



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 Panagaro, 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 10th 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 23rd 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.