



South Boston Waterfront District Municipal Harbor Planning  
Advisory Committee Meeting No. 3  
Wednesday, March 2, 2016  
Piemonte Room, 5<sup>th</sup> Floor, City Hall, Boston, MA

Attendees

**Advisory Committee (“Committee”):** Bruce Berman, Austin Blackmon, Sgt. Joe Cheevers, Buddy Christopher, Marianne Connolly, Michael Creasey, Sara McCammond, Greg Vasil, Julie Wormser

**City of Boston (“City”):** Richard McGuinness, Boston Redevelopment Authority (BRA); Chris Busch, BRA; Erik Hokenson, BRA

**Government Representatives:** David Biele, Office of Rep. Nick Collins; Lisa Engler, Office of Coastal Zone Management (CZM); Andrew Grace, Massachusetts Port Authority (MassPort)

**Proponent Representatives:** Michael Kineavy, Cronin Holdings; Rob Halter, Elkus Manfredi Architects; Rebecca Leclerc, Elkus Manfredi Architects; Tom Skinner, Durand & Anastas

**Members of the Public:** Valerie Burns, Sandy Campbell, Mike Foley, Justin Hautaniemi, Kerry Logue, Tom McShane, Charles Norris, Scott Schechter, Kaitlin Stenson

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:05PM by introducing BRA staff in attendance and representatives from the 150 Seaport Boulevard development team and responded to two questions raised at the previous Committee meeting. In response to the first question, regarding the dimensions of adjacent buildings, Mr. Busch provided the gross square footages (GSF or SF) and approximate heights of the existing structures at 150 Seaport Boulevard (10,515 SF and 35 feet tall); a Chapter 91-compliant structure (46,488 SF and 55 feet); the proposed structure (275,000 SF and 250 feet); 100 Pier 4 (400,000 SF and 250 feet); Pier 4 Office Building (350,000 SF and 215 feet); Seaport West (575,000 SF and 250 feet); Seaport Square L2 (425,000 SF and 250 feet); and Seaport Square M1 and M2 (1,100,000 SF and 250 feet). In response to the second question, regarding the Article 80 Development Review timeline, Mr. Busch provided an outline of the Article 80 Development Review Process and explained that the project’s Letter of Intent (LOI) was filed in December 2015 and will be followed by a Project Notification Form (PNF). A PNF outlines the project-related impacts, such as traffic, and includes details such as LEED certification standards and the City of Boston’s Climate Change Preparedness and Resiliency Checklist for New Construction. Filing of a PNF triggers a 30-day public comment period, including a community meeting and a scoping session with the Impact Advisory Group (IAG). Within fifteen days of the conclusion of the public comment period, a scoping determination will be issued that will either waive further review if impacts are adequately addressed through mitigation or require Draft and Final Impact Reports if additional analysis is necessary, which provide the basis for an Adequacy

Determination, issued 45 – 150 days after the scoping determination issuance. If further review is waived or after the Adequacy Determination is issued, the project proceeds to a BRA Board vote. Mr. Busch added that the 150 Seaport Boulevard proposal will also likely be reviewed as a Planned Development Area, a zoning overlay that enables more exacting dimensional requirements. This process can run concurrent with the Article 80 Development Review, includes a 45-day public comment period, and requires approval from both the BRA Board and the Boston Zoning Commission. While an exact schedule for the 150 Seaport Boulevard proposal wasn't available, Mr. Busch indicated that he would provide it to the Committee upon availability.

Mr. Busch proceeded to outline the agenda of the meeting, comprising a short presentation and an open discussion among Committee members on the types of offsets or mitigation that should be prioritized in relation to the proposed substitute provisions (“substitutions”) for the 150 Seaport Boulevard proposal. He summarized the previous meeting’s presentation on the applicable aspects of Chapter 91 and Municipal Harbor Planning (MHP) regulations; the realization of public tideland objectives through the eight dimensional and use standards for non-water-dependent projects of Chapter 91; how MHPs modify these standards to match local character, provided detrimental impacts on the public’s use, enjoyment, and access to the water are mitigated; and the way in which the combination of the substitutions and offsets provide public benefits equal to or – preferably – greater than those provided by a Chapter 91-compliant project. Mr. Busch reminded the Committee that the South Boston Waterfront District MHP from 2000 provides a framework to evaluate offsets. According to the MHP, in order to qualify as an offset, it must be commensurate with the detrimental impacts of the substitute provision; provide offsets coincident with the completion of the project (i.e. issuance of Certificate of Occupancy); and preferably in-kind in a proximate location [e.g. no net loss (NNL) of water-dependent use zone (WDUZ)], increase the performance standard of another quantitative requirement (e.g. shadow for open space), or qualitatively promote tidelands objectives (e.g. funding for waterfront activation programming). Offsets must also be above and beyond the baseline requirements of the MHP, which include civic, cultural, or educational programming (e.g. interpretative signage, public art installations); Harborwalk signage and maps; water-transit requirements (e.g. facilities and operational subsidies); public space amenities (e.g. public restrooms, ferry ticketing); and dedicated space for short-term dockage. In 2000, the Secretary (of the now Executive Office of Energy and Environmental Affairs, which administers Chapter 91) and the Committee developed a formula approach to quantifying impacts and offsets for Fan Pier and Pier 4. The state generally prefers to have clear and predictable guidelines for future applications for Chapter 91 licenses. The formulas specified in 2000 Municipal Harbor Plan for Fan Pier and Pier 4 to offset impacts from height/shadow include: additional open space (for every 2 SF of shadow, 1 SF of open space); civic, cultural, and educational facilities (1:1); public water-related facilities (1:1); water transportation subsidies (1:\$1.00 beyond baseline to a maximum of 15% of offset total); public access facilities for Boston Harbor Islands (maximum of 10% of offset total); funding for parks and recreation;

and other qualitative offsets. These offset and ratios have generally functioned as a guide for many of the City's harbor plans.

Mr. Busch stated that the impacts of the proposal for 150 Seaport Boulevard include a reconfigured WDUZ, excess lot coverage, and excess building height. Observing that the reconfigured WBUZ will not result in a loss of WDUZ area, a standard that the state has largely approved in the past, Mr. Busch noted that the impacts needing to be offset relate to lot coverage and building height. He pointed out that small site limits opportunities for on-site offsets and added that much of the adjacent areas are already planned under master developments, all of which have delineated open space areas.

However, Mr. Busch asserted that one open space area within the planning area whose potential has not yet been fully realized is the Children's Wharf Park ("the Park"), whose redevelopment and rededication in honor of Martin Richard were recently announced. Mr. Busch explained that in 2000, the MHP and Secretary's Decision demarcated this as a location for off-site open space mitigation from site-constrained or fragmented development parcels. Specifically, the Barking Crab site, several infill parcels within the Fort Point Historic District, and the McCourt parcels (now Seaport Square) were allowed to mitigate additional lot coverage either through open space aggregation (as Seaport Square did) or through payments into a fund designated for improvements to Parcel E and an adjacent city parcel proximal to the Park, with the intent of creating a more cohesive, signature park along the Fort Point Channel.

In regard to civic, cultural, and educational space, Mr. Busch stated that a substantial amount of space has been committed to such uses: 127,000 SF within Fan Pier and Pier 4 and approximately 235,200 SF in Seaport Square (inclusive area parcels outside the MHP area). Current civic and cultural designations include the Institute of Contemporary Art (ICA); Boston Family Boat Building (BFBB), Society of Arts and Crafts, and the Fort Point Artists Community (FPAC).

In regard to water transportation, Mr. Busch mentioned the ferry terminal at Fan Pier Cove and the Water Commons at Pier 4, with the docks at Commonwealth Pier adjacent to 150 Seaport Blvd. He added that the Massachusetts Port Authority (MassPort) has plans for another ferry terminal on the east side of Commonwealth Pier, as required by the master development plan for Commonwealth Flats.

In conclusion, Mr. Busch stated that there have been substantial offsets within the planning area, both realized and planned, and provoked the Committee to discuss how to better the waterfront through creative activation and/or enhancement of existing activities.

Mr. Bruce Berman, MHPAC, opened the discussion with a request to review the magnitude of the detrimental impacts being mitigated (i.e. reconfigured WDUZ, lot coverage, and building height as measured by shadow). Mr. Berman clarified that the reconfigured WDUZ does not

require mitigation because there is no net loss of area. Mr. Busch stated that the MHP would have to include a statement to that effect, but asserted that there have been past approvals for it. Mr. Berman sought clarification on the Committee's immediate task in determining the offsets. Mr. Richard McGuinness, BRA, admitted that the presentation led the Committee to consider Children's Wharf Park because of the planned open spaces in the developments adjacent to the site. He added that Children's Wharf Park is an orphaned site that was developed into a park as a part of the Massachusetts Bay Transit Authority's (MBTA) Silver Line mitigation. With the Children's Museum responsible for its maintenance, it was intended to be transferred to the City, but never was. For a variety of reasons, the Park has suffered. Over the past two years, the Walsh administration has been working with the state and Children's Museum to improve the park and incorporate plans for a tribute to Martin Richard. The BRA, in coordination with the Department of Environmental Protection (DEP), has used Chapter 91 compliance and, internally, Article 80 Development Review processes, to earmark funds when appropriate to invest in the Park. However, current plans require up to \$6 million in improvements with a significant sum left to be secured. Recalling the challenges the size of 150 Seaport Boulevard present towards open space mitigation, Mr. McGuinness thought it was logical to suggest to the Committee that mitigation funds be channeled towards Children's Wharf Park, which is in the planning area and, given its waterfront location, would enhance the public's attraction to and use thereof. Mr. McGuinness added that there are already significant investments in water transportation and civic, cultural, and educational space as mitigation, but that these require continued investment to maintain and operate. Earmarking funds for these offsets may be more effective than requiring new water transportation infrastructure or additional civic, cultural, and educational space.

Ms. Marianne Connolly, MHPAC Member, inquired if the Northern Avenue Bridge is within the planning area. Mr. Busch replied that the bridge itself is outside of the planning area, but that the gateway is within it. She floated the possibility of the Northern Avenue Bridge and its gateway as a recipient of mitigation funds for consideration by the Committee.

Ms. Julie Wormser, MHPAC Member, in reference to the lot coverage of the proposed development at 150 Seaport Boulevard, opined that the sidewalk should not be counted as open space in calculating the lot coverage given that it is an existing public way. Mr. Busch replied that in previous MHPs sidewalks were included in these calculations. Ms. Wormser contended that it should not moving forward and asked that a calculation excluding the sidewalk be provided to the Committee. She supported Ms. Connolly's proposition to consider the Northern Avenue Bridge and the notion of underwriting off-site, yet geographically-proximate open space, provided that the calculation of the mitigation is correct. She feared setting a precedent that may have negative implications in the future.

In response to Ms. Wormser, Mr. Berman stated that historically sidewalks and, in certain instances, roads were included in open space calculations in order to ensure comparison between comparable items. He rejoined that he is concerned about the precedent of changing

the formulas used in calculating open spaces or other Chapter 91 standards because while the world does change, it is important to be able to compare these standards. He stated that he, too, supports the consideration of the Northern Avenue Bridge by the Committee. He added that the Water Commons could use funds for programming and a percentage, as allowed by the formula, should go to public access facilities for the Boston Harbor Islands, excluding a ticketing facility for water transportation systems. Mr. Busch prodded him to share other ideas for offsets along the waterfront of 150 Seaport Boulevard. Mr. Berman speculated that an enhanced Harborwalk above the baseline would benefit the area.

Ms. Wormser reiterated her concern over the calculation of the open space and cautioned against offsets that are not geographically proximate to the site, especially if they are inland and do not enhance access to the waterfront. While she supports Children's Wharf Park, she echoed Ms. Connolly's statement that the gateway to the Northern Avenue Bridge might be a more appropriate recipient of the mitigation funds. In reference to Mr. Berman's suggestion of an enhanced Harborwalk, Ms. Wormser articulated her disquiet about using the watershed of the neighboring designated port area (DPA). Mr. Busch clarified that the DPA boundary, as determined by the state, runs coincidentally with the western edge of Commonwealth Pier and does not include any of the watershed. Ms. Wormser asserted the fairway was included in the DPA, but stated that she would research further. Mr. McGuinness shared that there does need to be a fairway between Pier 4 and Commonwealth Pier. Ms. Wormser insisted that the mitigation not only work for the proposed development, but for the adjacent users, especially MassPort and Commonwealth Pier, which directly relates to the importance of the appropriate calculations. She continued that though previous discussions indicated that the space between the buildings on 150 Seaport Boulevard and Pier 4 would be considered during the Article 80 Development Review process, she felt that it is germane to the MHP as it is a point of public access to a prominent area of the waterfront. She concluded by saying there needs to be a more precise explanation of what is required to be mitigated prior to determining the mitigation.

Mr. Michael Creasey, MHPAC Member, inquired about water transportation subsidies. Mr. Busch explained that there is a policy dating back to 2003 that prescribes a \$2.00 per square foot of mitigation. While the policy was never formally adopted, it has been used as the standard in the past. Mr. McGuinness added that in 2000, there was not as a significant of demand as there likely is now for water transportation, and subsidies would likely be more valuable now. He continued that it is much easier to access grant funds for water transportation infrastructure, such as a dock, than it is operations.

Mr. Berman returned the discussion to Children's Wharf Park by seeking clarification on how funds for the Park would be used: in design, construction, operations/maintenance, etc. Mr. McGuinness answered that there is an existing design that will be presented at the end of March. Mr. Berman indicated his support for the improvement of Children's Wharf Park and

asked if the City's Parks and Recreation Department would be available to present the plan at a future meeting.

Based upon her previous experiences with the Boston Harbor Association (TBHA), Ms. Wormser noted the similarities of the difficulty in subsidizing water transportation and programming civic, cultural, and educational spaces in the Seaport. She wondered if it was preferred to have a smaller space or smaller capital investment and a larger operations grant.

Mr. Creasey asked if the Children's Wharf Park is city-owned. Mr. McGuinness clarified that it is currently owned by the MBTA, but scheduled to be transferred to city ownership. Mr. Creasey inquired why it would need funding for operations and maintenance. Mr. McGuinness replied that it would need funding for both improvements and future maintenance. Mr. Austin Blackmon, MHPAC Member, remarked that there were many great advocates for parks among the Committee.

Ms. Sara McCammond, MHPAC Member, inquired if the parks fund referenced in the original South Boston Waterfront MHP was ever established. Mr. McGuinness answered that it had not because there had been no contributions to such a fund. Mr. Berman asked if such a fund would be the vehicle to direct the mitigation funds to the Park. Mr. McGuinness confirmed that it is a possibility.

In reference to the map of the open spaces in the planning area, Ms. Wormser asked if the Northern Avenue Bridge was actually going to be replaced and, if so, if it would accommodate vehicular traffic. Mr. McGuinness responded that the City's current plan is to replace the Northern Avenue Bridge with a multi-modal crossing consistent with the South Boston Waterfront Sustainable Transportation Plan (2015). Ms. Wormser posited that if the replacement bridge were closed to automobiles, there would be an opportunity to create vibrant, small-scale urban spaces, such as pocket parks, that would be signature amenities worthy of the area. Mr. McGuinness clarified that the plans for the bridge, including details such as possibly restricting the bridge to peak traffic times or high-occupancy vehicles, have not been finalized. Ms. Wormser requested that the record reflect her proposal to prohibit vehicular traffic on the future bridge in order to allow for activated pedestrian spaces, which Ms. McCammond seconded. Ms. McCammond added that automobile traffic should not preclude the possibility of an improved gateway to the Seaport.

Mr. Busch asked Mr. Creasey if the National Park Service (NPS) were interested in improved access to the Boston Harbor Islands. Mr. Creasey stated that water transportation subsidies are immensely beneficial. In reference to Northern Avenue Bridge, he shared his support for the preservation of the existing Northern Avenue Bridge.

Ms. Wormser asked if there were any public spaces to enhance east of the 150 Seaport Boulevard site, such as the World Trade Center. Mr. Busch and Mr. Berman together expressed skepticism.

Mr. Berman asked if the Committee would consider improved water transit options from the planning area, such as Fan Pier. Ms. Wormser replied that, with the assistance of waterfront and transportation planners, TBHA had developed a blueprint for an Inner Harbor ferry system, but that having one-time ferry services that are not interested in integration with MBTA service or ADA-compliant impedes the realization of an actual service. Mr. Berman concurred and posed his original question to BRA staff. Mr. McGuinness answered that within a year regularly-scheduled service between Lovejoy Wharf and Fan Pier would be ideal and that there is strong demand for commuter ferry services from North Station, but cautioned that water transportation subsidies are not popular. Ms. Wormser asserted that contributions for water transportation should be used for capital investments or landside infrastructure. Mr. McGuinness stated that given the MBTA's disinterest in operating a ferry service for the Inner Harbor, the City has relied on the private sector to provide water transportation infrastructure. However, there is no subsidy for these trips, as opposed to the universally-subsidized trips on MBTA transit modes. The sustainability of water transportation services subsidized by Chapter 91 mitigation disconcerted Ms. Wormser. Mr. McGuinness assured the Committee that demand for water transportation services has increased significantly since 2000.

Mr. Busch solicited comments from the public. Ms. Valerie Burns, Fort Point resident, asserted that streets and sidewalks are counted as open space on privately-owned land that is being developed, such as Fan Pier, but that as Seaport Boulevard is a pre-existing street, the sidewalk should not be included. Mr. Busch replied that he would confirm the appropriate formula with the state. Ms. Burns continued that almost all of the water's edge of the planning area is green space, but Children's Wharf Park in its current state is a poor excuse for a park and encouraged the Committee to strongly consider funding the realization of the Park's potential. Mr. Berman expressed his appreciation of Ms. Burn's justification of her support for the Park and suggested that an order-of-magnitude of needs for potential investments be developed for consideration. He also mentioned that he hopes to miss the debate on whether trees provide shade or cast shadow, but was pleased that the Fort Point neighbors are excited about and engaged in the Park planning process. Ms. Burns added that the Park size has actually shrunk over the intervening years to accommodate a small parking lot and hopes that parking will be eliminated as a use on the waterfront.

Mr. Charles Norris, Norris & Norris, clarified that the aforementioned South Boston Waterfront Sustainable Transportation Plan found substantial demand for water transportation and that the market for ferry service has changed considerably due to job and housing growth. He reminded the Committee that there is a water taxi dock at Pier 4, an MBTA landing beyond the Spirit of Boston, though it lacks ADA accessibility, and a MassPort-designed ferry terminal east of Commonwealth Pier. He concluded that the Committee should consider aggregating

funding for the MassPort ferry terminal, whose catchment area includes Fan Pier, Pier 4, and 150 Seaport Boulevard.

Ms. McCammond sought clarification on the definition of open space, specifically as it relates to the ground beneath the cantilever of 150 Seaport Boulevard, which is not part of the building's footprint from a pedestrian perspective. Mr. Busch explained that as the area is not "open to sky", it is technically considered part of the building footprint for the purposes of calculating open space and therefore must be mitigated. Mr. Tom Skinner, Durand & Anastas, referred to an image of the proposed siting and clarified that approximately 64% of the site is not open to sky. In responses to Ms. Wormser's request for a calculation of the open space excluding the sidewalk, he stated that such an exclusion increases the lot coverage to 67%, but only increases the amount of square footage requiring mitigation by eight square feet. He continued that, unlike landlocked development projects, including the sidewalk in the Chapter 91 license ensures that the access to the waterfront will be as presented for perpetuity, regardless of changes in ownership and other factors. Further, the sidewalk must be included in order to accommodate the height of the cantilever, which would be limited to 55 feet under the existing MHP. Ms. Wormser asked if there is a way to allow the height without including the sidewalk. Mr. Skinner countered that if it improves the public space, it should be included. To that end, he explained that Cronin Holdings is planning to make significant improvements to the Seaport Boulevard right-of-way, including possibly raising a section of the street to improve resilience to inundation. Ms. Wormser thanked Mr. Skinner for his explanation.

Mr. Andrew Grace, MassPort, inquired about the appropriate mechanism for protecting the open space. Mr. Busch answered that both the municipal harbor plan and Chapter 91 license would codify the dimensions and protections. Mr. Skinner added that if a sale occurs between the approval of the MHP and permitting of the project, the state would likely require a letter outlining any changes to the building design and provide comment.

On the subject of building design, Ms. Wormser asked about plans for the area between Pier 4 and 150 Seaport Boulevard, noting that a taller building would create a perception of a darker and dangerous space. She wondered about the possibility of shifting the building's siting to create a larger gap between the two buildings. Mr. Skinner replied that it is likely impossible, but that Cronin Holdings has hired Carol R. Johnson Associates to make the space between the buildings a genuine point of access to the waterfront. Ms. Wormser complimented Carol R. Johnson Associates' ability to make great parks in small places.

Ms. Burns asked if another amendment to the MHP would be required for Parcels M1 and M2, each of which include Chapter 91 jurisdictional land. Mr. McGuinness replied that the proposed buildings comply with the existing MHP.

Mr. Sandy Campbell, Seareach-CMI, informed the Committee that his company had conducted a ferry transportation study for MassPort approximately fifteen years ago predicated upon the



consolidation of ferry service. The study included two foci: hovercrafts, which are more efficient than ferries in terms of operation, and the Dartmouth-Halifax, Nova Scotia ferry, which utilizes a more efficient two-bow ferry.

Mr. Skinner indicated that additional information on the proposed building previously requested by the Committee, including schematics of the current building compared to it, the reconfigured WDUZ, vehicular access points, the landscape plan, and more would be presented at the next meeting.

Mr. Berman requested that the Committee be informed of future public meetings on the redesign of Children's Wharf Park and any available schematics. Mr. McGuinness assented and added that BRA staff is meeting with the Department of Environmental Protection (DEP) next week to discuss the 150 Seaport Boulevard proposal, the details of which he would share at the next meeting.

Mr. Busch informed the Committee and public that the next meeting is scheduled for March 16 at 6 PM in the Piemonte Room on the Fifth Floor of City Hall.

Meeting adjourned at 7:25 PM.