



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.