Master Plan, the Artery Edges Study: Wharf District, and the Long Wharf Interpretive Plan. Moving onto the Downtown Waterfront Public Realm and Watersheet

Activation Plan, Mr. Littell explained its division into four subdistricts (Northern Avenue, Rowes Wharf/India Row, Long and Central Wharves, and the Watersheet), each with identified public realm improvements in specific locations, which are categorized into elements that improve connectivity, legibility, and activation and programming. To easily compare the Downtown Waterfront Public Realm Plan and the WDC Public Realm Plan, each of the WDC's recommendations were categorized as consistent, inconsistent, something to be addressed through Article 80, something to be addressed in a planned urban design study (which is an offset within the DTWMHP), or an enhancement to the Downtown Waterfront Public Realm Plan. For the most part, the two plans are largely consistent. Mr. Littell added that the Blueway presented by the New England Aquarium (NEAq) is also consistent with the spirit of both of the plans, though all of them depend on the open space available at the Harbor Garage site. Mr. McGuinness closed the presentation with a draft schedule moving forward: public comment on the draft between today and December 2; submission to the BPDA Board for authorization to submit the plan to the state on December 15; submission to the state on December 30; the notice of the DTWMHP in the MEPA Environmental Monitor in January 2017 and a state-administered public hearing; and a consultation session between the city and state in February and March 2017.

Ms. Joanne Hayes-Rines, MHPAC Member, asked how many changes the BPDA expects to make to the current draft prior to submitting it to the BPDA Board. Mr. McGuinness answered that the current draft has the maximum entitlements for each of the development sites, but that the offsets require further refinement.

Ms. Jill Valdes Horwood, MHPAC Member, inquired how the public's comments would be incorporated into the draft prior to submission to the BPDA Board. Mr. McGuinness replied that there is a period between the end of the comment period and submission to the BPDA Board to review and incorporate these comments as appropriate. He reiterated that there would be another comment period after submission of the DTWMHP to the state.

Ms. Hayes-Rines commented that a water transportation ticketing kiosk at the Chart House Parking Lot would be beneficial, but was reluctant to require it as an offset for Marriott Long Wharf in case their expansion did not proceed. Mr. McGuinness agreed that a contingency for it could ensure its realization.

Mr. Bud Ris, MHPAC Member, seconded Ms. Hayes-Rines comments, adding that a space in the Marriott Long Wharf's interior would be insufficient. He suggested being more specific in the requirement for a ticketing kiosk and waiting area, such as requiring the space be able to accommodate a certain number of passengers at certain times.

Ms. Suzanne Lavoie, MHPAC Member, asked why Marriott Long Wharf would expand for a waiting area for water transportation passengers. Mr. McGuinness explained that it is part of the trade-off between the additional revenue generated by an expanded footprint.

Mr. Ris suggested that the Blueway and WDC Public Realm Plan are harmonious and represent a starting point for the formulation of the dimensional standards of the Harbor Garage site, as opposed to vice versa. Mr. Littell agreed, but caveated that the DTWMHP should be flexible enough to allow for future public realm improvements not yet considered.

Mr. Bruce Berman, MHPAC Member, thanked the BPDA, MHPAC, and public for an extensive and engaging process, NEAq for a bold vision, and the WDC for their vision. He opined that not enough focus had been spent on Harbor Towers and encouraged the buildings' Trustees to similarly think boldly about the future of their property. Ms. Marcelle Willock, member of the public, responded that they have begun a strategic planning process. Mr. McGuinness explained that the BPDA has been reluctant to propose transformative elements on private property because of past experiences, but has instead proposed transformative elements in the public realm and encouraged private property owners to do the same on their property.

Mr. Lee Kozol, MHPAC Member, stated that a rationale for the substitute provisions for Harbor Garage has not been provided to the Advisory Committee and the public. Mr. McGuinness answered that the justification is within the plan.

Mr. Ris asked what the current status of the replacement of the Northern Avenue Bridge is. Mr. McGuinness responded that an RFP is pending. Mr. Ris suggested that this presents an excellent opportunity to improve the area.

Mr. Robert Venuti, MHPAC Member, cautioned that the DTWMHP could result in a choke point at the corner of Marriott Long Wharf where it meets the Chart House Parking Lot.

Ms. Lois Siegelman, MHPAC Member, suggested that not only should there be better connections and wayfinding to the water, but also from the water for water transportation passengers.

Ms. Horwood thought the water-based elements of the Downtown Waterfront Public Realm Plan could be more robust.

Ms. Nigella Hillgarth, MHPAC Member, expressed her appreciation for the public's support of the Blueway and added that NEAq would be submitting additional comments on the DTWMHP. She stated that absent more specifics on the redevelopment of the Harbor Garage, NEAq would be unable to assess the implications of the DTWMHP, but looks forward to working with the City to protect NEAq as a water-dependent use in the Downtown Waterfront.

Ms. Diane Rubin, representing Harbor Towers, requested that the WDC Public Realm Plan and Blueway be incorporated into the DTWMHP, especially the provision limiting the lot coverage on the Harbor Garage site to 50%.

Mr. Victor Brogna, member of the public, asked what the Chapter 91-compliant height for the Harbor Garage site currently is. Mr. McGuinness answered that it is within the draft DTWMHP on page 37. Mr. Brogna wondered how both the Downtown Waterfront Public Realm and Watersheet Activation and WDC Public Realm Plans could include a restaurant at the end of Long Wharf given the recent court rulings that disallow this. Mr. McGuinness explained that the City learned through discussions with the National Park Service that a restaurant could be placed there, following a conversion process, but added that other active uses may be pursued at the end of the Long Wharf instead.

A member of the public suggested that the Harbor Garage be setback from East India Row and Atlantic Avenue to avoid crowding the streets.

Mr. Tom Nally, member of the public, expressed support for the majority of the elements of the WDC Public Realm Plan, but argued for lot coverage of up to 70% for Harbor Garage to maximize flexibility for a design to be refined through the Article 80 process.

Mr. Tom Palmer, representing Harbor Towers, stated that he is aware of five studies regarding the economic feasibility of redeveloping Harbor Garage, all of which suggested less than 900,000 SF was necessary to be profitable.

Mr. Chris Fincham, suggested that the DTWMHP use the Greenway Design Guidelines instead of the proposed maximums for the Harbor Garage site.

A member of the public encourage the BPDA to incorporate the public's comments into the DTWMHP.

A member of the public wondered why there wasn't a greater focus on the Northern Avenue Bridge.

Ms. Mary Holland, member of the public, agreed with Mr. Ris's earlier comments about prioritizing the public realm ahead of the development proposals. Mr. McGuinness answered that the goal is to redevelop the Harbor Garage site and promote access to the waterfront.

Mr. Ris asked how the Downtown Waterfront Public Realm and Watersheet Activation Plan is incorporated into the DTWMHP. Mr. McGuinness explained that is a part of the DTWMHP, with the specific public realm improvements identified in the Plan listed in the DTWMHP.

Ms. Rubin wondered why the BPDA would propose the maximum entitlements for the Harbor Garage site. Mr. McGuinness answered that there is no proposal for the site and that the DTWMHP allows for flexibility for when a development proposal is filed, at which point the project would be further refined through Article 80 and the Ch. 91 licensing process.

A member of the public opined that replacing the existing garage with another building wouldn't promote access or create views of the waterfront.

Mr. Don Chiofaro, member of the public, thanked the Advisory Committee and the public for their commitment to the MHP process and expressed his excitement for realizing the vision of the Downtown Waterfront Public Realm and Watersheet Activation Plan.

Mr. McGuinness thanked the Advisory Committee and the public for their dedication and time. There being no further questions or comments, Mr. McGuinness ended the meeting at 7:35 PM.



*End of Document*



**THE COMMONWEALTH OF MASSACHUSETTS**  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
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## Public Notice

### Notice of Supplemental Information Filing for the City of Boston's Downtown Waterfront District Municipal Harbor Plan

On March 15, 2017, the Boston Planning and Development Agency submitted the City of Boston's Downtown Waterfront District Municipal Harbor Plan for review and approval pursuant to 301 CMR 23.00. It was noticed in the Environmental Monitor on March 22, 2017, with a 30-day public comment period closing on April 21, 2017 followed by a 60-day consultation period. The initial consultation period has been extended four times, each with notice in the Environmental Monitor. The first extension was for 60 days ending on August 21, 2017; the second extension was for 90 days ending on November 20, 2017; the third extension was for 60 days ending on January 19, 2018; and the last extension was for 30 days ending on February 19, 2018.

In accordance with 301 CMR 23.04, and as an outcome of the extended consultation period, the City has submitted Supplemental Information for the Downtown Waterfront District Municipal Harbor Plan. Written comments on this Supplemental Information will be considered. Comments must be received by 5 p.m. on April 9, 2018. Comments should be addressed to:

Office of Coastal Zone Management  
Attn: Lisa Berry Engler  
251 Causeway Street, Suite 800  
Boston, MA 02114

To accommodate the City's supplemental filing, the consultation period will be extended until April 9, 2018.

Notification Date: February 21, 2018





February 16, 2018

Secretary Matthew A. Beaton  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: 2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm  
Activation Plan

Dear Secretary Beaton:

On behalf of the City of Boston, I am submitting supplemental information regarding the Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan ("Downtown Waterfront MHP"), which was filed with your office on March 15, 2017 for your review and approval pursuant to 301 CMR 23.00.

The Downtown Waterfront MHP, which was developed over a four-year public process involving 40 public meetings, serves as the City's vision to guide future development in the district to ensure new projects promote public access, improve and activate the public realm and sustain important water dependent uses such as the New England Aquarium. The MHP includes substitutions to the MGL Chapter 91 dimensional standards for the Harbor Garage and Hook Wharf sites, and related offsets to enhance ground level exterior spaces and create new waterfront public open space. District-wide substitutions and amplifications are included to promote the activation of the public realm and climate resiliency, as well as protections to support the Aquarium.

Since last April we have been working with your staff during the consultation session to address comments received during the public review process and the interests of affected property owners and stakeholders. The feedback we have received from your staff has been greatly helpful in strengthening the goals of the MHP and the public benefits tied to the redevelopment of the Harbor Garage and Hook Wharf properties.

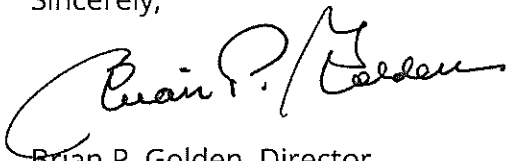
Based upon these discussions we have made modifications to the Downtown Waterfront MHP. We now offer supplemental information accompanying this letter, which includes information on changes to the MHP as originally submitted. Specifically, the proposed changes include:

- Conditions related to the amplification for the Memorandum of Understanding between the New England Aquarium, the developer of the Harbor Garage property and the City of Boston, including measures and protections to be implemented during and after the construction of the Harbor Garage property to protect the viability of the Aquarium;
- Revised commitment of the \$10 million Harbor Garage offset to the New England Aquarium's Blueway vision to improve Central Wharf or other waterfront public realm improvements;
- Guidance regarding the open space configuration related to the redevelopment of the Harbor Garage property;
- An increase of the Hook Wharf offset funding with the priority project being the design and construction of parkland at the Chart House parking lot at Long Wharf.

As envisioned, the Downtown Waterfront MHP, with its substitutions, offsets and amplifications, will promote both on-site and area-wide public activation and water dependent uses within the Downtown Waterfront MHP district. The MHP will provide substantial baseline public benefits, with the redevelopment of the Harbor Garage site removing a relic from the days of the elevated I-93 Artery and opening 50 percent of the site for new public open space and improved views from the Greenway. It will also include a rehabilitated Hook Wharf property with a new extension of the Harborwalk system to allow public waterfront access in this area for the first time. Offsets associated with the projects will improve ground level activation, support area water transportation and deliver a new waterfront park at Long Wharf. The City looks forward to the realization of these significant and long awaited improvements to the Downtown Waterfront.

We appreciate your timely review of this information regarding the Downtown Waterfront MHP and look forward to a successful completion of this review process.

Sincerely,



Brian P. Golden, Director  
Boston Planning and Development Agency

cc: Daniel Sieger, Assistant Secretary, EEA  
Gary Moran, Deputy Commissioner, MassDEP  
Ben Lynch, Waterways Program Chief, MassDEP  
Bruce Carlisle, Director, CZM  
Lisa Berry Engler, Assistant Director, CZM  
Richard McGuinness, Deputy Director, BPDA

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

Harbor Garage and New England Aquarium

Throughout the Downtown Waterfront planning process and the state's consultation sessions protections and assurances for the New England Aquarium's ongoing operations and financial viability have been a priority. Not only sustaining but enhancing the Aquarium's mission has been a focus, as it serves as a premier civic and cultural water-dependent use in Boston Harbor which activates the Downtown Waterfront district year-round. The Aquarium's Blueway vision to improve site conditions around Central Wharf and create better connections to the Aquarium and harbor, are objectives the MHP looks to facilitate.

The Downtown Waterfront MHP addressed the promotion of the Aquarium's interests through an amplification for the Activation of Commonwealth Tidelands for Public Use (310 CMR 9.53(2)(b) and 310 CMR 9.53(2)(c)). The amplification requires the execution of a memorandum of understanding (MOU), or other mutually agreed upon binding agreement, between the City of Boston, the Aquarium and the project proponent of the Harbor Garage to address reasonable compensation for any construction-related Aquarium visitor and event revenue losses and other matters of mutual long range interest.

During the state's consultation session several priorities have been specified by the Aquarium as necessary for the ongoing viability of the institution during and after the construction of the Harbor Garage site. The primary issues to be addressed in the MOU include provisions for visitor parking and access to the Aquarium, and financial assurances against possible loss of revenue due to reduced visitation resulting from construction related disruptions associated with the development of the Harbor Garage site.

Based upon discussions among the City and the property owners, the following requirements shall be included in the MOU, or mutually agreed upon binding agreement:

- Interim Parking:
  - o Provided within reasonable proximity to the Aquarium;
  - o 250 spaces (weekdays between 9:00 am and 6:00 pm);
  - o 500 spaces (all other times);
  - o Unreserved and, at manager's election in its sole discretion, on attendant-parked basis;
  - o Parking rates consistent with existing program.
- Future Parking:
  - o At new garage constructed within the Harbor Garage site redevelopment;
  - o 250 spaces (weekdays between 9:00 am and 6:00 pm);
  - o 500 spaces (all other times);

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

- Unreserved and, at manager's election in its sole discretion, on attendant-parked basis.
- Indemnification Agreement:
  - To ensure the viability of the New England Aquarium's operations during the construction of the Harbor Garage property both parties have agreed to the following \$30 million indemnification framework to cover loss of revenue based upon expected Aquarium visitation numbers of 1.37 million guests per year for the estimated three year construction schedule. Under the terms of the agreement the Harbor Garage developer will cover in whole the first \$10 million in revenue loss outright. In addition, the Harbor Garage Developer will cover another \$20 million of revenue shortfall in the form of a mitigation loan. The loan will be repaid to the developer of Harbor Garage based upon future Aquarium revenue increases above preconstruction revenue. The Aquarium will repay fifty-percent (50%) of the revenue increases for a period of four years after the first certificate of occupancy for the Harbor Garage project.

If final agreement on the terms of the MOU are not reached by the developer of the Harbor Garage property and the Aquarium, then the parties shall enter into binding arbitration. MOU shall be executed by all parties no later than sixty (60) days following the effective date of the Boston Planning and Development Agency Scoping Determination for a Harbor Garage development project pursuant to Boston Zoning Code Article 80.

#### Offsets

The offsets and new open space derived through this Downtown Waterfront MHP will transform the Downtown Waterfront with approximately one and half acres of new publicly accessible open space, dramatic views to Boston Harbor from the Rose Kennedy Greenway, and a plan to make the 1.2 miles of dated Harborwalk more legible and well programmed while also resilient to climate change and sea-level rise.

The substitute provisions in the form of alternative height limits at the Harbor Garage and Hook Wharf sites and alternative site coverage ratios for the Hook Wharf site promote with greater effectiveness the state tideland policy objectives. The substitute provisions provide an incentive to remove the visual and physical barrier the Harbor Garage creates along the Downtown Waterfront and transform Hook Wharf from an isolated and underutilized property into an accessible and activated contributor to Boston's Harborwalk system. The height substitute provisions have been carefully analyzed to avoid ground level environment conditions from becoming uncondusive to water dependent activity and public access. Net new shadow will be modest in duration and will not be disruptive to the water transportation facilities and open space on Long Wharf seaward of the Marriot Long

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

Wharf Hotel that this Downtown Waterfront MHP establishes as a shadow prohibition zone.

The offsetting measures of more open space and expanded views to the waterfront will mitigate any shadow impacts by providing better waterfront public realm and connectivity from Downtown Boston, the Rose Kennedy Greenway to the water's edge.

The transformation of the Chart House parking lot into open space will serve to enhance Long Wharf's open space and Harborwalk system and also create a stronger gateway to the Boston Harbor Islands National Recreation Area. Elements of the Aquarium's Blueway vision will include the removal of the IMAX Theater, stronger pedestrian and view connections from the Rose Kennedy Greenway to the southern end of Central Wharf, and interpretive exhibits.

While the Downtown Waterfront currently benefits from 52% publically accessible open space, the modest site coverage proposed for the Hook Wharf site (approximately 4,000 square feet) combined with the removal of the Harbor Garage and conversion of the Chart House parking lot leads to an increase of publicly accessible open space to 54%.

The Downtown Waterfront MHP offsets will fund waterfront public realm investments highlighted by the community through numerous workshops and public meetings. The community's vision for the Downtown Waterfront is memorialized in the Downtown Waterfront District Public Realm and Activation Plan that is included in the Downtown Waterfront MHP.

Design and use standards for the proposed public realm investments will be determined through a public process funded through the Downtown Waterfront MHP offsets. Recreational boating stakeholders will be specifically engaged in this process to address existing and future recreational boating access including dockage, moorings and navigational safety.

#### Harbor Garage Offsets

The Downtown Waterfront MHP includes a single substitution for height to the MGL Chapter 91 dimensional standards at 310 CMR 9.51(3)(e). The offsets related to this substitution included \$10 million in offset funding with \$5 million designated for open space improvements to the Chart House parking lot, and \$5 million to advance the implementation of the Aquarium's Blueway vision, or other open space improvements. Additionally, \$300,000 in funding shall be provided for the City's design and use standards for the Downtown Waterfront's public amenities, open space and waterside infrastructure.

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

Through the consultation period it has been determined that the Aquarium's Blueway vision for the institution and Central Wharf area should receive greater support to enable these enhancements to the public realm to be transformational for the Downtown Waterfront. To advance this interest the Harbor Garage project will now include the following offset provision:

- The full \$10 million in offset funding, in inflation adjusted 2018 dollars, shall be dedicated to the design and construction of public realm improvements associated with the Blueway. These funds must be expended on the Blueway within 5-years of the first certificate of occupancy for the Harbor Garage project, or shall be directed to other waterfront public realm or water-dependent improvements in the Downtown Waterfront planning area. The \$10 million in offset funding, as well as the \$300,000 for the development of the design and use standards, shall be deposited into a fund or escrow account set up by the project proponent. The City and the state shall oversee and approve all financial withdrawals from the dedicated fund or escrow account. The City and the state shall be advised on management of funds and implementation of offset funding by a representative of a neighborhood or waterfront organization from within the Downtown Waterfront planning area. Funding for design and use standards shall be provided prior to the submission of an Environmental Notification Form (ENF) for the proposed project to the Massachusetts Environmental Policy Act (MEPA) office.

As all of the offset funding associated with the substitute provision for the Harbor Garage site will be directed to the Aquarium's Blueway vision or other waterfront public realm improvements, the following offset specified in the Downtown Waterfront MHP for the Harbor Garage site shall be removed:

- Offset:
  - o The conversion of the Chart House Parking Lot to public open space at an inflation-adjusted 2017 estimate cost of \$5 million.

#### Harbor Garage Open Space Guidance

The redevelopment of the Harbor Garage site will have a positive impact on the Downtown Waterfront's public realm through reducing the building footprint on the site by 50% and the removal of the existing visual barrier the Harbor Garage creates along the waterfront. The Downtown Waterfront MHP specifies that a new project's building massing and lot coverage shall enhance open space, create new site lines and view corridors between the waterfront and the Greenway and integrate the property into the Aquarium's Blueway (Figure 1).



2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

The MHP in Section 3.3.2 also contemplates the removal of the Aquarium's IMAX Theater to further improve views to the harbor and open space around Central Wharf. Under Section 3.3.2 if the owner of Harbor Garage site acquires additional land on which an existing structure is located (IMAX Theater), the Harbor Garage site will increase accordingly with the requirement that 50% of the site shall remain as publicly accessible open space and any new structures based upon a larger site and corresponding building foot-print shall not exceed 55 feet in height.

To ensure the new open space at the Harbor Garage site functions to improve view corridors around the property, allow for ample set-back and open space on the east and south sides of the site, and provide adequate space for ground floor activation and programming associated with any applicable Facilities of Public Accommodation, the following provisions and guidance shall apply:

- Of the 50% open space required through the redevelopment of the Harbor Garage site, a maximum of 30% of the open space may be located on the north side of the Harbor Garage adjacent to Milk Street;
- Locate open space as close to the water as possible and also provide view corridors, pedestrian ways and public streets that physically and visually connect inland open spaces, including the Greenway and neighboring areas to the water and water's edge;
- Design open spaces that promote compatibility between public activities and the needs of navigation, water transportation and other water-dependent uses;
- Design open spaces that serve public users and strongly discourage preferential access and use by private users;
- Locate and design open spaces that attract and maintain substantial year-round public uses that are complemented by new, expanded water-dependent uses and new civic, commercial, residential, hotel and retail development.

#### Hook Wharf Offsets

Due to the small size and site constraints at the Hook Wharf site there are a number of substitutions to the MGL Chapter 91 dimensional and use provisions in the Downtown Waterfront MHP including substitutions for height, lot coverage, reconfiguration of the Water Dependent Use Zone, and Facilities of Private Tenancy (FPT) over flowed tidelands. The redevelopment of the site will afford substantial baseline offsets of new perimeter Harborwalk that will provide the public access to this area of the Fort Point Channel for the first time, waterfront connections to Moakley Bridge, touch-and-go dock access, as well as sustaining the Hook business, a water dependent use, on the ground floor of the project site.

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

The Downtown Waterfront MHP included several offsets related to the height, lot coverage and FPT substitutions, including \$1.5 million for to enhance the public's access and enjoyment of the Fort Point Channel through over water connections along the Channel and watershed activation. Additionally, the developer of the Hook Wharf site is to provide \$100,000 to fund the development of the Downtown Waterfront design and use standards, which is to be matched by the City for a total of \$200,000.

Through discussions during the consultation period, the feasibility and desirability of the overwater connections along the Fort Point Channel came into question. With the offset funding of the Harbor Garage site being oriented to the realization of the Aquarium's Blueway vision, the design and construction of a new open space resource at the Chart House parking lot location became a priority as there was near-unanimous support for a park in this location throughout the planning process. To advance the design and construction of new parkland at the Chart House parking lot site the following provision shall apply:

- The proponent of the redevelopment of the Hook Wharf site shall provide a total of \$4 million in inflation adjusted 2018 dollars, including \$1 million to offset substitute provisions for Facilities of Private Tenancy 310 CMR 9.51(3)(b), and \$3 million to offset lot coverage and open space 310 CMR 9.51(3)(d) and, height limitations 310 CMR 9.51(3)(e), as detailed in the attached chart. Offset contributions will support the development of design and construction of a new waterfront park at the current Chart House parking lot on Long Wharf. The \$4 million in offset funding, as well as the \$200,000 for the design and uses standards shall be deposited into a fund or an escrow account set up by the project proponent. The City and the state shall oversee and approve all financial withdrawals from the dedicated fund or escrow account. The City and the state shall be advised on management of funds and implementation of offset funding by to be managed by a joint entity comprised of a representative from the City, the state and a of a neighborhood or waterfront organization from within the Downtown Waterfront planning area. Funding for design and use standards shall be provided prior to the submission of an Environmental Notification Form (ENF) for the proposed project to the Massachusetts Environmental Policy Act (MEPA) office.

As all of the offset funding associated with the substitute provisions for the Hook Wharf will be directed to the design and construction of the waterfront park at the Chart House parking lot, the following amplifications and offsets specified in the Downtown Waterfront MHP for the Hook Wharf site shall be removed:

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

- Offsets:
  - o The creation of an interior and exterior Special Public Destination Facility that shall include enhanced open space areas and a ground floor with a deeded restriction for waterfront uses.
  - o Expanding the publicly accessible deck south to connect with Moakley Bridge pedestrian connections as offset for FPT's.
  - o Promotion of the public's access to and enjoyment of the waterfront through the following projects in order of priority, at an inflation-adjusted 2017 cost of \$1.5 million:
    - An over-the-water, fully accessible connection between the project site and 470/500 Atlantic Avenue, to ensure a safe, continuous Harborwalk;
    - The implementation of the vision for Channel Walk West, as presented in the Fort Point Channel Watersheet Activation Plan;
    - Activation of the Fort Point Channel watersheet and the future Northern Avenue Bridge.

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
 Supplement - February 16, 2018

**Summary of Chapter 91 Substitutions, Offsets and Amplifications**

The following table summarizes the proposed amplifications, substitutions and related offsets, and modifications as referenced above.

<b>Waterways Regulation</b>	<b>DTW MHP Location</b>	<b>Amplification</b>	<b>Substitute Provision</b>	<b>Offset</b>
<b>Engineering and Construction Standards [310 CMR 9.37 (3)(c)]</b>	All	For open space improvements, elevate exterior areas as feasible as a non-structural alternative to increase coastal resiliency	None	None
<b>Facilities of Private Tenancy (FPTs) [310 CMR 9.51 (3)(b)]</b>	Hook Wharf	<b>Remove:</b> Offsets for Hook Wharf, including FPTs over flowed tidelands, shall be provided regardless of upper floor uses over flowed tidelands.	Upper floor FPTs shall be allowed only on a portion of the Hook Wharf site	<b>Update:</b> Offsets for FPT's over flowed tidelands include (1) funding for the City's design and use standards; and (2) \$1-million for the design and construction of a new waterfront park at the Chart House parking lot at Long Wharf. <b>Remove:</b> The creation of an interior and exterior Special Public Destination Facility that shall include enhanced open space areas and a ground floor with a deeded restriction for waterfront uses. Expanding the publicly accessible deck beyond the project site south to connect with Moakley Bridge pedestrian connections as offset.
<b>Water-Dependent Use Zone (WDUZ) [310 CMR 9.51 (3)(c)]</b>	Hook Wharf	None	Any reconfigured WDUZ shall have an area that is equal to or greater than a compliant WDUZ and in no case shall it be less than 12 feet wide	None

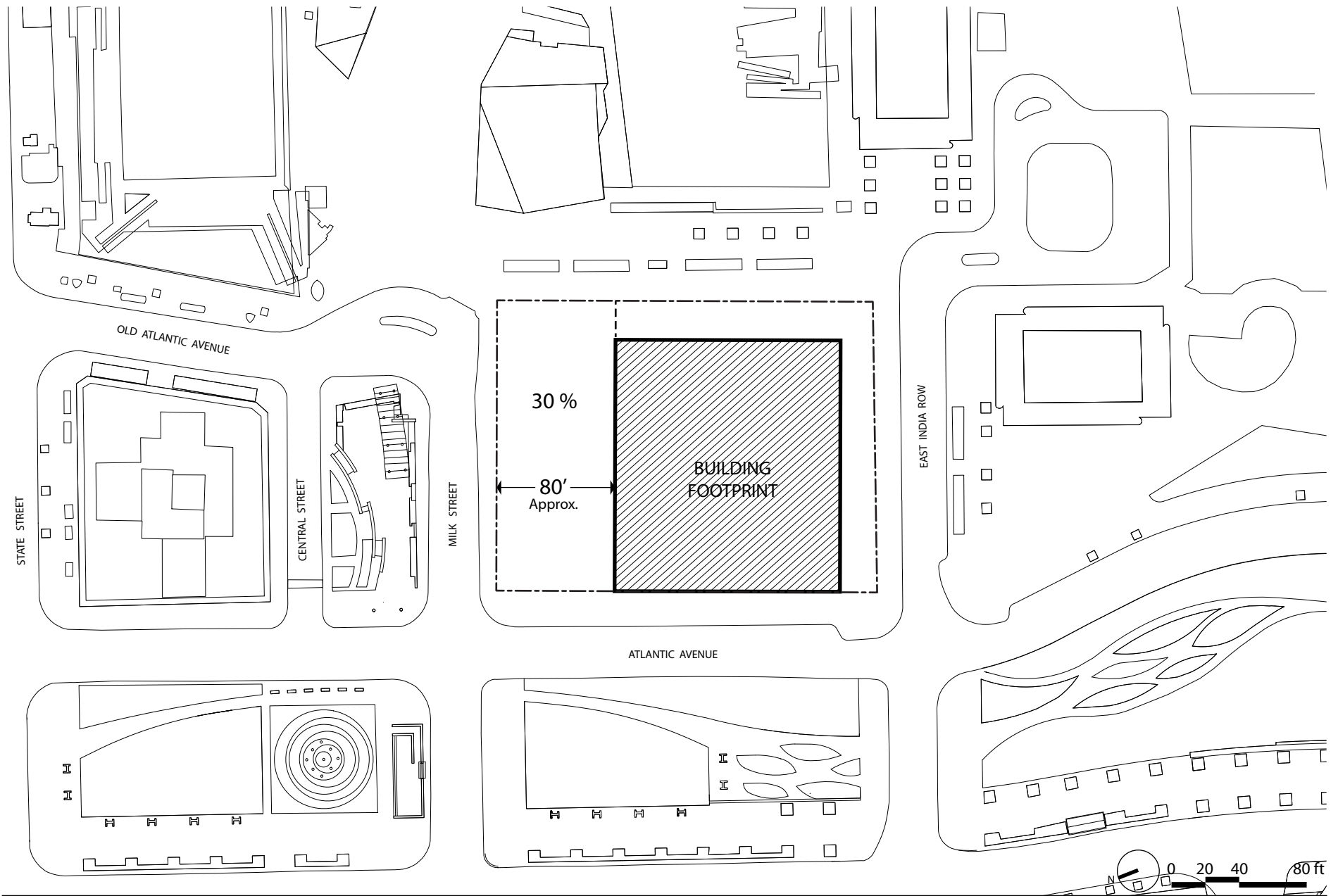
2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

<p><b>Lot coverage (building footprint) [310 CMR 9.51 (3)(d)]</b></p>	<p>Hook Wharf</p>	<p>None</p>	<p>Lot coverage shall not exceed 70%</p>	<p><b>Update:</b> Funding for the City's design and use standards; and \$3-million for the design and construction of a new waterfront park at the Chart House parking lot at Long Wharf. <b>Remove:</b> \$1.5 million to promote an over-the-water Harborwalk connection under the Moakley Bridge, Channel Walk West, and activation of the Fort Point Channel, potentially including the Northern Avenue Bridge.</p>
<p><b>Building Height [310 CMR 9.51 (3)(e)]</b></p>	<p>Harbor Garage</p>	<p>None</p>	<p>Up to 585' to the highest occupiable floor, but no more than 600' overall; oriented to minimize net new shadow and avoid net new shadow on Long Wharf seaward of the Marriott</p>	<p><b>Update:</b> Offsets for all substitute provisions at the Harbor Garage site include: funding for the City's design &amp; use standards; \$10-million for the design and construction of public realm improvements associated with NEAq's Blueway vision, or other waterfront public realm or water-dependent improvements in the Downtown Waterfront planning area. <b>Remove:</b> Open space improvements to Chart House parking lot.</p>
<p><b>Building Height [310 CMR 9.51 (3)(e)]</b></p>	<p>Hook Wharf</p>	<p>None</p>	<p>Up to 285' to the highest occupiable floor, but no more than 305' overall; oriented to minimize net new shadow</p>	<p><b>Update:</b> Funding for the City's design and use standards; and \$3-million for the design and construction of a new waterfront park at the Chart House parking lot at Long Wharf. <b>Remove:</b> \$1.5 million to promote an over-the-water Harborwalk connection under the Moakley Bridge, Channel Walk West, and activation of the Fort Point Channel, potentially including the Northern Avenue Bridge.</p>

2017 Downtown Waterfront District Municipal Harbor Plan & Public Realm Activation Plan  
Supplement - February 16, 2018

<b>Building Height [310 CMR 9.51 (3)(e)]</b>	New Structures on Existing Buildings	None	Additional building height of not more than 30'2 additional floors; oriented to minimize net new shadow and avoid net new shadow on Long Wharf seaward of the Marriott	To be determined at licensing but including any unfinished offsets identified for other projects in this MHP, other open space improvements, water transportation, & programming or capital improvements for open space within or adjacent to the DTW MHP
<b>Building Height [310 CMR 9.51 (3)(e)]</b>	New Structures Seaward of the Marriott on Long Wharf	None	Additional building height over existing building heights of not more than 30'2 additional floors; oriented to minimize net new shadow and avoid net new shadow on Long Wharf seaward of the Marriott	To be determined at licensing but including any unfinished offsets identified for other projects in this MHP, other open space improvements, water transportation, & programming or capital improvements for open space within or adjacent to the DTW MHP
<b>Activation of Commonwealth Tidelands for Public Use [310 CMR 9.53 (2)(b) &amp; (2)(c)]</b>	Private Tidelands	Given the highly public nature of the DTW MHP area, all exterior private tideland areas that are planned for public access shall be held to the public activation standard used for Commonwealth Tidelands	None	None
<b>Activation of Commonwealth Tidelands for Public Use [310 CMR 9.53 (2)(b) &amp; (2)(c)]</b>	All	The City shall develop design & use standards to ensure maximum public use and enjoyment of this area	None	None

Figure 1. Downtown Waterfront District Municipal Harbor Plan Supplemental Filing



Harbor Garage Property  
70 EAST INDIA ROW

Parcel Size: 57,346 Sq. Ft.  
Ch. 91 Compliant Building Footprint: 28,673 Sq. Ft.\*

\* The following is one of many possible footprint scenarios for a development on the Harbor Garage property. Building footprint and massing must adhere to MHP shadow conditions.