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January 19, 2018

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE AND MASTER PLAN UPDATE

PROJECT NAME : Raymond L. Flynn Marine Park Master Plan Update
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Boston Harbor
EEA NUMBER : 8161
PROJECT PROPONENT : Boston Planning and Development Agency
DATE NOTICED IN MONITOR : December 20, 2017

As Secretary of Environmental Affairs, I hereby determine that the Notice of Project Change (NPC) and Draft Master Plan Update (DMPU) **adequately and properly comply** with the Massachusetts Environmental Policy Act (M.G.L. c.30 ss.61-62) and its implementing regulations (301 CMR 11.00). The Boston Planning and Development Agency (BPDA) may prepare a Final Master Plan (FMP) in accordance with the requirements of this Certificate. I am directing Coastal Zone Management (CZM) and the Massachusetts Department of Environmental Protection (MassDEP) to coordinate with the City of Boston in the establishment of a stakeholder process to inform the development of the FMP. In addition, I have determined that potential development of the Wharf 8/Pier 7 should be subject to independent MEPA review which will be initiated with the filing of an Environmental Notification Form (ENF).

Project Description

The NPC consists of the DMPU for the Raymond L. Flynn Marine Park (RLFMP)¹ which has been developed by the BPDA/Economic Development and Industrial Corporation (EDIC). The RLFMP is located in the South Boston Designated Port Area (DPA), one of ten areas

¹ The RLFMP was formerly known as the Boston Marine Industrial Park (BMIP).

established by the Commonwealth where water-dependent industrial (WDI) activity is promoted through state funding, planning, policy and regulation. State and federal investment in the DPA includes the planned \$350 million Boston Harbor Deep Draft Navigation Improvement Project (BHDDNIP, EEA # 12958) to deepen the navigational channels in Boston Harbor. The site has been established and managed as a Marine Industrial Park (MIP), as defined in the Chapter 91 (c.91) Waterways regulations (310 CMR 9.00), in recognition of its use for predominately maritime purposes and the presence of marine infrastructure and land area necessary for WDI uses.

Consistent with its location within the DPA, and in accordance with the MIP Master c. 91 License (Master License) issued by MassDEP, two-thirds of the tideland area within the RLFMP is reserved exclusively for WDI use.² According to the NPC, an update to the MIP is necessary to reflect: changes in the demand for port-related uses, including a decline in “over-the-dock” industries; the need for significant investment to maintain and improve WDI infrastructure such as drydocks and berthing facilities; and strong demand for general industrial space, which the RLFMP is well-suited to provide. The DMPU outlines a strategy for attracting development for general industrial and commercial uses at the RLFMP, in a manner compatible with WDI uses, in order to generate revenue that could be used to upgrade WDI infrastructure. The DMPU proposes changes to the regulations and policies that encourage WDI use as part of its implementation strategy.

Project Site

The RLFMP comprises a land area of approximately 191 acres of filled and flowed tidelands. It is located on the South Boston waterfront and is generally bounded by Reserved Channel to the south, Boston Harbor to the north and east, and Summer Street, the MassPort Haul Road and the Liberty Wharf complex on Northern Avenue to the west. It occupies most of the northern half of the South Boston DPA.

The RLFMP includes 36 parcels. Thirty parcels with a total land area of 115 acres are located on filled and flowed tidelands within the DPA and are subject to the Master License.³ According to the NPC, 75.8 percent of the land use on these parcels is categorized as WDI, 22.6 percent as General Industrial, and 1.6 percent as Commercial.

MEPA History

An Environmental Impact Report (EIR) including the first Master Plan for the marine industrial park was reviewed by MEPA in 1978 (EEA #2474). In 1989, the EDIC filed an NPC to the original Master Plan which proposed to construct a parking garage on Parcel E for the purpose of consolidating several surface parking lots. The Certificate on the NPC, issued on December 11, 1989, required that a new Master Plan be prepared to address significant changes to the c. 91 regulations, including licensing requirements for structures and uses on filled tidelands, and CZM policies guiding development in DPAs. A Special Review

² Chapter 91 License No. 10233 was issued by MassDEP on March 16, 2005.

³ The six other parcels are located outside of the DPA and are therefore not subject to the c. 91 DPA provisions or the Master License.

Procedure (SRP) was established for the Master Plan update in a Certificate issued on December 22, 1993, which also established a revised Scope for the Master Plan update. A Certificate on the Draft Master Plan EIR was issued on August 9, 1996 requiring the filing of an Interim Master Plan Update for the purpose of developing a regulatory framework for the c. 91 authorization of new uses and structures in the marine industrial park. The Certificate on the Interim Master Plan Update was issued on November 16, 1998. It required the filing of a stand-alone Final Master Plan that would serve as an application to MassDEP for the Master License and guide future development of the marine industrial park. The Final Master Plan was prepared by the City in 1999 and a Certificate was issued on February 9, 2000 finding that the document complied with MEPA. The Final Master Plan, as implemented pursuant to the Master License, has not been updated since that time and remains in effect. The Master License has been revised several times since it was issued in 2005 to reflect new structures and changes in use.

Jurisdiction and Permitting

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(5) of the MEPA regulations because it requires a State Agency Action and involves new or expanded non-water dependent use of more than one acre of tidelands. Individual projects subject to the FMP that exceed MEPA thresholds and require a State Agency Action are required to undergo separate MEPA review. The Master Plan will require the issuance of a c. 91 Master License from MassDEP. Individual projects may require a Public Benefit Determination. Individual projects may also require state, local and federal permits.

The project is subject to c. 91. Therefore, MEPA jurisdiction is broad in scope and extends to those aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations

Review of the Master Plan Update

The DMPU provides an overview of the role of the RLFMP in the maritime economy of the region, examines trends in the demand for WDI and other uses and reviews the status and condition of infrastructure available to support WDI uses. It provides analyses of the existing and potential use of each parcel and the results of interviews conducted with tenants of the marine park. The DMPU describes a strategy for future development in the RLFMP, which includes adding non-WDI uses in response to demand and as a means of financing investment in WDI infrastructure. It also identifies roadway improvements to enhance truck access and pedestrian safety and opportunities for increased open space.

The BPDA asserts that, based on economic analyses, demand for WDI space will continue to decline without investment in WDI infrastructure. The DMPU outlines a strategy for maintaining and attracting WDI use while raising funds for infrastructure improvements from increased use of the site by general industrial and commercial uses. A key component of the strategy includes changes to the regulations and policies governing the allowable uses at the marine industrial park. The DMPU does not specifically address the mechanism for reinvestment in the DPA and marine industrial park.

WDI uses

The Master License requires that two-thirds of the tidelands in the RLFMP be used for WDI purposes. According to the DMPU, nearly 76 percent of the area is in WDI use, with most of the remainder (22.7 percent) in use for general industry. The predominant WDI uses include ship repair (Dry Dock #3), marine transport (Coastal Cement) and seafood processing and distribution. Of these WDI uses, only Dry Dock #3 and Coastal Cement involve “over the dock” activities.⁴ The seafood processing facilities widespread throughout the RLFMP rely on trucking for transportation needs.

According to the DMPU, the RLFMP is not well-suited for attracting regionally-important WDI uses requiring direct access to the water, such as fresh food importing, maritime cargo shipping, ship repair, and passenger cruises. The largest undeveloped parcel at the RLFMP with existing marine infrastructure is Parcel M, the Massport Marine Terminal (MMT). The MMT includes the North Jetty, which has deep-water access and a berth that could accommodate the docking of cargo vessel. An evaluation of the condition of the North Jetty conducted in 2006 found that extensive repairs would be required to extend its service life for 15 to 20 years at a cost of approximately \$9 million. According to the DMPU, Massport had studied adding a second berth to the North Jetty in 2002 and estimated its cost at \$18.5 million. Other marine infrastructure, including Dry Dock #4, the South and East Jetties, are also in disrepair and would require significant investment.

The DMPU includes analyses of the regional economic market for WDI uses and the demand for marine industrial uses in the RLFMP. The economic analysis concludes that opportunities exist for expanding the cargo, cruise and ship-building activities in the RLFMP. It identifies a general purpose marine terminal as a gap “in Boston’s capability to serve as a full-service port.” An all-purpose marine terminal would handle perishable, bulk and other types of cargo. In addition, the site could provide cargo storage and handling services that support WDI uses. The analysis also identifies the need for additional ship building/repair services, which would require additional laydown area, utility upgrades and improvements to waterfront docking infrastructure. Based on the expected increase in passenger cruises using Massport’s facilities, the RLFMP could incorporate additional parking to support Massport’s cruise terminal operations. The economic analysis acknowledges that the increased non-industrial use of the marine park has resulted in conflicts between industrial and non-industrial uses, and concluded that “The most significant limitation for the EDIC/Massport marine-oriented facilities in the [RLFMP] is continued gentrification of the area.”

According to the DMPU, demand for “over the dock” uses may be low due to the lack of space and suitable infrastructure at the RLFMP and competition from other facilities in Boston Harbor and the region. Demand for light-industrial, R&D, and commercial uses is high and these uses are leased at higher rents, which could generate income for WDI infrastructure improvements. The DMPU includes an analysis of expanding general industrial and commercial uses that would occupy buildings that could easily be converted into seafood processing if warranted. Such an approach would be consistent with the districting of uses that is present at the

⁴ Vessels delivering materials to Coastal Cement dock at Massport Berths 1 and 2, outside of the RLFMP, and pump material to the facility.

site: commercial, light-industrial and research and development (R&D) generally occupy older multi-story buildings such as the Innovation & Design Building, 27 Drydock Avenue and 12 Channel Street and WDI and general industrial uses occupy larger buildings with high-bay industrial space on the ground level and light-industrial or commercial uses on upper floors. Based on this model, the DMPU analyzed two build-out scenarios for a 10- to 20-year planning horizon. With a floor-area ratio (FAR) of 2.0, approximately 290,000 sf of commercial uses and 4.5 million sf of mixed industrial uses would be constructed, with additional annual revenue of \$2.5 to \$3.3 million over the current ratio of allowed uses; with an FAR of 4.0, the additional annual revenue would range from \$9.3 million to \$10 million.

Comments from Massport indicate that, based on its experience and analysis, there is more demand for maritime industrial uses than has been identified. Massport notes the strong market response to advance seafood and development projects on several parcels at the MMT and the increased demand for maritime industrial uses at the Boston Fish Pier, including seafood processing.

Regulatory Strategy

The DMPU acknowledged that the implementation of its plan to increase non-WDI use of the RLFMP would require changes to the Master License, c. 91 regulations and/or MassDEP policies regarding allowable uses in a DPA/MIP. Changes recommended by the DMPU include:

- Change the c. 91 regulations and amend the Master License to allow an increase in DPA Supporting Uses from 33 percent to 49 percent;
- Modify MassDEP method for calculating use percentages on specific parcels so that only ground floor uses are taken into account;
- Amend the Master License to lift the cap on commercial uses from 5 percent to 10 percent;
- Expand the allowed uses in the RLFMP to include trans-shipments from Logan Airport as WDI uses; and
- Amend the Master Plan and Master License to allow for DPA Supporting Uses on pile-supported structures.

According to the DMPU, an alternate method for achieving its revised use goals would be to alter the boundary of the DPA. It indicates that this could be accomplished through a DPA Boundary Review conducted by CZM in accordance with 301 CMR 25.00; filing legislation to modify the DPA boundary; or a regulatory revision that allows communities to negotiate land uses on filled tidelands with MassDEP, similar to Massport's existing authority to do so.

Open Space

The DMPU reviews existing public open space areas in the RLFMP, including sections of the waterfront with a Harborwalk, shoreline access with a fish cleaning station at 88 Black Falcon Avenue, Pier 10 Park and green space at the entrance to the RLFMP at Summer Street. The area around Dry Dock No.4 and Wharf 8/Pier 7 has previously been identified as a potential location for public access. The DMPU notes that development of the RLFMP would increase the

demand for open space and pedestrian facilities along the waterfront and street network. Because of its deteriorated condition, the DMPU suggests that Dry Dock No. 4 could serve as a mix of open space, water transportation facilities and civic and commercial uses similar to Long Wharf.

Many comments on the DMPU support the exploration of open space on Dry Dock No. 4 to enhance access and water dependent activity, including letters from The Trustees of Reservations (TTOR), Boys and Girls Clubs of Boston, and Save the Harbor Save the Bay. Because the Waterways Regulations do not allow open space within DPAs, comments from CZM and MassDEP encourage the City to explore opportunities to activate this site consistent with regulatory standards. Re-purposing of the dry dock as a water transportation node that fosters public access and engagement warrants further consideration and study within the context of the FMP.

Transportation

The DMPU reviews ground transportation infrastructure that serves the RLFMP. It identifies necessary improvements to rail and roadway infrastructure within the marine park, while noting that the most significant constraints are located beyond the site and require a regional view. Rail service has historically been provided by Track 61, which currently ends on Drydock Avenue. Service was ceased during construction of the Central Artery Project. According to the DMPU, extending the track to the MMT and reestablishing its connection to the regional rail system would support existing and potential industrial uses that rely on cold cargo or bulk cargo transit. However, double-stacked trains used for rail freight cannot currently end at the Beacon Rail Yard and cannot travel for the remaining distance to the RLFMP. Primary truck access between the site and the regional highway system is provided by the Massport Haul Road and Northern Avenue. The BPDA is currently extending roadways to provide more direct access between the Massport Haul Road and the seafood processing facility at the western end of the MMT. The BPDA may construct a trucks-only corridor between Drydock Avenue and the Massport Haul Road to separate pedestrians from truck traffic and provide more direct truck access to the regional highway system

Increasing development of commercial and non-WDI uses as proposed in the DMPU would generate increased traffic to the site, affecting the roadway and transit systems, congestion on truck traffic routes and the parking supply at the RLFMP. The DMPU reviewed potential mitigation measures to minimize these impacts, including:

- Enhancing multimodal connectivity of the RLFMP to the Seaport District;
- Maintaining industrial access along Fid Kennedy Avenue and Northern Avenue;
- Maintaining and improving truck access to the Massport Haul Road;
- Increasing parking supply by adding two parking garages and encouraging shared parking;
- Encouraging mixed-use development with complementary peak demand periods;
- Providing pedestrian and bicycle streetscape enhancements, including lighting, and continuous sidewalks; and,
- Improving transit service, including bus and Silver Line service provided by the Massachusetts Bay Transportation Authority (MBTA), from downtown Boston.

Climate Change

Structures in the RLFMP will be subject to flooding and other effects of climate change. The City of Boston's Climate Ready Boston (CRB) planning initiative will develop local projections for sea level rise, coastal flooding precipitation and heat, identify vulnerabilities and develop a portfolio of adaptations measures for buildings, neighborhoods and infrastructure. The City has completed reports for East Boston and Charlestown and commenced planning for the South Boston area. The moderate to high GHG emissions scenarios described in the CRB report project sea level to rise by seven inches to 1.5 feet by 2050 and 2.4 to 7.4 feet by 2100. The DMPU encourages developers to reference the CRB guidance and design buildings based on these projected sea level and flood elevations. Massport has developed a Floodproofing Design Guide for its new structures and major renovations which could provide guidance for development in the RLFMP. Massport's guidance specifies Design Flood Elevations (DFE) for existing facilities as the maximum water elevation with a 0.2 percent annual probability of exceedance in 2030 plus three feet of freeboard (13.7 feet NAVD 88); for new buildings, the DFE is the maximum water elevation with a 0.2 percent annual probability of exceedance in 2070 plus three feet of freeboard (17 feet NAVD 88).

Greenhouse Gas Emissions

The City of Boston's Climate Action Plan includes goals for reducing GHG emissions and recommends expanding the use of combined heat and power (CHP), renewable energy technologies and district energy. According to the DMPU, a district energy system would provide energy efficiency, reliability and cost savings for tenants in the RLFMP and reduce GHG emissions.

Conclusion

The NPC provides an overview of existing conditions and operations at the RLFMP, indicates that the condition of important infrastructure has degraded and that investment is needed to maintain and attract WDI use. The DMPU provides a vision for the operation and development of the RLFMP based on economic analyses, trends in marine industry, general market demand for industrial and office space and interviews with tenants. It includes a strategy for financing investment in infrastructure through changes to regulatory and policy restrictions on the non-WDI use of the site. The Scope for the FMP requires further analysis of the proposed regulatory changes. Development of the Wharf 8/Pier 7 project requires independent MEPA review which will be initiated with the filing of an Environmental Notification Form (ENF).

Scope for the Final Master Plan

The DMPU provides a well-documented analysis of the challenges and opportunities within the RLFMP and a vision for addressing these. Public comments are generally supportive of the DMPU's goals for growth and innovation. The implementation of the Master Plan as developed in the DMPU will require changes to c. 91 regulations and policies governing the

RLFMP. Comments from State Agencies, including CZM, MassDEP and DMF, and comments from BHN and CLF recommended that a stakeholder process be convened to inform the development of the FMP. I am directing CZM and MassDEP, in coordination with the City of Boston, to establish a public process to assist in evaluating the proposed changes. The stakeholder group should include Massport, companies engaged in WDI use in the RLFMIP, commercial tenants of the marine park and advocacy groups.

The FMP should be submitted for MEPA review upon completion of the stakeholder process. Until the FMP concludes MEPA review and is formally adopted in a new or amended c. 91 Master License, the current Master Plan will remain in effect and govern development of the RLFMP, including the environmental review and permitting of the Wharf 8/Pier 7 project.

The DMPU identifies a development approach of both WDI and other uses in the RLFMP to generate income for improvements to infrastructure that are needed to attract and maintain “over the dock” WDI uses. The recommended plan would significantly increase the non-WD use of the marine park. As noted in the DMPU, conflicts between WDI use and general industrial/office already exist. I encourage the FMP to evaluate development options that could avoid such conflicts while increasing efforts to market the RLFMP for WDI use. The FMP should report on any new efforts to attract WDI uses and any changes to market conditions that may affect demand for space at the RLFMP. According to the Massachusetts Port Authority (Massport), its marketing efforts have revealed significant demand for space for WDI uses at the MMT, including seafood processing. In preparing the FMP, the BPDA should account for this level of interest for space in the RLFMP and consider findings of studies conducted by Massport.

The DMPU recommended the development of Dry Dock No. 4 as a hub for water transportation and public activity, including open space. Several commenters supported the expansion of open space in the RLFMP and the potential for Dry Dock No. 4 to provide a unique public waterfront park. As noted previously, recreational open space is not an allowed use in DPAs. I do encourage the BPDA, TTOR, Boston Harbor Now and others to collaborate with CZM and MassDEP regarding ideas that can provide an appropriate balance between industrial use and public access, such as re-purposing of the dry dock as a water transportation node.

The FMP should describe any changes to conditions within the RLFMP since the DMUP was filed, including development of new buildings, changes in uses and infrastructure and transportation improvements. The FMP should include a revised build-out analysis, if necessary, and review potential impacts to wetlands and waterways, water use, wastewater generation, traffic and transportation, including pedestrian and bicycle access, and GHG emissions.

The Seaport is experiencing rapid development with large projects under construction (Seaport Square, EEA# 14255); and proposed for the area (L Street Station, EEA# 15692; 150 Seaport, EEA# 15631), including projects to support water dependent industrial uses (Conley Container Terminal Revitalization Project, EEA# 15571). The FMP should provide an update on traffic and public transportation conditions affecting access to the site by trucks, employees and visitors. It should identify potential transportation improvements to accommodate the identified build-out scenarios, including projects proposed by public agencies and private developers. The

FMP should review the potential benefit of water transportation at the Wharf 8/Pier 7 site, Dry Dock No. 4 and other areas in the RLFMP.

I appreciate the DMPU's recognition of the need to incorporate climate change resiliency in the build-out of the RLFMP and to encourage efficient energy use by its tenants to reduce GHG emissions. The FMP should provide an update on the BPDA's attempts to develop a district energy system for the marine park.

Responses to Comments

The FMP should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the FMP should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive is not intended, and shall not be construed, to enlarge the scope of the FMP beyond what has been expressly identified in this certificate.

Circulation

The Proponent should circulate the FMP to those parties who commented on the DMPU, to any State Agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the DMPU should be made available for review at the South Boston branch public library.

Review of Wharf 8/Pier 7

In May 2012, the EDIC issued a Request for Proposals (RFP) for the redevelopment of the Wharf 8/Pier site in the northwest corner of the RLFMP. The selected proposal includes the construction of a 71,838-sf pier within the footprint of an existing pile field; a four-story, 41,300-sf building with WDI uses at the seaward end of the pier; and an approximately 55-ft high, 81,200-sf building with DPA Supporting Uses consisting of restaurants and retail and office use. The project proposes that the seaward building will include commercial passenger vessel operations on the first floor and office space for harbor pilot operations and other WDI uses on the upper floors.

The project appears to exceed the mandatory EIR threshold at 301 CMR 11.03(3)(a)(5) because it will involve the nonwater-dependent use of more than one acre of tidelands. The project may also require a Public Benefit Determination. The Proponent of the W8/P7 project should submit an ENF in accordance with 301 CMR 11.05 to initiate the public review and comment process. It should include all required information and plans, including a detailed project description and a list of necessary permits. It should address the project's consistency with the Master Plan and c. 91 regulations. The ENF should identify the project's environmental impacts, including those to wetlands, water quality, stormwater, traffic and transportation, solid waste, the public's rights in tidelands. If the project is subject to an EIR, it will require the inclusion of a Greenhouse Gas (GHG) analysis in accordance with the MEPA GHG Policy and must address the project's vulnerability to climate change and identify adaptation and resiliency

measures. In addition, the project may require a Public Benefits Determination. The ENF should describe mitigation measures and include an alternatives analysis. The ENF should address DMF's comment letter which identifies information and analysis for in-water work that should be provided in the ENF.

The ENF should quantify the area of proposed WDI and other uses proposed in the project. According to the NPC, the Wharf 8/Pier 7 project is generally consistent with the current Master Plan. The ENF should provide a detailed analysis of how the project will comply with all applicable c. 91 regulations, including those regulating DPA Supporting Uses at 310 CMR 9.32(1)(b)3-5. The project proposes to include DPA Supporting Uses on the pile-supported pier. Pursuant to 310 CMR 9.32(1)(b)(4),

Supporting DPA Uses on pile-supported structures over flowed tidelands may be allowed only through a DPA Master Plan or a Marine Industrial Park Master Plan, provided that said plan is based on a clear showing that the use meets the following requirements and is appropriate for the harbor in question:

- a. no Supporting Use structure may be allowed in the Water-dependent Use Zone;
- b. no Supporting Use parking shall be allowed on pile-supported structures over flowed tidelands;
- c. non Water-dependent Supporting Use structure meet the standards of 310 CMR 9.51(3)(b) through (e); and
- d. Supporting Use structures shall otherwise be appropriately sized and located, in accordance with 310 CMR 9.36(5)(b).

The area of DPA Supporting Use is generally limited to 25 percent of the project site. In accordance with 310 CMR 9.32(1)(b)(5), a different numerical standard may be established in a DPA Master Plan or MIP Master Plan, upon a demonstration that the amount and location of DPA Supporting uses are compatible with the primarily WDI use of the DPA. If the project proposes DPA Uses covering excess of 25 percent of the project site, the ENF should provide an analysis demonstrating that a higher numerical standard is warranted based on the c. 91 regulatory criteria.

The W8/P7 project is likely to complete MEPA review prior to the filing of the FMP. As such, the project will be reviewed in the context of the existing MIP.



January 19, 2018

Date

Matthew A. Beaton

Comments received:

01/04/2018 Blue Hills Bank Pavilion
01/08/2018 The Trustees of Reservations
01/09/2018 Massachusetts Water Resources Authority (MWRA)
01/09/2018 Boys & Girls Clubs of Boston
01/09/2018 Boston Society of Landscape Architects
01/09/2018 Mass. Bay Brewing Co.
01/09/2018 Save the Harbor/Save the Bay
01/09/2018 Boston Harbor Now (BHN)
01/09/2018 Massachusetts Port Authority (Massport)
01/09/2018 Division of Marine Fisheries (DMF)
01/09/2018 Conservation Law Foundation (CLF)
01/09/2018 Quarry Capital Management, LLC
01/12/2018 Massachusetts Office of Coastal Zone Management (CZM)
01/12/2018 Jamestown Properties
01/16/2018 Harbinger Development
01/17/2018 Intercontinental Real Estate Corporation
01/18/2018 Massachusetts Department of Environmental Protection, Waterways Program

MAB/AJS/ajs



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MEMORANDUM

TO: Matthew A. Beaton, Secretary, EEA
ATTN: Alex Strysky, MEPA Unit
FROM: Bruce Carlisle, Director, CZM
DATE: January 12, 2017
RE: EEA-8161, Raymond L. Flynn Marine Park Master Plan Update, South Boston

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Notice of Project Change (NPC), noticed in the *Environmental Monitor* dated December 20, 2017, and offers the following comments.

Project Description

The Raymond L. Flynn Marine Park (RLFMP), formerly the Boston Marine Industrial Park, includes 129 acres of filled and 63 acres of flowed tidelands in South Boston. The majority of the RLFMP lies within the South Boston Designated Port Area (DPA). CZM last reviewed the Master Plan for this area in 2000 when the Secretary issued a MEPA certificate that required no less than two-thirds of development within the RLFMP be exclusively for marine industrial uses. MEPA review was triggered by the proposed new non-water dependent uses on filled tidelands. In 2005, DEP issued a master waterways license for the RLFMP that required 67% marine industrial use within the park and outlined specific use percentages and guidelines on a parcel by parcel basis.

As documented in this NPC filed for the RLFMP Master Plan Update, the RLFMP has undergone significant economic change since 2000. This NPC filing explains the history, status, and trends of water dependent industry in the RLFMP; provides a high-level vision for the future of the RLFMP; and outlines options to capitalize on economic opportunity of underutilized land, improve aging infrastructure, and preserve the area's capacity for future water dependent industry. The Master Plan Update also lays out potential regulatory and policy vehicles to implement the vision of the plan.

Project Comments

Consistency with Chapter 91 and Designated Port Area Policy and Regulations

In addition to seeking increases in commercial and general industrial uses through one or more policy or regulatory mechanisms (described below), the RLFMP Master Plan Update proposes specific new uses for several specific parcels within the RLFMP, including Wharf 8/Pier 7 and Dry Dock #4. With respect to the Wharf 8/Pier 7, the RLFMP Master Plan Update proposed its redevelopment as a marine terminal with supporting uses. The primary use as currently proposed is a commercial passenger vessel operation including ferries, water taxis, and related space along with supporting DPA uses. According to the filing, the supporting DPA uses will help finance the construction and operation of the marine industrial businesses. Pursuant to MassDEP Waterways regulations (updated in 2017), supporting DPA uses over pile-supported structures are allowable if included as part of a DPA Master Plan or Marine Industrial Park Master Plan. In keeping with the



MassDEP regulatory changes and as presented in the RLFMP Master Plan Update, it appears that the proposed Wharf 8/Pier 7 project may be eligible to proceed through project-specific regulatory review and permitting. During this review, more details on and analysis of the proposed redevelopment will be necessary, as well as demonstration of how the project meets the standards of the Waterways Regulations.

The RLFMP Master Plan Update also specifically addresses potential future uses for Dry Dock 4 on Parcel V. The Master Plan Update suggests that since demand for such marine industrial use is scarce and the site has fallen into disrepair, non-water dependent industrial uses should be investigated. The Master Plan Update indicates the site could operate as a mix of open space and water dependent activity. However, because Waterways regulations do not allow open space within DPAs, we encourage the City to explore opportunities to activate this site in keeping with current regulatory standards. The concept of re-purposing the dry dock as a potential water transportation node that fosters public access and engagement has been raised and appears to be an idea that warrants further consideration.

The economic analysis of uses in the RLFMP performed as the backdrop for the Master Plan Update appears to indicate a decreasing demand for space by marine industries. In order to continue to successfully operate the RLFMP and maintain the aging infrastructure of the park, the BPDA must manage these changes in market demands. In response, the RLFMP Master Plan Update requests an increase in the amount of allowable commercial and general industrial uses. Suggested policy or regulatory mechanisms to implement such an increase include 1) increasing the allowable commercial uses in the RLFMP from 5% to 10%; 2) modifying the method of calculating use percentages for specific parcels; 3) increasing the allowable percentage of general industrial, commercial, and supporting uses throughout the RLFMP to 49% (from 33%); and 4) expanding allowable RLMP uses to include trans-shipments from Logan Airport. These potential mechanisms for increasing commercial and general industrial uses would require regulatory revisions or potentially formal policy interpretations and, as such, warrant additional research, analysis, and discussion with stakeholders and constituents. We recommend the establishment of a formal stakeholder process led by CZM and DEP, in coordination with the City, to seek input and advice on these policy and regulatory proposals. We look forward to continuing the discussion surrounding the future of the RLFMP with the City, Massport, MassDEP, and other interested stakeholders and constituents.

Coastal Resiliency

Through the Climate Ready Boston planning initiative, the City developed local climate projections for sea level rise, coastal flooding, precipitation and heat, identified vulnerabilities and developed an initial portfolio of actions to strengthen the resiliency of buildings, neighborhoods and infrastructure city-wide. Building on this initial project, the City is currently undergoing a more localized planning initiative for the South Boston area including the area of the RLFMP. Projects planned for the RLFMP including Wharf 8/Pier 7 and Dry Dock #4 as well as future planning by the BPDA for the RLFMP as a whole, should address and incorporate the results of this important work.

Federal Consistency

The proposed project may be subject to CZM federal consistency review. For further information on this process, please contact, Robert Boeri, Project Review Coordinator, at 617-626-1050 or visit the CZM web site at www.state.ma.us/czm/fcr.htm.

BKC/lbe

Cc: Richard McGuinness, Boston Planning and Development Agency
Ben Lynch, MassDEP



January 8, 2018

Matthew A. Beaton, Secretary
Massachusetts Executive Office of Energy
& Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Raymond L. Flynn Marine Park Master Plan EOE #8161

Dear Secretary Beaton:

I wish to be recorded as in support of the Boston Planning & Development Agency's ("BPDA") application to amend the Raymond L. Flynn Marine Park Master Plan. Jamestown, L.P. is the owner and manager of the Innovation and Design Building, located on Drydock Avenue. The building is home to the Boston Design Center, the premier center in New England for design services, showrooms, and home furnishings. In addition, this 1.4 million mixed-use property is home to an ever-increasing roster of creative and technology company headquarters, including Reebok, Autodesk, America's Test Kitchen, Continuum and MassChallenge. Jamestown is also an active and engaged member of the community as a member of the local Boston Marine Park Business Association and the Seaport Transportation Management Association.

Mayor Martin J. Walsh and the BPDA have carefully examined the potential future of this park and we believe that this master plan update reflects it. The proposed updates accurately depict the nature of our ever-evolving innovation economy and contemplate the diverse workforce that can make this park truly successful whilst preserving its historic marine-based economy.

For these reasons, I urge you to approve this amendment.

Sincerely,

Dana Griffin
Senior Vice President, Development
Jamestown, L.P.
21 Drydock Avenue, Suite 330E
Boston MA 02210



RECEIVED

JAN 16 2018

MEPA

January 8, 2018

Matthew A. Beaton, Secretary
Massachusetts Executive Office of Energy
& Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Raymond L. Flynn Marine Park Master Plan EOE #8161

Dear Secretary Beaton:

On behalf of Parcel A Development Lessee, LLC and our Joint Venture Partner Intercontinental Real Estate Corp., Harbinger Development expresses strong support for the RLFMP prepared by the BPDA.

We applaud the BPDA for a thoughtful and thorough Master Plan for this very important part of the City of Boston. The BPDA conducted extensive outreach with those operating in the Marine Park in the preparation of the Master Plan document and has crafted a strong vision and Plan for its future. In the RLFMP, our hotel project is referenced on page 80 describing our development of Parcel A that serves as a gateway to the Raymond Flynn Marine Park. We have coordinated with the BPDA in the planning of our project and support the long term planning initiatives outlined in the RLFMP. Specifically we support the proposed improved road connections at the Summer Street entrance along our parcel edge and enhanced water access at Berth 10 serving Thompson Island and the Outward Bound Program.

The RLFMP is a very well prepared Master Plan that balances the needs of the industrial businesses, maritime activities at its ports and pressures from rapid development in the South Boston Waterfront. The RLFMP will serve to protect and enhance this vital jobs center at the heart of Boston for the long term.

Very truly yours,

Eamon C. O'Marah

Cc: Richard E. McGuinness, BPDA
John Matteson, Harbinger Development, LLC
Peter Palandjian, Intercontinental RE Corp.
Tom Taranto, Intercontinental RE Corp.

INTERCONTINENTAL

INTERCONTINENTAL REAL ESTATE CORPORATION
1270 SOLDIERS FIELD ROAD
BOSTON, MASSACHUSETTS 02135-1003
TELEPHONE 617-782-2600
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www.intercontinental.net

January 8, 2018

Mr. Matthew A. Beaton
Secretary
Massachusetts Executive Office of Energy
& Environmental Affairs
100 Cambridge Street
Suite 900
Boston, MA 02114

PETER PALANDJIAN
*Chairman and
Chief Executive Officer*

RECEIVED

JAN 17 2018

Re: Raymond L. Flynn Marine Park Master Plan EOE #8161

MEPA


Dear Secretary Beaton:

As you may know, "Parcel A Development Lessee, LLC", a joint venture between Intercontinental Real Estate Corporation and Harbinger Development, LLC, has entered into a long term lease with the EDIC for the development of the property known as Parcel A located in the Raymond L. Flynn Marine Park. On behalf of Intercontinental Real Estate Corporation, this letter shall serve to express our support for the Raymond L. Flynn Marine Park Master Plan (the "RLFMP").

Specifically, we acknowledge and appreciate the efforts of the BPDA in its outreach with us during the planning process coupled with Mayor Walsh's input and exciting vision for this very important part of the City of Boston. Additionally, we have been working closely with the BPDA in the planning of our project and support the long term planning initiatives set forth in the RLFMP.

The RLFMP is a well thought-out plan and we believe that the long term considerations contained therein balance the needs of the many businesses, maritime activities and other issues relating to the rapid development in the South Boston Waterfront. We believe that the RLFMP will serve to augment and protect the Marine Park for years to come.

Sincerely,



Peter Palandjian
Chairman & CEO
Intercontinental Real Estate Corporation

cc: Richard E. McGuinness, BPDA
Eamon O'Marah, Harbinger Development, LLC
John Matteson, Harbinger Development, LLC



Blue Hills Bank Pavilion
290 Northern Avenue
Boston, MA 02210

TEL: 617-728-1623
FAX: 617-737-2292

January 4, 2018

Secretary Matthew A Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office, Deirdre Buckley, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Ray L. Flynn Marine Park Master Plan, Boston, MA (EEA #8161)R

Dear Secretary Beaton and Director Buckley:

As the operators of Blue Hills Bank Pavilion, we are pleased to have the opportunity to comment on the Boston Marine Industrial Park Master Plan Notice of Project Change. We have conducted our business on Wharf 8 for almost twenty years now and have attracted millions of people to enjoy concerts at the water's edge in the process. We support BPDA's assessment that there is a need to preserve key existing open spaces and to develop more open space and improved pedestrian access to and around the RLFMP.

We are particularly encouraged by plans we have seen to develop a new public open space at Dry Dock No. 4, as identified in the Master Plan Update. Since we relocated from Fan Pier to Wharf 8 in 1999, we have witnessed development between the two locations along the water's edge that has brought new vitality to the area, but has also effectively walled the harbor off from the public. We believe preservation of existing public open spaces in our vicinity and development of a significant public open space on Dry Dock No. 4 would help to capture a truly historic opportunity to give the general public meaningful access to the harbor in which they have invested so much.

More open visual and physical access to the waterfront in the Pavilion's immediate vicinity between Legal's Harborside and Harpoon Brewery, including a new public open space at Dry Dock No. 4, more waterfront transportation access and boat docking, would be greatly appreciated and utilized by our employees and patrons, and those of our neighbors in the RLFMP.

We encourage EEA to support BPDA's pursuit of additional open space that serves the public within the RLFMP.

Sincerely,

Don Law, President – Live Nation/New England





Boston Office
200 High Street, 4th Floor
Boston, MA 02110
tel 617.904.7757
thetrustees.org

January 8, 2017

Secretary Matthew A. Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office, Alex Steysky, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Raymond L. Flynn Marine Park, Boston, MA, Master Plan (EEA #8161)

Dear Secretary Beaton and Director Buckley,

On behalf of The Trustees of Reservations, America's oldest and Massachusetts' largest land conservation and preservation organization, we are pleased to have the opportunity to comment on the Boston Marine Industrial Park, now Raymond L. Flynn Marine Park (RLFMP), Master Plan Notice of Project Change.

The Trustees applauds Boston Planning and Development Agency's recognition that there is a need to develop more open space and improve public access to and around the RLFMP. Furthermore, we support BPDA's assessment that Dry Dock No. 4 is an excellent location for new parkland and publicly accessible water-dependent uses.

We believe that new open space at Dry Dock No. 4 is achievable, and would promote a series of public policy goals that are core to the Trustees' mission:

- **New Public Open Space:** Connecting to existing open space networks via the Harbor Walk, Dry Dock No. 4 can become a world-class destination that serves the people of Boston, the Greater Boston region, and the Commonwealth of Massachusetts. With its scale, maritime industrial history, and unique park design potential, Dry Dock No. 4 presents an opportunity to create one of the state's most remarkable public amenities in one of its most densely developed areas.
- **Creating Equitable Access:** Dry Dock No. 4 presents a rare opportunity for a signature open space along the South Boston Waterfront that can bring all Bostonians to the water. Boston Harbor belongs to all the region's residents, yet many lack a welcoming destination or compelling reason to visit. With a well-designed and actively programmed park in Boston's most rapidly changing area, residents from all neighborhoods would be drawn to the harbor and feel a sense of belonging.
- **Promoting Public Use of the Waterfront:** Dry Dock No. 4's location at the Northern Avenue gateway to the RLFMP makes it ideal for public water-dependent uses, such as ferry or water taxi docks, a harbor education center, or facilities that showcase marine park businesses.

- **Advancing Climate Readiness:** Open space at Dry Dock No. 4 and other nearby development should become a model for climate resilience, coordinated with the Climate Ready South Boston plan for the entire district. A new waterfront landscape can enhance Boston's responsiveness to climate change and educate visitors about the harbor's ecology and the risks posed by sea level rise, storm surge and extreme weather.
- **Celebrating the Water's Edge:** Open space at Dry Dock No. 4 is particularly compelling because it provides an important amenity to the growing number of workers and residents in the area while celebrating the resource that Boston was founded on: the harbor. A thoughtful design in this location can celebrate Boston's maritime identity and provide a viewing platform for its growing and evolving use, reinforcing the importance of the working port.
- **Improving the Public Realm:** A connected and safe pedestrian network is vital to the functionality of the district. We agree that improvements should be prioritized that 1) reconnect and extend sections of the Harborwalk, such as the segment along the border of parcels W and V; 2) connect the RLFMP to existing networks, most notably along Northern Avenue to the Rose Kennedy Greenway; and 3) link the RLFMP to public transit, like the Silver Line Way stop and other bus routes. These improvements should be implemented using best practices, such as Boston's Complete Streets Guidelines, with accessible routes, clear signage, adequate drainage and greening techniques to create a robust and welcoming network.

We encourage EEA to support BPDA's pursuit of additional open space that serves the public within the RLFMP, as we believe the creation of this resource can serve the overriding interests of the community, city, and region, for all the reasons stated above and more.

Warmly,



Barbara J. Erickson
President and CEO
The Trustees of Reservations



MASSACHUSETTS WATER RESOURCES AUTHORITY

Charlestown Navy Yard
100 First Avenue, Building 39
Boston, MA 02129

Frederick A. Laskey
Executive Director

Telephone: (617) 242-6000
Fax: (617) 788-4899
TTY: (617) 788-4971

January 9, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge St, Suite 900
Attn: MEPA Office, Alex Strycky
Boston, MA 02114

Subject: EOEEA #8161 – Notice of Project Change
Boston Marine Industrial Park Master Plan Boston, MA

Dear Secretary Beaton:

The Massachusetts Water Resources Authority (MWRA) appreciates the opportunity to comment on the Notice of Project Change (NPC) for the Boston Marine Industrial Park (a.k.a. Raymond L. Flynn Marine Park) Master Plan (the "RLFMP Master Plan Update") prepared by the City of Boston Planning & Development Agency. The Raymond L. Flynn Marine Park is located in the Seaport area of the South Boston Waterfront.

The current NPC presents proposed changes to the master plan for build-out of the Raymond L. Flynn Marine Park (the "RLFMP"). The project area consists of 191 acres of filled and flowed tidelands in South Boston. The RLFMP Master Plan Update applies to the same 191 acres reviewed in 2000, and it is intended to continue to provide a framework to support growing industrial and water-dependent industrial uses and needed port infrastructure while also expanding the success of RLFMP's mixed industrial uses including research and development and advanced manufacturing.

The Master Plan Update includes proposed modifications to the percentage of maritime uses and opportunities for additional building volume. Full build-out of the RLFMP may exceed MEPA thresholds including alteration of land and increase in average daily trips, and thus increase environmental consequences pursuant to 301 CMR 11.10(6). The Master Plan Update will also require a certificate from the Secretary that allows Supporting DPA Uses on pile-supported structures over flowed tidelands on Wharf 8 and Pier 7. The proponent, the Boston Planning & Redevelopment Agency, also requests that the Secretary's Certificate allow a project on Wharf 8 and Pier 7 to proceed through MEPA and state agency review as a stand-alone project. Wharf 8 and Pier 7 may be reconstructed in a manner that is consistent with the Final Industrial Park Master Plan (EOEA# 8161) and the Master Chapter 91 License (No. 10233).

While the revision concepts for the RLPMP do not propose specific projects or uses for which generation of wastewater could be estimated, MWRA assumes that like past development projects within the Marine Park, there will be MEPA filings for specific future development projects that will include water and wastewater system impact assessments.

This is an opportunity for MWRA to remind the BPDA and MEPA that there are sewer capacity limitations and concerns, which are not acknowledged in the NPC, as there are transportation and parking limitations, which are discussed in the NPC. Therefore, our comments focus on issues related to future wastewater and Infiltration and Inflow (“I/I”) removal and potential discharge permitting issues that will need to be addressed later as incremental projects move forward.

Future Wastewater Flows

The Master Plan Update recognizes certain infrastructure constraints on development of the RLFMP, including waterside infrastructure and on- and off-site transportation infrastructure. While existing on-site stormwater and wastewater systems may be adequate to accommodate additional development of the RLFMP, the performance of off-site wastewater facilities could be compromised without adequate mitigation. Specifically, Boston Water and Sewer (BWSC) and MWRA wastewater systems serving the South Boston Waterfront and the RLFMP are susceptible to higher surcharging and combined sewer overflows (“CSO”) during large storms if new wastewater flows are not offset. CSO discharges from these systems can degrade water quality in the Reserved Channel and Fort Point Channel. MWRA’s \$910 million regional CSO control plan, now fully implemented, is intended to meet strict and specific federal court mandated limits on long-term discharges to these waters and other regional waters affected by CSO.

MWRA expects that development of the RLFMP in accordance with the Master Plan Update will result in higher wastewater flows to the BWSC and MWRA systems, which could compromise attainment of the mandated long-term levels of CSO control and related water quality protections without mitigation in the form of flow offset. It is important to recognize that development that has already occurred within the RLFMP has increased wastewater flows above the 15,000 gallons per day (gpd) level for which Massachusetts Department of Environmental Protection (“MassDEP”) regulation requires flow offset with infiltration and inflow (“I/I”) removal at 4 gallons of I/I removed for every gallon of new wastewater flow.

Certain individual development projects proposed in the RLFMP in the future may not exceed MEPA filing thresholds or may generate wastewater levels that do not exceed the 15,000 gpd MassDEP threshold. MWRA urges the BPDA to evaluate the potential full impact of Master Plan wastewater flows and to plan for effective I/I mitigation actions within the same wastewater subsystem, in compliance with MassDEP regulation and BWSC I/I policy. Such planning is helpful to ensure that mandated long-term levels of CSO control and protection of the water quality of the Reserved Channel and Fort Point Channel are preserved for the long-term.

TRAC Discharge Permitting

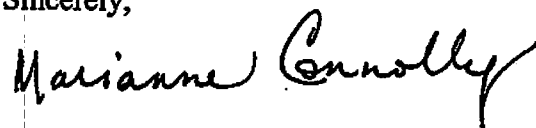
The MWRA prohibits the discharge of groundwater to the sanitary sewer system, pursuant to 360 C.M.R. 10.023(1) except in a combined sewer area when permitted by the Authority and Boston Water Sewer Commission (BWSC). The Raymond L. Flynn Marine Park site has access to a storm drain and it is not located in a combined sewer area; therefore, the discharge of groundwater to the sanitary sewer system associated with this future project is prohibited. Any future Project Proponents will need to secure a USEPA-NPDES General Permit for Storm Water Discharges for its future construction and redevelopment activities.

If a commercial company intends to move into the site and proposes to discharge fish processing wastewater, food/beverage processing wastewater, industrial process wastewater, and/or laboratory wastewater to the sanitary sewer system, it must apply for a MWRA Sewer Use Discharge Permit. For assistance in obtaining this permit, the Proponent should contact Mr. George Riley, MWRA, Industrial Coordinator in the TRAC Group at (617) 305-5656. The Proponent will be required to have an MWRA Sewer Use Discharge Permit prior to discharging any industrial process and/or laboratory wastewater into the MWRA sanitary sewer system.

Any future parking garages proposed by the Proponent must also must also comply with 360 C.M.R. 10.01. In addition to complying with 360 C.M.R. 10.000, all projects must conform to the regulations of the Board of State Examiners of Plumbers and Gas Fitters, 248 C.M.R. 2.00 (State Plumbing Code), and all other applicable laws. The installation of the proposed gas/oil separator(s) will require MWRA approval and may not be back filled until inspected and approved by the MWRA and the BWSC Plumbing Inspector. For assistance in obtaining future inspections, any future Proponent should contact Mr. Stephen Howard, Source Coordinator within the TRAC Group at (617) 305-5675.

If you have any questions or need additional information, please do not hesitate to contact me at (617) 788-1165.

Sincerely,



Marianne Connolly
Senior Program Manager
Environmental Review and Compliance

cc: Solomon Wondimu, MWRA E&C
David Kubiak, MWRA E&C
Kattia Thomas, TRAC
Adam Horst, BWSC
Kevin Branden, DEP

C:MEPA:8161BosMarineIndParkmasterplan2017NPC.docx



**BOYS & GIRLS CLUBS
OF BOSTON**

Secretary Matthew A. Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office, Diedre Buckley, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

Josh Kraft
Nicholas President and CEO
In recognition of
Pete and Ginny Nicholas

Re: Raymond L. Flynn Marine Park Master Plan, Boston, MA (EEA #8161)

Dana Smith
Chair of the Board

Dear Secretary Beaton and Director Buckley:

Jonathan G. Davis
Immediate Past Chair

On behalf of the Boys and Girls Clubs of Boston, I am writing to support updates to the Raymond L. Flynn Marine Park Master Plan that support the development of open space and improved pedestrian access to and around the RLFMP. Specifically, Dry Dock No. 4 presents a rare opportunity for a signature open space along the South Boston Waterfront, a key destination along the Harborwalk, that will:

In Memoriam
Myra Hlafi Kraft
Chair Emerita

- **Build equality:** The RLFMP Master Plan Update presents one of the last opportunities to create a more inclusive South Boston Waterfront. As highlighted in the recent Spotlight piece on the Seaport ([link](#)), this area has developed as one unfriendly to many Bostonians of color. This status quo will continue unless residents of all neighborhoods have a compelling reason to go to the South Boston Waterfront. A destination park at Dry Dock 4 can introduce people in all neighborhood to wonders of the harbor through engaging programs and work opportunities at the RLFMP, will give a sense of belonging in this area that was seemingly built overnight.
- **Celebrate maritime history:** Dry Dock No. 4, as a massive maritime relic, is a perfect site for the public to learn about our region's physical and economic history. While Bostonians are rightfully proud of our Revolutionary Period History, we should also have civic pride in the generations who built and repaired ships, and traveled across the sea from our ports.
- **Contribute to resiliency:** Open space at Dry Dock No. 4 should become a model for climate resilience, coordinated with the Climate Ready South Boston plan for the entire neighborhood. A new waterfront landscape can enhance Boston's responsiveness to climate change and educate visitors about the harbor's ecology and the risks posed by climate change.
- **Increase safety:** A more pedestrian-friendly RLFMP will keep the marine park safe and competitive. As identified in the Master Plan Update, the RLFMP's two primary pedestrian streets, Northern and Drydock Avenues, require pedestrian improvements. Open space on Dry Dock No. 4 can attract more visitors to this area, helping to create a critical mass of pedestrians along Northern Avenue.

Fundamentally, open space at Dry Dock No. 4 leverages the harbor as a public benefit. A multi-layered and multi-level landscape that blends ecology, industrial legacy, education and recreation along the waterfront has the potential to become a world-class destination that serves the people of Boston, the Greater Boston region, and the Commonwealth of Massachusetts.



We encourage EEA to support BPDA's pursuit of additional open space that serves the public within the RLFMP.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Perez Vichot". The signature is fluid and cursive, with the first name being the most prominent.

Michelle Perez Vichot
Executive Vice President of Operations,
Boys and Girls Clubs of Boston
200 High Street
Boston, MA 02110

BOSTON SOCIETY OF
LANDSCAPE
ARCHITECTS



AS

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JAN 10 2018

MEPA

January 9, 2018

Secretary Matthew A. Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office, Diedre Buckley, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Raymond L. Flynn Marine Park Master Plan, Boston, MA (EEA #8161)

Dear Secretary Beaton and Director Buckley:

On behalf of the Boston Society of Landscape Architects, we are writing to support updates to the Raymond L. Flynn Marine Park Master Plan that support the development of open space and improved pedestrian access to and around the RLFMP. Specifically, Dry Dock No. 4 presents a rare opportunity for a signature open space along the South Boston Waterfront, a key destination along the Harborwalk, that will:

- **Contribute to resiliency:** Open space at Dry Dock No. 4 should become a model for climate resilience, coordinated with the Climate Ready South Boston plan for the entire neighborhood. A new waterfront landscape can enhance Boston's responsiveness to climate change and educate visitors about the harbor's ecology and the risks posed by climate change. The flooding during last week's winter storm underscored the urgency of implementing climate resilient measures in ways that not only prepare but also educate, and in so doing enliven the public realm.
- **Build equality and access:** The RLFMP Master Plan Update presents an important opportunity to create a more inclusive South Boston Waterfront. As highlighted in the recent Spotlight piece on the Seaport ([link](#)), this area become one that is one unfriendly to many Bostonians of color. This status quo will continue unless residents of all neighborhoods have a compelling reason to go to the South Boston Waterfront. A destination park at Dry Dock 4 can introduce people from across the region to wonders of the harbor – and can be designed to invite and engage visitors of all ages, races, and abilities.
- **Celebrate maritime history, and support maritime future:** Dry Dock No. 4, as a massive maritime relic, is a perfect site for the public to learn about our region's physical and economic history. While Bostonians are rightfully proud of our Revolutionary Period History, we should also have civic pride in the generations who built and repaired ships, and traveled across the sea from our ports. Likewise, as outlined in the Master Plan, Dry Dock 4 offers the opportunity to support water dependent public activity, similar to Long Wharf: public access, the Harborwalk, public boat docks, and supporting commercial uses.

- **Increase safety:** A more pedestrian- and bike-friendly RLFMP will keep the marine park safe and competitive. As identified in the Master Plan Update, the RLFMP's two primary pedestrian streets, Northern and Drydock Avenues, require pedestrian improvements. Open space on Dry Dock No. 4 can attract more visitors to this area, helping to create a critical mass of pedestrians, bicyclists, and non-vehicular users along Northern Avenue.

Fundamentally, open space at Dry Dock No. 4 leverages the harbor as a public benefit. A multi-layered and multi-level landscape that blends ecology, industrial legacy, education, access, and recreation along the waterfront has the potential to become a world-class destination that serves the people of Boston, the Greater Boston region, and the Commonwealth of Massachusetts.

We encourage EEA to support BPDA's pursuit of additional open space that serves the public within the RLFMP.

Sincerely,



Chris Moyles, ASLA
President
Boston Society of Landscape Architects



Gretchen Rabinkin, Affiliate ASLA
Executive Director
Boston Society of Landscape Architects

**MASS. BAY
BREWING CO.**

AS

EMPLOYEE OWNED

January 9, 2018

Secretary Matthew A Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office, Deirdre Buckley, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

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JAN 12 2018

MEPA

Re: Ray L. Flynn Marine Park Master Plan, Boston, MA (EEA #8161)R

Dear Secretary Beaton and Director Buckley:

On behalf of the Employee Owners of The Mass Bay Brewing, brewers of Harpoon, UFO, and Clown Shoes beers, I am pleased to have the opportunity to comment on the Boston Marine Industrial Park Master Plan Notice of Project Change. Harpoon has been brewing at its location at 306 Northern Avenue for over three decades. In addition to over 100 employees, we have attracted millions of people to enjoy our festivals and Beer Hall at our Seaport brewery. We support BPDA's assessment that there is a need to preserve key existing open spaces and to develop more open space and improved pedestrian access to and around the RLFMP.

We are particularly encouraged by plans we have seen to develop a new public open space at Dry Dock No. 4, as identified in the Master Plan Update. Since we began operations in 1987, we have witnessed development between the two locations along the water's edge that has brought new vitality to the area, but has also effectively walled the harbor off from the public. We believe preservation of existing public open spaces in our vicinity and development of a significant public open space on Dry Dock No. 4 would help to capture a truly historic opportunity to give the general public meaningful access to the harbor in which they have invested so much.

More open visual and physical access to the waterfront in the Brewery's immediate vicinity, including a new public open space at Dry Dock No. 4, more waterfront transportation access and boat docking, would be greatly appreciated and utilized by our employees and patrons, and those of our neighbors in the RLFMP.

We encourage EEA to support BPDA's pursuit of additional open space that serves the public within the RLFMP.

Sincerely,



Charles M. Storey

President

HARPOON

UFO



Making Waves Since 1986

www.savetheharbor.org

212 Northern Avenue - Suite 304 West - Boston, MA 02210
Telephone: 617-451-2860

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Goody Clancy

Elizabeth Toledo, LMSW
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Joseph R. Savage, Past Chair
Wallwork Curry McKenna

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Redgate

January 9, 2018

Secretary Matthew A. Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office, Diedre Buckley, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Raymond L. Flynn Marine Park Master Plan, Boston, MA (EEA #8161)

Dear Secretary Beaton and Director Buckley:

On behalf of Save the Harbor/Save the Bay, I am writing to support the BPDA's proposed update to the Raymond L. Flynn Marine Park Master Plan which will support the development of open space and improved pedestrian access to and around the RLFMP.

Dry Dock No. 4 in particular presents a unique opportunity for a signature park along the South Boston Waterfront, which would make it a destination for Bostonians from every neighborhood, the region's residents and visitors alike.

Our office is located on the Fish Pier in the South Boston Seaport just a few blocks from the Marine Park, and our free Youth Environmental Education Programs, which have connected over 200,000 underserved young people and their families to their Harbor since we began them in 2002, stage daily at the Blue Hills Bank Pavilion and depart from the docks at the World Trade Center in the Seaport District as well.

As you know, Save the Harbor is an active participant in waterfront planning. We chaired the Fort Point Channel water sheet activation planning effort for the city and played an active role in the creation of the South Boston and East Boston Municipal Harbor Plans. We currently serve on the Municipal Harbor Plan Advisory Committee for both the Downtown and South Boston Waterfronts,

We have extensive experience planning parks, trails and open spaces on and around Boston Harbor, and run four seasons of free programs which have helped make the waterfront, the Fort Point Channel, the Seaport, the region's public beaches and the Boston Harbor Islands State and National Park among the most inviting places in the city.

We lead and manage the Metropolitan Beaches Commission for the Legislature and the Better Beaches Small Grants Program in partnership with DCR, which has funded, sponsored or supported free events and activities on the region's public beaches from Nahant to Nantasket, bringing more than one million regional residents back to their beaches in 2017.

We also quarterback the City of Boston's efforts to complete the South Bay Harbor Trail, a 3.5 mile long pedestrian friendly bicycle trail which will connect Roxbury, the

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South End, and Chinatown to the South Boston waterfront, and connect South Boston to the Emerald Necklace and beyond.

We know from experience that Boston's parks, trails, and open spaces like the Lawn on D and the Greenway and the region's public beaches and the Boston Harbor Islands have the power to connect Bostonians from every neighborhood and the nearly 2 million residents who live within a short ride or drive to the harbor with each other and with the spectacular urban natural resources we have worked so hard to restore and protect.

We believe that the proposed changes to the RLFMP Master Plan provide all of us with an extraordinary opportunity to create a compelling destination park on the South Boston Waterfront, which could celebrate our maritime history, serve as a model for climate resilience, improve public safety and the pedestrian experience, and bring the city's and the region's residents together to celebrate the Boston Harbor success story.

We are pleased to join our partners at the Boston Planning and Development Agency, Boston Harbor Now and the Trustees of the Reservation in urging you to approve the plan without delay.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bruce Berman', with a long, sweeping underline.

Bruce Berman
Director of Strategy & Communications,
Save the Harbor/Save the Bay



Are you on board?

15 State Street, Suite 1100
Boston, MA 02109
617.223.8671
bostonharbornow.org

January 9, 2018

Via email to: Alexander.Strycky@massmail.state.ma.us

Secretary Matthew Beaton
Executive Office of Energy and Environmental Affairs (EEA)
MEPA Office Attn: Alex Strycky, EEA#8161
100 Cambridge Street, Ste 900
Boston, MA 02114

Re: Raymond L. Flynn Marine Park Master Plan Update, EEA#8161

Dear Secretary Beaton,

Thank you for the opportunity to comment on the Raymond L. Flynn Marine Park (RLFMP) Master Plan Update. Boston Harbor Now's predecessor, The Boston Harbor Association, commented extensively on the 1999 Boston Marine Industrial Park Master Plan (BMIP), and the 2005 BMIP Chapter 91 Master License.

Maintaining a robust working port in Boston is a priority for us as we know it is for the State and City. To that end, on January 23 and 24 Boston Harbor Now is hosting a working port symposium that will convene national and local experts for a discussion about current working port successes and challenges in the hope of building a broad consensus about the future of Boston Harbor's working port, including the Raymond L. Flynn Marine Park. A complementary working port report will be released in the coming days. We hope the State and City agree that their decision making about the RLFMP should account for the data reflected in this report and the consensus building we hope will begin with our symposium.

We support the Boston Planning and Development Agency's (BPDA) decision to evaluate the role of the RLFMP as a key contributor to Boston's maritime industrial economy and to explore ways the RLFMP can be improved. Although Boston's maritime industrial sector and support services have changed over time, they remain a critical component of the region's socioeconomic well-being. Periodic assessments of our maritime industrial economy help policymakers understand the current condition of Boston's Designated Port Areas and provide opportunities to increase their innovation and profitability.

Project Description

For the BPDA, the RLFMP Update will serve as a guide to incorporate new innovation economy and flex-industrial spaces within the Park while protecting well-paying blue-collar jobs and future maritime industrial uses.

A major conclusion of the RLFMP update is that a robust industrial district needs significant and continuous investments to maintain existing infrastructure including roadway and waterside improvements (RLFMP Master Plan p.22). As a result, the RLFMP Update envisions a mixed industrial-commercial use that takes advantage of the real estate value of land within the RLFMP. However, the RLFMP Update proposes revisions not currently supported by applicable regulations. Boston Harbor Now thinks further study is required before regulatory revisions should be made to support certain of these revisions.

The BPDA proposes the following regulatory changes:

1. Increase the Chapter 91-allowed Supporting Uses allowed from 33% to 49% while reducing the Marine-Industrial Uses requirement from 67% to 51%.
2. Allow supporting uses on pile-supported piers.
3. Only count ground floor uses toward the total allowed percentage of non-water dependent industrial uses.
4. Allow construction of upper floor commercial/supporting industrial space without penalty.
5. Increase the cap on allowable commercial uses.
6. Include commercial trans-shipments from Logan Airport as a water-dependent industrial use and eliminate the ship-to-shore requirement.
7. Tighten the definition of research and development to maintain industrial capabilities & infrastructure, and
8. Consider revising the South Boston DPA boundary.

In a public hearing held last Spring, the BPDA framed the RLFMP Update as an initial “visionary” document to promote public engagement and input. According to BPDA staff, the menu of suggested changes to state regulations and the RLFMP master license presented on page 67 are not all expected to be approved. We wholeheartedly agree with the BPDA.

That said, the changes recommended in the Plan are substantial enough to warrant the establishment of an advisory group made up of the State, City, industry experts, and stakeholders for a deeper and more comprehensive discussion beyond the current public process. Such a group should focus on the following issues:

- Ensuring that best available and up-to-date data from a variety of sources is used before policymakers commit to any specific updates and regulatory changes—much of the data in the RLFMP dates back to 2014;
- Understanding and optimizing larger regional implications of any local changes requested by the BPDA not just for the South Boston DPA but for the entire state; and
- Ensuring marine industrial uses are maintained as the highest priority for the RLFMP, with conflicts between working port and other supporting uses minimized.

Recognizing the importance of the working port

The Port of Boston is a fully-functioning international port and the largest port in New England. Even so, the value of Boston's working port is not as visible to the general public and decision makers as other components of our regional economy. We note that working port constituents are rarely at the same meetings as commercial developers and other civic leaders. There is cause for concern that our leaders are not sufficiently aware of the value and advantages of Boston's working port compared to other components of the regional economy. As a consequence, working port challenges, opportunities, and potential synergies sometimes are not sufficiently valued in broader planning and policy arenas.

For example, one of the key reasons cited for pursuing the RLFMP Update is the lack of demand for maritime industrial space. In fact, Massport reports that there is an existing demand for processing space at Fish Pier and Eastern Salt Company recently expanded its operations from Chelsea Creek to the Quincy Shipyard. While it may be true that some sectors are declining, reports from Massport and local maritime businesses suggest increased growth and demand in at least some portions of Boston's working port.

Done right, the Master Plan update for the Raymond L. Flynn Marine Park has the potential to increase the profitability and viability of water-dependent industry by subsidizing infrastructure investments that would otherwise be unaffordable. Boston Harbor Now agrees that this might require significant changes to current Chapter 91 regulations and a potential review of existing Designated Port Area boundaries.

Statewide implications of local changes

Boston's four Inner Harbor Designated Port Areas are situated within very different contexts than the other six DPAs along Massachusetts' coastline. Any proposed regulatory changes should be mindful of modifications that may work in one locale but not another. As this proposal moves through licensing, local government and the State must work to engage those most affected by these changes to participate in a robust and detailed discussion of the array of options the BPDA has put forth.

To that end, Boston Harbor Now recommends the following means of engagement:

- Public and private input through an RFI or RFP process,
- Short-term pilot programs, and
- Workshops on financing solutions, future growth areas, and innovative uses.

Prioritizing marine industrial uses

One of the BPDA's proposed changes is to increase supporting uses in the RLFMP from 33% to 49% and reduce marine-industrial uses from 67% to 51%.

Funding Scheme

As longtime advocates of the working port, Boston Harbor Now recognizes the importance of continued investment in working port infrastructure. We also understand that upper floor non-maritime industrial tenants can help subsidize improvements to existing infrastructure and ground floor maritime industrial uses. An inherent challenge with this strategy, and common to any proposal that combines maritime and non-maritime uses, is to manage conflicts between potentially less-profitable maritime industrial tenants and economically dominant non-water-dependent tenants.

Transportation

Currently, Parcel Y is the only dedicated parking structure in the entire RLFMP. Parking is a major concern for many of the current tenants, visitors, and seasonal cruisers utilizing the RLFMP. Page 61 of the RLFMP Update acknowledges that parking is the biggest limitation to future development in the Park. The BPDA understands that increasing the amount of development and tenants will put additional stress on an already maxed out system. Before the BPDA promotes new mixed-use development and adds new tenants as a means of increasing rental revenue, it should implement a transportation and parking plan that is able to handle the current and projected density. A possible solution mentioned in the current update, and worthy of a longer discussion, suggests creating a combination of open space/water dependent activities at Dry Dock 4. similar to operations at Long/Central Wharf in Downtown Boston. (RLFMP p. 37)

Open Space

The Plan calls for improvements to pedestrian access and increased open space. It specifically highlights opportunities for open space expansion at Dry Dock 4, Parcel W, and V1—three parcels clustered together and located at the northern edge of the Park. We agree with the BPDA that improving public access has the potential to benefit not only visitors and users of the park but also truck access, a critical contributor to the success of Boston's working port. While open space is not an allowed use in current DPA regulations, interest in Dry Dock 4 and peripheral areas of the park indicate that a broader planning and policy conversation about mixed use open space is long overdue.

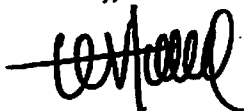
The highest and best use for the Raymond L Flynn Marine Park, as noted in its Master License, is for marine industrial uses. We support proposed changes that will serve to enhance critical infrastructure and increased viability of the working port and waterfront such as allowing supporting uses on pile-supported piers, including commercial trans-shipments from Logan Airport as a water-dependent industrial use, and tightening the definition of research and development to maintain industrial capabilities and infrastructure.

In the absence of comprehensive discussions led by a deliberately chosen advisory group, Boston Harbor Now is concerned about proposed changes that potentially undermine the working port's long-term viability. These changes include reducing the marine-industrial use requirements at the Park, only counting ground floor toward the total allowed percentage of non-water dependent industrial uses, and allowing construction of upper floor commercial/supporting industrial space without penalty.

Piecemeal revisions of DPA boundaries do little to promote the use of resources across working port areas. One DPA might excel in a particular industry where another may not; if reviewed on a larger State-wide scale these areas would benefit from shared interests, funding models, and increased efficiency in ways each area individually may not.

We look forward to contributing to the public dialogue.

Sincerely,



Jill Valdes Horwood
Director of Policy



Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909
Telephone: 617-568-5000
www.massport.com

January 9, 2018

Secretary, Matthew A. Beaton
Executive Office of Energy & Environmental Affairs (EEA)
Attn: MEPA Office,
Alex Strysky, EEA #8161
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Raymond L. Flynn Marine Park Master Plan Update/Notice of Project Change

Dear Secretary Beaton:

The Massachusetts Port Authority (Massport) appreciates the opportunity to review and provide comments on the Notice of Project Change on the *Raymond L. Flynn Marine Park (RFMP) Master Plan* submitted by the City of Boston Planning and Development Agency (BPDA). As the long-term tenant on Parcel M-1, the Massport Marine Terminal (MMT), and the owner and operator of the Raymond L. Flynn Cruiseport Boston immediately adjacent to the Marine Park, Massport actively manages a number of key maritime industrial assets in the district.

The Master Plan Update will provide an important roadmap for future land uses and infrastructure within the Marine Park. Continually reviewing the content and recommendations of the Master Plan in the context of economic evolution and development trends is essential to the long term health of this critical industrial area. Massport continues to meet with BPDA relative to this and other area projects of common interest to the City. We understand that this NPC serves as an update to the overall Master Plan process and also proposes Supporting Designated Port Area (DPA) Uses on pile-supported structures over flowed tidelands within RFMP including Wharf 8 and Pier 7. The NPC requests the ability to advance development on Wharf 8 and Pier 7 as stand-alone projects.

As outlined in our letter to BPDA earlier this year (see attached letter dated May 5, 2017), Massport's review of the Master Plan will continue to focus on three key issues:

- Demand for Maritime Industrial Development,
- Proposed Land Use Changes, and
- Traffic/Truck Routes/Parking.

Massport continues to believe that there is more demand for maritime industrial uses than acknowledged in the draft Master Plan. We look forward to continued collaboration with the City to ensure that the future viability of maritime industries is preserved alongside any potential land use changes.

We encourage the City to continue broad outreach to RFMP stakeholders including elected officials, community groups and port user groups.

Thank you again for your consideration of our comments. Please feel free to contact me at gcarr@massport.com or (617) 568-1008 if you wish to discuss any of our comments.

Sincerely,

Massachusetts Port Authority



Gordon Carr
Deputy Director, Strategic & Business Planning

Enclosure Massport May 5, 2017 Letter to BPDA

Cc: J. Doolin, L. Wieland, C. McDonald, A. Hargens, L. Gilmore, H. Morrison, R. Sinclair,
S. Dalzell/Massport
D. Sweeney/City of Boston
B. Golden, R. McGuinness/BPDA



Massachusetts Port Authority
One Harborside Drive, Suite 200S
East Boston, MA 02128-2909
Telephone: 617-568-5000
www.massport.com

May 5, 2017

Boston Planning & Development Agency
One City Hall Square, 9th Floor
Boston, MA 02201
Attention: Richard McGuinness

Re: Raymond L. Flynn Marine Park Master Plan Update Comments

Dear Mr. McGuinness:

The Massachusetts Port Authority (Massport) is pleased to have the opportunity to review and provide comments on the draft *Raymond L. Flynn Marine Park (RFMP) Master Plan* released by the City of Boston. As the long-term tenant on Parcel M-1, the Massport Marine Terminal (MMT), and the owner and operator of the Raymond L. Flynn Cruiseport Boston immediately adjacent to the Marine Park, Massport actively manages a number of key maritime industrial assets in the district. We appreciate the opportunity to comment on this draft Master Plan update, which will provide an important roadmap for future land uses and infrastructure within the Marine Park. Continually reviewing the content and recommendations of the Master Plan in the context of economic evolution and development trends is essential to the long term health of this critical industrial area.

Demand for Maritime Industrial Development

While the draft plan concludes that maritime industrial uses have declined as a result of “over the dock” uses, Massport believes that there is significant potential for maritime industrial investment in and around Boston Harbor. According to a recent economic impact assessment by Martin Associates, the Port of Boston supports more than 7,000 direct jobs.

Massport selected and is actively advancing seafood and development projects on several parcels at the MMT as a result of its seafood RFP issued in 2016. The response to this RFP from the market was very strong. In preparation for that RFP, Massport partnered with HR&A to produce a comprehensive study of the seafood industry in Boston, which we would encourage the City of Boston to incorporate into the evaluation of the plan. Massport has also experienced great demand for maritime industrial uses at the Boston Fish Pier, which is currently functioning at full occupancy for seafood processing spaces up from 60% just three years ago.

Additionally, as the owner and operator of the Raymond L. Flynn Cruiseport Boston, Massport has seen significant growth at the Cruiseport and can share updated data on passenger counts and ship calls, including over 30% percent increase in ship calls between 2016 and 2017 with robust activity projected for 2018 and 2019. Boston's cruise industry is experiencing growth that continues to require additional landside support, particularly in the form of cruise passenger parking and roadway access. As the Cruiseport grows, we look forward to close collaboration with the City of Boston to identify and develop parking supply to support the long-term local and regional needs of the cruise business.

Proposed Land Use Changes

The draft Master Plan update proposes a series of regulatory changes that could be implemented to create land use flexibility within the park partly based on the perceived lack of demand for growth in many maritime industrial industries. Massport believes that there is more demand for maritime industrial uses than acknowledged in the draft Master Plan. We look forward to continued collaboration with the City to ensure that the future viability of maritime industries is preserved alongside any potential land use changes.

The various tools to achieve the flexibility in land uses proposed in the draft plan are intended to create new revenue sources to support maritime infrastructure development. It is not yet clear in the draft plan what mechanisms would be made to ensure that revenue from expansion of land uses is directed to maritime industrial improvements. Massport is also interested in understanding the revenue implications of land use flexibility.

Increased land use flexibility in the Marine Park will inevitably have an impact on parking demand and congestion on critical Marine Park truck access/egress routes. The addition of new density into the district will require careful transportation impact analysis. These impacts must be modeled comprehensively to evaluate the impact of new development on freight-dependent maritime industrial uses.

Truck Routes

Truck routes into and out of the Marine Park are of primary importance to the continued success of maritime industrial land uses in the RFMP. Currently, up to 6,000 truck trips per day are made by businesses in South Boston. It is critical that truck routes be maintained with 11-foot lanes, turning radii that accommodate WB-67 vehicles, and that general traffic congestion does not limit truck travel to and from the Marine Park. For this reason, we are concerned to see proposals to reduce the number of freight routes through the District. In the plan, Fid Kennedy Avenue to Massport Haul Road is classified as the main future freight route through the district. The effects of limiting of truck traffic to only this route need to be carefully studied, particularly in light of proposals elsewhere in the South Boston Waterfront to reduce lane widths needed for truck access to I-93 North via Northern Avenue and for buses accessing the Cruiseport. Strategies for preserving Fid Kennedy and Northern Avenue as truck routes with increased non-maritime development around these streets must also be considered.

We also look forward to continued collaboration with the City of Boston on the design of the proposed Haul Road/Drydock/Summer Street/Pappas Way connection for both freight and general traffic. This connection, combined with the development of Cypher Street and E Street corridor, will provide critical freight connections between the Marine Park and I-93 South.

Thank you again for your consideration of our comments. We look forward to continued collaboration in shaping the Master Plan for the Raymond L. Flynn Marine Park. Please feel free to contact me at gcarr@massport.com or (617) 568-1008 if you wish to discuss any of our comments.

Sincerely,



Gordon Carr
Deputy Director, Strategic & Business Planning

Cc: J. Doolin, L. Wieland, C. McDonald, A. Hargens, L. Gilmore, H. Morrison, R. Sinclair, S. Dalzell/MPA
D. Koh/City of Boston
B. Golden/BPDA



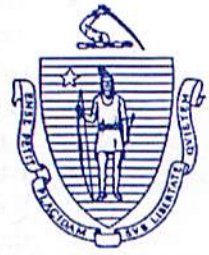
David E. Pierce, Ph.D.
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

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Charles D. Baker
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Lieutenant Governor

Matthew A. Beaton
Secretary

Ronald Amidon
Commissioner

Mary-Lee King
Deputy Commissioner

January 9, 2018

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Alex Strysky, EEA No. 8161
100 Cambridge Street, Suite 900
Boston MA 02114

Re: Boston Marine Industrial Park Master Plan

Dear Secretary Beaton:

Division of Marine Fisheries (MA DMF) coastal alteration project review staff has reviewed the above referenced Notice of Project Change (NPC) for the Master Plan at the Raymond L. Flynn Marine Park. The site covers 191 acres of filled and flowed tidelands in South Boston. Existing infrastructure on site include cruise passenger facilities, seafood processing, ship repair, small-scale manufacturing and wholesale businesses. Currently, 67% of the Park is devoted to water-dependent industrial uses. The existing Certificate was issued in 2000, and since then the goals and opportunities for the site have been reassessed. The Plan refers to a new analysis of existing infrastructure and current local economy and market trends. It proposes a mixed-use scenario including industrial, commercial, manufacturing, and research and development uses. In terms of in-water work, the Plan mentions making use of both the dry dockage and deep berthing areas but provides little detail on the specific repairs or work needed. We offer the comments below regarding impacts to marine fisheries as design and planning progress for the properties in question.

The shallow near-shore areas of Boston Harbor are an important habitat for a variety of marine finfish species including winter flounder (*Pseudopleuronectes americanus*), an important commercial and recreational species in the region. Adult winter flounder generally migrate into estuaries in the fall and early winter, spawning in early spring at depths of less than 5m over sandy or muddy substrates. Additionally, Boston Harbor provides passage for diadromous fish including rainbow smelt (*Osmerus mordax*), alewife (*Alosa pseudoharengus*), blueback (*Alosa aestivalis*), shad (*Alosa sapidissima*), American eel (*Anguilla rostrata*), white perch (*Morone americana*) and tomcod (*Microgadus tomcod*). Intertidal and shallow-subtidal areas throughout much of Boston Harbor can support productive shellfish communities of soft shell clams (*Mya arenaria*), blue mussels (*Mytilus edulis*), European oysters (*Ostrea Edulis*) and razor clams (*Ensis directus*). American lobsters (*Homarus americanus*) are commonly found burrowing in muddy and rocky sediments throughout Boston Harbor, which supports a strong presence of commercial and recreational trapping activity.

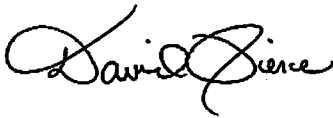
As individual components of the Master Plan come to fruition, MA DMF will provide project-specific recommendations to minimize impacts to marine fisheries resources for any in-water work or upland work that is expected to impact marine resources. The following list details what information we may request or recommendations we may make:

- To assess impacts, we request a breakdown of any in-water work to include square footage of disturbance, as well as any expected turbidity, noise or vibratory impacts.

- The impacts assessment should include an assessment of alternatives, description of how impacts have been minimized to the greatest extent possible, and mitigating measures including construction techniques and project sequencing.
- A time-of-year (TOY) restriction may be recommended for in-water work depending on expected turbidity and noise impacts of in-water project components. A TOY protecting early life stages of winter flounder (June 30th and February 15th) is commonly employed in inner harbor projects, however additional TOY restrictions may be recommended depending on the extent of work and the habitat impacted.
- The Plan should discuss how the impending Boston Harbor Deep Draft Navigation Improvement dredging project may alter maritime needs at the Park, given that larger ships will be able to utilize the harbor.
- The Plan discusses how the water-dependent requirements of the Designated Port Area restrict the use opportunities of the Park, and that substantial improvements are needed to bring existing jetties, docks and other waterside infrastructure up to date to attract water-dependent uses. The Plan suggests that altering the requirements for water-dependent uses will allow for a more cost-effective and economical build-out of the Park. MA DMF fully supports the DPA regulations administered by the Office of Coastal Zone Management. These regulations provide protections and benefits to the fishing and maritime industries. Even if the Park is currently underutilized by said industries, water-dependent areas should be preserved for future maritime needs. That said, we are open to the concept of projects that build in flexibility, allowing for both shared maritime and non-maritime uses, but these concepts require further discussion and stakeholder involvement.

Thank you for considering our comments. Please contact Jill Carr at our Gloucester office at (978)-282-0308 x108 should you have any questions about this review.

Sincerely,



David E. Pierce, Ph.D.
Director

cc.

Lisa Engler, MA CZM
Tay Evans, Kathryn Ford, MA DMF
Rich Lehan, MA DFG



For a thriving New England

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January 9, 2017

Via email: alexander.stryisky@state.ma.us

The Honorable Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Attn: MEPA Office, Alex Stryisky
Boston, MA 02114

Subject: Comments on Boston Marine Industrial Park Master Plan (Raymond L. Flynn Marine Park)

Dear Secretary Beaton:

Thank you for the opportunity to comment on the Raymond L. Flynn Marine Park ("RFMP") Master Plan update ("plan update"). Conservation Law Foundation ("CLF") recognizes the need for a review of the current master plan and a thorough analysis of the role that the RFMP plays in the Port of Boston and the Boston economy and how that role has evolved over time.

The master plan update serves as a Notice of Project Change (NPC) under the Massachusetts Environmental Policy Act ("MEPA") to the Final Marine Industrial Park Master Plan EOEA #8191. A certificate was issued by the Secretary of Environmental Affairs for the master plan on March 16, 2000. The BPDA now seeks the Secretary's approval of this NPC for the RFMP Master Plan. We submit these comments for your consideration in your review of the NPC.

We are ultimately supportive of the Boston Planning and Development Agency's ("BPDA") goals to identify opportunities for increased innovation and growth. We also appreciate the need to identify new revenue to fund needed infrastructure improvements within the park to attract and support Marine-Industrial Uses. However, many of the actions outlined in the plan update have implications far beyond the RFMP or Boston and therefore require a larger conversation with stakeholders state-wide who may be affected by the proposed changes. With that said, there are also concepts put forth in the plan that CLF is interested in or supportive of. We look forward to having further discussions with the City, your office, and community stakeholders as this process proceeds.

Background and Context

The BPDA has engaged in extensive research, data gathering, surveying and economic analysis to study the role of the RFMP within the greater context of the Port of Boston and to determine the relevancy of the industrial, and in particular the maritime industrial, economy within the Park.

The plan update concludes that in order to preserve the RFMP as a vital city-center industrial district it will require significant and continuous investments to maintain existing infrastructure including roadway and waterside improvements. The plan proposes to raise this revenue and incentivize the construction of new industrial space by increasing the amount of mixed industrial-commercial use within the RFMP to take advantage of the real estate value of the land. At the same time, the BPDA has acknowledged that the original and continued mission of the RFMP is to establish a haven for blue collar jobs and an urban industrial base despite pressure from commercial development in areas like the South Boston Waterfront District.

Additionally, the plan update acknowledges that as the RFMP develops, there is an increasing need for more open space and improved pedestrian networks. The plan identifies several parcels that may be well-suited for expanding the public realm and those networks.

CLF recognizes the importance of and need for significant investments in working port infrastructure and the barriers to relying on existing maritime industrial businesses to generate these funds. We also acknowledge that an increase in open space may well be the highest and best use for certain parcels within the RFMP that are no longer suitable or in demand for maritime industrial users. These are both issues that warranted a public dialogue about potential benefits and implications. But the preservation of the capacity for maritime industrial use must be central to the consideration of any plan updates or proposed regulatory changes.

Proposed Action Items

To achieve the vision put forth in the plan update, the BPDA has outlined several potential actions and next steps. These include:

1. Increasing the allowable Supporting Uses from 33% to 49% while reducing the Marine-Industrial Uses requirement from 67% to 51%
2. Only counting ground floor uses toward the allowed maximum percentages of non-water dependent industrial uses
3. Lifting the cap (currently at 5%) on allowable Commercial Uses
4. Expanding the use of the RFMP for Logan Airport trans-shipments
5. Developing Wharf 8/Pier 7 and other underperforming pier structures by allowing supporting uses on pile-supported piers

6. Tightening the R&D definition in the RFMP to avoid incompatible uses and maintain industrial capabilities and infrastructure

The plan also contemplates several avenues for making required changes to state regulation in order to pursue these action items including Designated Port Area (“DPA”) boundary review.

CLF is concerned that several of these proposed action items would require legislative or regulatory changes that have state-wide implications and cannot be adequately analyzed, considered, and commented on through this process. These include reducing the Marine-Industrial Uses requirement and only counting ground floor uses toward the total allowed percentage of non-water dependent industrial uses. As has been stated by other stakeholders, including our colleagues at Boston Harbor Now, increasing the amount of commercial and supporting uses in the RFMP could negatively impact existing maritime industrial uses as there is increased pressure for services like parking, retail and restaurants, and other uses that serve a larger non-maritime workforce.

Similarly, we are concerned about the proposal to lift the cap on allowable Commercial Uses. First, it is unclear whether this change could be made for the RFMP without revising the underlying regulations. If it does not require a revision to the regulations, CLF is not categorically opposed to increasing Commercial Uses in the RFMP. However, we are uncomfortable with this cap being lifted without restriction. We would request that the BPDA further evaluate the demand for such Commercial Uses while balancing the interests of Marine-Industrial Uses and propose an alternative percentage rather than leaving the allowable percentage open-ended.

We also disagree that DPA boundary review is an appropriate mechanism for seeking regulatory flexibility within the RFMP. CLF cautions against the piecemeal review of boundaries, which could cause an undesirable fragmentation of the DPA and undermine long-term viability.

Finally, we agree that the R&D definition should be tightened to avoid incompatible uses. However, the plan update has not made clear what changes to the definition are being proposed and we are therefore unable to evaluate whether it will achieve the purported goal.

Conclusion

While CLF has concerns about the implications of regulatory changes and potential changes within the RFMP that could negatively impact Marine-Industrial Uses, we support many of BPDA’s goals in reevaluating and modernizing this Master Plan. We would also like to bring to the forefront the ongoing public dialogue about Designated Port Areas (“DPAs”) and the Port of Boston. Our colleagues at Boston Harbor Now are deeply engaged in an effort to evaluate the condition of Boston’s Inner Harbor DPAs and highlight opportunities to increase the level of

innovation and profitability of our DPAs. Before we consider significant changes to the regulations and definitions that govern the RFMP and apply to Massachusetts' waterfronts more widely, the state should consider assembling an advisory group of well-informed and interested stakeholders to weigh-in.

Sincerely,

A handwritten signature in black ink that reads "Deanna Moran". The signature is written in a cursive, flowing style.

Deanna Moran
Director of Environmental Planning

January 9, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Alex Strycky
100 Cambridge Street, Suite 900
Boston MA 02114

Re: EEA No. 8161 - Boston Marine Industrial Park Master Plan a.k.a Raymond L. Flynn Marine Park

Dear Secretary Beaton:

Quarry Capital Management LLC ("Quarry Capital") appreciates this opportunity to comment on the Raymond L. Flynn Marine Park ("RLFMP") Master Plan Update submitted by the Boston Planning and Development Agency ("BPDA") to your office as a Notice of Project Change under EEA No. 8161 ("NPC") and as notified in the Environmental Monitor on December 20, 2017. Quarry Capital is a private investment firm with an interest in investing in the development of a marine terminal at Dry Dock #4 (Parcel V) in the RLFMP. Our desire to invest in repairs to Pier 6, dry Dock #4 and Pier 5 envisions a marine terminal with a large, landscaped open space area on the landside portion of the site, which would be open to the general public.

Under our development scenario the marine terminal will support the widely-discussed water transportation needs of residents and workers in the Seaport. We are exploring a full range of vessel types that would best serve the needs of the Seaport including a cruise ship, water taxi service to connect throughout Boston including Logan Airport, and harbor cruise vessels.

Quarry Capital does not currently have development rights for Parcel V. Recent newspaper reports indicate that others have shown interest in developing this parcel. Quarry Capital understands that the BPDA would have to issue a competitive Request for Proposals ("RFP") for which Quarry Capital would have to submit the winning proposal in order to be the designated developer.

Our comment herein requests that the Secretary be creative in the MEPA review decisions to avoid regulatory delays in potential private investment in marine infrastructure in the RLFMP. One way to do this would be to allow for an Amended Master Chapter 91 License to move forward during an

interim period under the initial Secretary's Certificate while details of the final approval are negotiated between the BPDA and the State regulatory agencies.

Following are our comments on the RLFMP Master Plan Update:

1. A theme that permeates the NPC is the disparity between revenues generated by water dependent industrial uses and the ability to invest in port infrastructure. The BPDA has outlined a variety of creative options from regulatory interpretation, regulatory revisions and legislation to better leverage the real estate value in the RLFMP to fund the infrastructure improvements which would entice water dependent industrial businesses to lease space in the RLFMP. These options would change the way use calculation is allocated in the park between water dependent industrial and supporting uses. We support the concept of only counting the ground floor use against the percentage of non-water dependent industrial uses and the concept of viewing trans-shipments from Logan Airport as water dependent industrial as the BPDA has made a good case for both of these options. The ground floor area option is logical in that water dependent industrial uses tend to use ground floors while water dependent industrial upper floor use is rare. The buildout under this scenario would enhance the RLFMP's ability to attract more water dependent industrial uses while upper floor supporting uses provide supporting revenue. The concept of trans-shipments from Logan Airport being categorized as water-dependent industrial may alter the traditional view, but reflects the reality of the shipping industry and that the RLFMP's proximity to the water bring it close to Logan Airport for efficient transfer of goods. We see the Secretary's acceptance of these options as allowing for projects in the RLFMP to proceed in the shorter term. We also support the proposed regulatory changes or the legislative adjustment to the DPA boundaries as ways for the BPDA to meet the numerical standards for a Marine Industrial Park Master Plan. However, the regulatory and legislative routes have a greater potential for drawn out negotiations. Therefore, the Secretary's acceptance of the BPDA's proposed ground floor use as the basis for use allocation and the consideration of trans-shipment operations as a water dependent industrial use would allow for the needed regulatory flexibility under a Master Plan approval in a relatively shorter timeframe. An offer of direct investment such as Quarry Capital hopes to propose is rare in that it would allow the BPDA to save public funds on the costs to rehabilitate Pier 6 and the Dry Dock #4, leaving such funds for infrastructure improvements elsewhere in the RLFMP such as the North and South Jetties. However, a drawn out process may mean losing out on such an opportunity to avoid the use of public funds.

2. A significant difference in the NPC from the 1999 Marine Industrial Park Master Plan is the attention to open space. We agree that open space areas and public access connections will be part of the incentive package marketing the RLFMP as attractive to revenue generating businesses and water dependent industrial uses to locate there. Currently Parcel A is one of the largest landscaped area in

the RLFMP. The pending development of Parcel A will reduce open space in the RLFMP. The BPDA has been under pressure to improve open space in the Seaport and the RLFMP. The NPC notes that The Imagine Boston 2030 Masterplan for the City of Boston stresses the need for signature open spaces along Boston Harbor and the strengthening of open space networks both along and to other neighborhood open space networks. Public access and open space mixed with water dependent industrial uses tends to create conflict and safety issues. A marine terminal for passenger vessels resolves this conflict by its nature. The Dry Dock #4 area is identified in the NPC as suitable for open space and water-dependent activity similar to Long Wharf. Dry Dock #4 is situated near where the Marine Park transitions from industrial to mixed use. Its location can allow safe pedestrian access while avoiding conflicts with the adjacent naturally formed trucking district activity. We agree that Parcel V can accommodate a large signature open space area as part of a marine terminal. Such a project would combine to address the need for open space while providing a water dependent industrial use for the site.

When the Final MEPA Certificate is issued for the RLFMP Master Plan Update or should the Secretary's initial Certificate direct the Department of Environmental Protection ("DEP") to allow for an early phase Master License amendment the desired open space would need to be addressed in the Amended Master License. The current Master License No. 10233 only addresses open space in Special Condition 2a. Special Condition 2a identifies open space as "common areas" along with assorted roads and parking areas. As such and under the existing use percentage allowances 67% of the open space would be categorized as accessory uses to water dependent industry. The remaining 33% of the "common areas" would be categorized as non-water dependent use. This calculation combined with the Master License Special Condition 2b would not allow for Quarry Capital's desired use for the Dry Dock #4 area or the BPDA's desired use for the parcel under the NPC. Special Condition 2b requires that the land area for Parcel V be dedicate exclusively to water dependent industrial uses or accessory uses thereto. The Secretary is requested to direct DEP to Amend the Master License to incorporate the need for open space and to allow for a signature open space to be developed in conjunction with a water dependent industrial use without the use percentage penalty or exclusivity.

In conclusion our hope is to have either a Final Secretary's Certificate on the NPC under normal MEPA Review timelines or if further MEPA review is required to include a provision in the initial Certificate for an early phase Amendment to License No 10233. We support adoption of the regulatory use interpretation options provided by the BPDA in terms of trans-shipment operations as a water dependent industrial use and focus on ground floor uses when determining use allocations. We request that use calculations and restrictions allow for the signature open space without penalty.

Thank you for this opportunity to comment on this significant project proposal. If you have any questions or require additional information please contact our consultant Fort Point Associates, Inc. at 617-357-7044 x 203.

Sincerely,

A handwritten signature in black ink that reads "Brent P. Johnstone". The signature is stylized with a large, sweeping initial "B" and a long horizontal line extending from the end of the name.

Brent P. Johnstone

Managing Director



Department of Environmental Protection

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suberg
Commissioner

Memorandum

To: Matthew A. Beaton, Secretary, EEA

Att'n: Alexander Stysky, MEPA Analyst

From: Ben Lynch, Program Chief Waterways Regulation Program, MassDEP/Boston

Cc: Gary Moran, Deputy Commissioner, Mass DEP Waterways

Re: **EEA #8161, Raymond L. Flynn Marine Industrial Park Plan Update, South Boston**

Date: January 18, 2018

The Waterways Regulation Program (WRP) has reviewed the above referenced Notice of Project Change (EEA #8161), published in the *Environmental Monitor* on December 20, 2017 for the Raymond L. Flynn Marine Industrial Park (RLFMIP) Plan Update by the Boston Planning and Development Agency (BPDA) and provides the following comments.

Project Description:

The Raymond L. Flynn Marine Industrial Park (RLFMIP) includes approximately 129 acres of filled Commonwealth tidelands and 63 acres of flowed tidelands in Boston Harbor. The majority of the filled tidelands of the Park are located within the South Boston Designated Port Area (DPA), with the exception of Parcels A, Q, Q-1, T, T-1, U. The RLFMIP has an existing Marine Industrial Park Master License, #10233, issued by Mass DEP on March 16, 2005. Pursuant to 310 CMR 9.02, no less than two-thirds (2/3) of the land area of the Park must be used for Water-Dependent Industrial (WDI) uses. The remainder of the park, 33% of the land area, may be used for compatible General Industrial uses, with no more than 5% devoted to compatible Commercial uses. The Master License established processes for the BPDA perform for Departmental review and approval when a new use or undeveloped property proposed structural

changes for any of the allowed uses, and required the Licensee submit a bi-annual BMIP Land Use report.

As described in the NPC Master Plan Update, the RLFMIP now seeks to establish a compatible, but different approach to the permitting standards governing the Park in order to benefit from opportunities presented by currently underutilized parcels in a manner that would allow greater investment in aging infrastructure to preserve, attract, and promote water-dependent industrial uses. The Plan proposes regulatory and policy-based changes that would facilitate its vision of the future of the Park.

As well as the broader changes that the Licensee proposes, the BPDA proposes new, specific uses for two parcels: Wharf 8/Pier 7 contemplates a new, 71,838 s.f. pile-supported pier for a marine terminal with Supporting Uses. The water-dependent industrial uses include a commercial passenger vessel service that include ferries, water taxis, and berthing for other vessels such as pilot vessels, barges, tugs, and other vessels engaged in port operations or marine construction. The Supporting Uses are projected to be commercial food and beverage facilities to complement and expand on the active cultural tourism at the proximate Blue Hill Pavilion and Liberty Wharf facilities. The BPDA, such uses will help to finance the construction, operation, and maintenance of its core water-dependent industrial functions. In 2017, the Department updated and modified its regulations pursuant to Supporting Uses in a DPA, allowing Supporting Uses over flowed tidelands subject to the provisions of 310 CMR 9.32(1)(b)4. & 5. As described, this specific proposal appears to be eligible to move forward for a project-specific review, with a separate filing to the MEPA Unit that demonstrates its compliance with the applicable provisions of 310 CMR 9.00.

The NPC also addresses potential changes of use to Dry Dock #4, located on Parcel 5. The Proponent describes that current and future demand for such service is scarce, and the condition of the Dry Dock does not warrant a significant investment of funds, given the projected potential underuse. The proposal to convert the Dry Dock to community open space and other water-dependent purposes is not allowable in a DPA pursuant to 310 CMR 9.12(2)(b), and the Department encourages the Proponent to explore other compatible and allowable uses, including commercial water transportation integrated with associated public access should be studied and considered.

The Proponent describes a decreasing demand for the traditional marine industries in the RLFMIP, and given the substantial investments that will be necessary to respond to evolving market demand, suggests a number of changes to the regulatory framework that would allow increased percentages of commercial and General Industrial Uses in the Park. These forward-looking proposals will all require regulatory and policy changes. The Department recommends the establishment of a stakeholder review process led by CZM and the Department, in coordination with the BPDA, including such key stakeholders such as Massport and other affected water-dependent industrial and interested constituents.

If you have any questions regarding the Department's comments, please feel free to contact my office at (617) 292-5615 or at ben.lynch@state.ma.us. Thank you.