

Boston East Development – Summary of Chapter 91 Substitute Provisions and Offsetting Public Benefits

| Regulatory Provision | Standard Requiring Substitution | Proposed Draft Substitution | Potential Public Benefits and Offsets |
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| <p>310 CMR 9.51(3)(c)</p> <p>Building Setbacks from a Water-Dependent Use Zone</p> | <p><i>“new or expanded buildings for nonwater-dependent use, and parking facilities at or above grade for any use, shall not be located within a water-dependent use zone;.. the width of said zone shall be determined as follows: 1. Along portions of a project shoreline other than the edges of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the weighted average distance from the present high water mark to the landward lot line of the property, but not less than 25 feet...”</i></p> | <p>A reconfigured WDUZ will be established that will allow a minimum setback from the project shoreline of 25’ for buildings containing nonwater-dependent uses, as shown in the proposed site plan, while maintaining at least the same overall area (approximately 23,382 sf) than the standard requirement.</p> | <p>The reconfigured WUDZ will be achieved by allocating wider setbacks in different areas of the site that are contiguous to the adjacent proposed DPA area and in an amount that offsets the proposed change.</p> |
| <p>310 CMR 9.51(3)(e)</p> <p>Height Standards and Related Impacts on Public Use or Access</p> | <p><i>“new or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet landward of the high water mark; at greater landward distances, the height of such buildings shall not exceed 55 feet plus one-half foot for every additional foot of separation from the high water mark”</i></p> | <p>The height of new or expanded buildings for nonwater-dependent use shall not exceed 85 feet, as shown in the proposed massing and building stepping.</p> | <p>Offsetting public benefits are sought relative to the marginal increase in net new shadow that would occur relative to standard height limits. Offsetting benefits to be considered include:</p> <ul style="list-style-type: none"> • Provision of at least 3,901 sf of open space in addition to the standard requirement to offset approximately 7,801 sf of net new shadow (1 sf of exterior public open space for every 2 sf of net new shadow). • Open space will be designed to promote public access and use. |
| <p>310 CMR 9.52(b)(1)</p> <p>Public Access Network</p> | <p><i>“...walkways and related facilities along the entire length of the water-dependent use zone; wherever feasible, such walkways shall be adjacent to the project shoreline and, except as otherwise provided in a municipal harbor plan, shall be no less than ten feet in width...”</i></p> | <p>The minimum standard will be widened to twelve (12) feet clear.</p> <p>These enhancements shall replace the existing standard of ten (10) feet.</p> | <p>The substitution directly benefits the public through enhanced access (open 24 hours/7 days per week); no offsetting public benefit is required.</p> |

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| <p>310 CMR 9.53(2)(c)</p> <p>Facilities of Public Accommodation (Activation of Commonwealth Tidelands for Public Use)</p> | <p><i>“the project shall devote interior space to facilities of public accommodation, other than public parking, with special consideration given to facilities that enhance the destination value of the waterfront by serving significant community needs...such space shall be at least equal in amount to the square footage of all Commonwealth tidelands on the project site within the footprint of buildings containing nonwater-dependent facilities of private tenancy.”</i></p> | <p>The project will devote interior space to facilities of public accommodation (FPA) in an amount of 8,890 sf (approximately 25% of the ground floor area of the proposed buildings containing facilities of private tenancy).</p> | <p>The proposed FPA will include:</p> <ul style="list-style-type: none"> • McKay Community Gallery as cost free space reserved for public benefit (Approximately 2,030 sf, including public restrooms). • Approximately 2,520 sf of open area within the proposed archway of the building facing Border Street, animated by historic exhibits and interpretive elements that attract the public to the waterfront. • Artist live-work units with associated requirements for public access (Approximately 4,340 sf). <p>Additional exhibits or historic interpretive elements will be provided within the open space as offsetting benefits, to attract the public to the waterfront.</p> |