



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 BTM 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.