



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.