



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 22nd, 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 23rd 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 23rd 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 watershed were reviewed differently. Rich McGuinness responded that watershed is jurisdictional and part of the offset equation and there is more specific focus on water dependent uses on the water and watershed 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 23rd 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 23rd 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.