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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Neponset Wharf  
PROJECT MUNICIPALITY : Boston  
PROJECT WATERSHED : Boston Harbor  
EEA NUMBER : 15728  
PROJECT PROPONENT : CPC Ericsson Street LLC  
DATE NOTICED IN MONITOR : July 12, 2017

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and Section 11.03 of the MEPA Regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Draft Environmental Impact Report (DEIR).

As described in the Environmental Notification Form (ENF), the project consists of a mixed-use development of approximately 307,000 square feet (sf) in four buildings and the renovation of a 75-slip marina. The proposed buildings include:

- Building A: An eight-story, 93,500-sf building with 43 residential units, a 25-room hotel, and 70 parking spaces;
- Building B: A five-story, 28,500-sf building with 21 residential units;
- Building C: A one-story, 23,000-sf boat storage facility; and,
- Building D: An eight-story, 159,000-sf building with 86 residential units, a 4,000-sf restaurant, and 115 parking spaces.

Buildings C and D are connected and also referred to as Building C/D in the ENF. The project also includes a 1,450-sf marina support building, a 650-sf kayak storage shed, and a 400-sf snack bar with public restrooms ("shore shack"). Five existing marina-related buildings with a combined area of 71,300 sf will be demolished. Approximately 24,200 cubic yards (cy) of sediment will be dredged from a 129,000-sf area within the marina to facilitate navigation.

Publicly-accessible outdoor open space will include a fishing pier, kayak launching and storage facilities, public restrooms, and a Harborwalk.

### Project Site

The 7.6-acre project site is located at the northern tip of a peninsula known as Port Norfolk. The site includes four acres of watersheet occupied by the marina and 3.5 acres of land. The marina is surrounded by a wave fence to provide some protection from wave damage. The site is bordered by the Neponset River to the north, Pine Neck Creek to the west, a restaurant and parking lot to the east, and commercial uses to the south. Tenean Beach, which is under the care, custody and control of the Department of Conservation and Recreation (DCR), is located west of the site across Pine Neck Creek. The Port Norfolk residential neighborhood is located south of the commercial uses. The site is currently occupied by a 75-slip marina, buildings containing boat storage, marine services and sales, and a surface parking lot.

The site is located in the Neponset River Estuary Area of Critical Environmental Concern (ACEC). These areas are formally designated by the Commonwealth and the community to encourage their preservation and enhancement through planning, restoration and added regulatory protection. A two-acre area at the seaward end of the site consists of filled tidelands subject to the Massachusetts Department of Environmental Protection's (MassDEP) jurisdiction under M.G.L. Chapter 91 (c. 91). According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) number 25025C0091J (effective March 16, 2016), the majority of the landside portion the site is located within the 100-year floodplain (Zone AE) with a Base Flood Elevation (BFE) ranging between 11 ft to 13 ft NAVD 88. The seaward edge of the site and the watersheet are located in a coastal flood zone with velocity hazard (VE) with a BFE of 14 ft NAVD 88. The site is located within the Port Norfolk Area, which is included in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth. MHC has identified the Port Norfolk Area as eligible for listing in the National Register of Historic Places.

Because the project exceeds 50,000 sf of gross floor area, it will be reviewed by the Boston Planning and Development Agency (BPDA) under its Large Project Review process pursuant to Article 80B of the City of Boston Zoning Code. The site is located within the Waterfront Service Subdistrict of the Dorchester Neighborhood District zoning code. According to the ENF, multi-family and mixed-use buildings are permitted uses under zoning; however, the hotel use, Floor Area Ratio (FAR), building height, lot coverage, side yard and multifamily dwellings as a percentage of FAR will require zoning relief.

### Environmental Impacts and Mitigation

The project will add approximately two acres of nonwater-dependent use of tidelands. It will alter 94,000 sf of Land Under the Ocean (LUO), 36,000 sf of Coastal Beach, 29,600 sf of Riverfront Area, and 276,800 sf of Land Subject to Coastal Storm Flowage (LSCSF). The tidelands, wetland resource areas, and most of the upland portion of the site are located within the ACEC. The residential, hotel and restaurant uses will generate 1,515 new unadjusted average daily trips (adt) and the project will include 185 new vehicle parking spaces. The project uses will consume 30,752 gallons per day (gpd) of water and generate 27,956 gpd of wastewater. The project will release emissions of Greenhouse Gasses (GHG) and other air pollutants

associated with the burning of fossil fuels for on-site energy use and automobile travel by residents and visitors to the site.

The Proponent has proposed measures to mitigate the project's impacts. The project will provide publicly accessible open space, including a Harborwalk, a fishing pier, kayak launching facilities, public restrooms and other amenities. It will include a new stormwater management system with Best Management Practices (BMPs) to improve the water quality and flow rate of stormwater discharged from the site as required by MassDEP's Stormwater Management Standards (SMS). It will include roadway improvements and Transportation Demand Management (TDM) measures to minimize single occupancy vehicle (SOV) trips and mitigate the impact of new trips generated by the project. The project will employ measures to conserve water and contribute to Infiltration/Inflow (I/I) reduction to preserve sewer capacity. The buildings will incorporate energy efficiency features and climate change adaptation measures to minimize GHG emissions and sea level rise and other effects of climate change.

### Permitting and Jurisdiction

The project is undergoing MEPA review and is subject to preparation of a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03(3)(a)(5) because it requires State Agency Permits and includes a new nonwater-dependent use of one or more acre of tidelands. The project exceeds the ENF thresholds at 301 CMR 11.06(b)(14) (generation of 1,000 or more new adt on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location) and 301 CMR 11.03(11)(b) (any project within a designated ACEC, unless the project consists solely of one single family dwelling). The proposed bridge to Tenen Beach may also meet the threshold at 301 CMR 11.03(1)(b)(3), conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97. The project requires a c.91 License and a Section 401 Water Quality Certificate (WQC) from MassDEP. It may require a Construction Access Permit from DCR. It will require a Federal Consistency determination from the Massachusetts Office of Coastal Zone Management (CZM). The project is subject to the MEPA GHG Emissions Policy and Protocol (GHG Policy) and will require a Public Benefit Determination (PBD).

The project requires an Order of Conditions from the Boston Conservation Commission (BCC) (or in the case of an appeal, a Superseding Order of Conditions (SOC) from MassDEP). It will require Article 80 Review by the BPDA and a Transportation Access Plan Agreement (TAPA) and Construction Management Plan (CMP) approval from the Boston Transportation Department (BTD). It will require a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the United States Environmental Protection Agency (EPA) and a Section 10/Section 404 Individual Permit from the Army Corps of Engineers (ACOE).

Because the Proponent is not seeking State Financial Assistance, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required State Permits and that may cause Damage to the Environment, as defined in the MEPA regulations. Because the project requires a c.91 License, MEPA jurisdiction is broad in scope pursuant to 301 CMR 11.02(a) and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

## SCOPE

### General

The Proponent will file a DEIR and a Final EIR (FEIR) which will provide additional information and analysis about the project. Both the DEIR and FEIR will be subject to public review and comment. The Proponent submitted an ENF that identified project components, impacts and mitigation measures at a conceptual level. The DEIR should provide detailed plans, descriptions and data that sufficiently describe the proposed project, its impacts, and baseline environmental conditions for the purpose of State Agency and public review. It should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. The DEIR should clearly demonstrate that the Proponent has sought to avoid, minimize and mitigate Damage to the Environment to the maximum extent feasible.

Development of the project site is constrained by a limited roadway network, the site's location at the end of a small peninsula occupied primarily by residential uses, its proximity to wetlands and a coastal floodplain, vulnerability to sea level rise, and regulatory requirements reflecting the public's rights in tidelands and the sensitive ecology of the area. A primary focus of the DEIR should be to identify a development alternative that seeks to strike the right balance considering environmental constraints, neighboring uses and the Proponent's development goals.

### Project Description and Permitting

The ENF described existing site conditions and provided a basic project description and conceptual plans. It identified the project's potential impacts on tidelands, the ACEC, transportation, water and sewer use, drainage, GHG emissions, and historic resources, reviewed short-term impacts anticipated during the construction period, and identified potential mitigation measures.

The DEIR should include plans and a detailed description of existing conditions, including site topography, soil conditions, and infrastructure. It should describe the project and identify any changes to the project since the filing of the ENF. It should include updated site plans for existing and post-development conditions at a legible scale. The plans should depict existing and proposed conditions for all project elements, including the marina, dredging area, footbridge, and on-shore development. Plans should be provided at a legible scale and clearly identify buildings, public areas, impervious areas, and boundaries of tidelands, the ACEC and wetlands resource areas, including floodplains. The DEIR should provide plans detailing wetlands impacts, pedestrian and bicycle accommodations, roadway improvements, and stormwater and utility infrastructure.

The DEIR should identify and describe State, federal and local permitting and review requirements associated with the project and provide an update on the status of each of these pending actions. It should include a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project's consistency with those standards.

Some commenters suggested that the Proponent has acquired or will acquire other properties in the area for subsequent development. The DEIR should disclose any future phases



of the project and identify the associated impacts. It should describe likely phasing scenarios, and discuss how mitigation measures will be implemented in the phasing scenarios to ensure that project impacts are appropriately mitigated as development proceeds.

### Public Comments

The DEIR should respond to all comments received on the ENF. I received comments from state and City agencies, environmental advocacy groups, and residents of Port Norfolk. Comments from agencies have requested a significant amount of information that must be provided in the DEIR to determine whether the project will meet regulatory standards, including additional information about existing conditions, a more detailed description of the project and its impacts, and a more robust consideration of mitigation. While generally receptive to some redevelopment of the site, Port Norfolk residents expressed concern that the scale of the project is incompatible with the predominately residential character of the area and that it would strain the area's infrastructure. Of particular concern, is the potential impact of over 1,500 new adt on the limited roadway network serving the site. Residents also offered detailed comments about the project's impacts on wetlands and water quality, the effect of the design and scale of the project on waterfront accessibility by the public, contaminated soils and sediments, and the visual impacts associated with the proposed height and orientation of the buildings. I urge the Proponent to carefully consider all comments while developing additional alternatives and refining the project design.

### Alternatives Analysis

The ENF compared the Preferred Alternative to a No Build alternative and three alternatives that could be constructed as-of-right under current zoning:

- Marina Renovation
- Cold Storage/Seafood Processing
- Marine Retail.

The No-Build Alternative would maintain the existing conditions and buildings and continue the use of the site for marina and boatyard services. This alternative would not include dredging and would have no new impacts. The Marina Renovation alternative would renovate the marina and buildings and perform maintenance dredging to support continued use of the site. Impacts associated with this alternative would be limited to those associated with dredging; there would be no change to the intensity of use of the site. The Cold Storage/Seafood Processing alternative would include replacing the existing buildings with a 50,000- to 75,000-sf facility along the waterfront. The main piers of the marina would be retained to provide access to the facility for commercial vessels. Its overall size would be reduced and no dredging would be required. This alternative would generate additional truck trips to and from the site and would have noise and odor impacts. The Marine Retail alternative would replace the existing buildings with a 20,000-sf boating supply and fishing retail store and surface lots for parking and boat storage. These new structures would be constructed outside of c. 91 jurisdiction. The floats and docks would be retained for use in boat sales and dredging would not be required. This alternative would generate additional traffic but not as many trips as the Preferred Alternative.

According to the ENF, none of these alternatives would require significant public access facilities or stormwater management improvements.

The Preferred Alternative includes the construction of 307,000 sf of mixed uses in four new buildings. It would maintain the existing marina services and add residential, hotel and restaurant uses. The Preferred Alternative would generate 1,515 new adt, considerably more than the other alternatives, and require significant increases in water and sewer use. It would provide two acres of public open space, a 28,000 sf Harborwalk, and other publicly-accessible waterfront facilities, improve water quality by providing a new stormwater management system, and maintain water-dependent uses at the site.

The DEIR should provide an expanded alternatives analysis. It should review a Reduced Build alternative that includes redevelopment of the site at a lower density. The DEIR should include at least one alternative that is consistent with the urban design guidelines included in the 1988 Port Norfolk Neighborhood Plan. If the Proponent has obtained rights to develop additional land in Port Norfolk, the analysis should also include an alternative that encompasses all of the land under or the potentially under control of the Proponent.

The DEIR should provide a detailed comparison of the alternatives, including detailed descriptions and plans of each alternative. It should compare the environmental impacts of each alternative, quantitatively to the extent practicable, with respect to trip generation, traffic operations, pedestrian and bicycle access, water use, wastewater generation, impervious area, tidelands, wetlands resource areas and GHG emissions.

#### Article 97 and DCR Parkland

The project may include a pedestrian bridge over Pine Neck Creek to provide a connection between the site and DCR's Tenean Beach. The Proponent may construct the bridge and, upon completion, transfer ownership to DCR or the Proponent will maintain ownership of the bridge. If the Proponent retains ownership, the project will require a Land Transfer from DCR in the form of an easement. The Land Transfer would be subject to the EEA Article 97 Land Disposition Policy (Article 97 Policy), which ensures a no net loss of Article 97 land. The DEIR should review how the project would comply with the relevant portions of the Article 97 Policy, including the six criteria for determining when "exceptional circumstances" exist such that a disposition of Article 97 land may be appropriate:

- The Proponent of the disposition must conduct an analysis of alternatives, commensurate with the type and size of the proposed disposition, that achieve the purpose of the disposition without the use of Article 97 land, such as the use of other land available within the appropriate market area;
- The disposition of the subject parcel and its proposed use may not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation);
- Real estate of equal or greater value, and of significantly greater resource value is granted to the disposing agency;
- The minimum necessary area of Article 97 should be included in the disposition and the existing resources continue to be protected to the maximum extent possible;

- The disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EEA and its appropriate department or division; and
- The disposition is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests to the Commonwealth.

Alternately, DCR has indicated that it will accept ownership of the pedestrian bridge if the Proponent constructs and maintains the bridge, agrees to relocate and improve the Tenean Beach playground and constructs and maintains publicly accessible restrooms. If the Proponent does not intend to maintain ownership of the bridge, the DEIR should describe the terms of any agreements between DCR and the Proponent for construction of the bridge and provision of public facilities as described by DCR. The DEIR should provide detailed design plans of the bridge and identify any impacts to wetlands resource areas or parkland and proposed mitigation measures. As noted by the MassDEP Waterways Regulation Program (WRP), the bridge must be designed to span the waterway with no fill or structures below the mean high water mark in order to comply with c. 91 standards for projects in an ACEC. I note the concern of DCR and residents that the bridge could result in use of the Tenean Beach parking lot by residents. The DEIR should describe any measures that the Proponent will undertake to avoid impacts to parking supply for Tenean Beach.

### Tidelands

Approximately two acres of the site at its seaward end are comprised of filled tidelands. According to the ENF, eight c. 91 licenses have been issued authorizing fill and structures at the site since 1879. The ENF reviewed the project's compliance with the c. 91 regulations, including those for nonwater-dependent uses. The site contains a Water-dependent Use Zone (WDUZ) extending 74 feet from the shoreline. The boat storage portion of Building C/D is proposed to be located within the WDUZ. The project would not include any nonwater-dependent Facilities of Private Tenancy (FPT) on the ground level within 100 feet of the shoreline; FPTs proposed within this setback are proposed on upper levels of the buildings. According to the ENF, the project has been designed to provide at least one square foot of tidelands outside the footprint of any building for each square foot of tidelands occupied by a building containing nonwater-dependent uses, as required by the c. 91 regulations. The ENF also stated that the project will comply with c.91 limits on building height, which restrict the height of nonwater-dependent use buildings to 55 feet within 100 feet of the shoreline, with a permissible increase in height of one foot for every two feet back from the shoreline. The project will encourage public use of the shoreline by providing a Harborwalk, fishing pier, kayak launch and other publicly accessible waterfront open spaces and facilities.

The ENF did not provide calculations, plans, or other information to document that the project will comply with the c. 91 standards. A portion of Building C/D, which contains the boat storage facility and residential units, will be located within the WDUZ. It is not clear to what extent Buildings C and D are distinct from one another. Buildings containing nonwater-dependent uses are prohibited from the WDUZ. The DEIR should describe the design of these buildings and address how they comply with the WDUZ prohibition. The DEIR should clearly show all buildings and uses within tidelands and quantify ground floor uses on filled tidelands. The DEIR should include an overlay of c. 91 regulatory zones, including the landward limit of filled tidelands, the WDUZ, 100-ft setback from the shoreline, and building height limits on

proposed conditions plans. It should document compliance with the c. 91 open space standard, provide detailed designs of the public waterfront open space and other publicly-accessible exterior areas and facilities, and identify exterior areas that will be reserved for private use. The DEIR should describe how design of interior Facilities of Public Accommodation and exterior public open space will be coordinated to provide meaningful and desirable use of the site by the public. The DEIR should document pre- and post-development views of the water from public streets. It should provide the additional information requested in the comment letter from the MassDEP Waterways Regulation Program.

According to MassDEP, the proposed Harborwalk and marina improvements appear to conform with the c. 91 regulations as they relate to structures and uses in an ACEC and are consistent with the Neponset River Estuary ACEC Resource Management Plan (RMP). Many commenters noted that improvement dredging is prohibited within the ACEC. The c. 91 regulations prohibit improvement dredging within an ACEC for any uses other than fisheries and wildlife enhancement. The ENF identified one authorization for dredging that was issued in 1911. The DEIR should detail the area to be dredged, the proposed dredge depth, and resource areas impacted by dredging, including Land Containing Shellfish. The DEIR should additional documentation that the proposed dredging can be considered to be maintenance dredging.

The project exceeds an EIR threshold as defined in 301 CMR 11.03 and is subject to the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Mass. Acts ch. 168) and the Public Benefit Determination regulations (301 CMR 13.00). Consistent with Section 8 of the legislation, I must conduct a Public Benefits Review as part of the EIR review of projects located on landlocked tidelands that entail a new use or modification of an existing use. The ENF noted that the project will provide new public open space on previously inaccessible tidelands. The DEIR should provide an updated analysis of the project's public benefits and how it will address the PBD regulatory criteria. I will issue a PBD within 30 days of the issuance of the final Certificate.

### Wetlands and Stormwater

Wetland resource areas at the site include LUO, Land Containing Shellfish, Coastal Beach/Tidal Flats, Coastal Bank, Riverfront Area and LSCSF. According to the ENF, the project will alter 29,600 sf of Riverfront Area and 276,800 sf of LSCSF in connection with development of the site. Dredging and renovation of the marina will impact 94,000 sf of LUO and 36,000 sf of Coastal Beach. The ENF stated that the project will conform to the performance standards in the Wetlands Regulations but did not document the nature and extent of the impacts, specify measures to minimize or mitigate impacts or describe how the project will meet performance standards.

The DEIR should include a map delineating all resource areas in relation to the project elements. It should describe and quantify impacts to each wetland resource area and identify measures to minimize and mitigate resource area impacts. The DEIR should describe existing and proposed conditions in relation to existing floodplain elevations and projected elevations due to sea level rise. It should include plans and cross-sections showing topography, fill, all buildings and structures, and first floor elevations. The DEIR should provide plans and analysis to document that the proposed structures will meet the Massachusetts State Building Code, 8<sup>th</sup> Edition requirements for new construction within the floodplain. According to CZM and DCR,

buildings located in more than one flood zone must be designed to meet the standards for the more restrictive zone. The plans and architectural renderings included in the ENF suggest that the building designs may not meet the Building Code requirement that the lowest horizontal member of the lowest floor be elevated two feet above the BFE.

The Proponent will remove the existing wave fence. The DEIR should document whether any new structure will be necessary to dissipate wave energy to protect the marina and landside portion of the site. It should describe the proposed structure and document potential direct impacts or indirect impacts caused by dissipating or redirecting waves.

The project will reduce impervious surface by 0.5 acres compared to existing conditions. According to the ENF, stormwater runoff currently flows to the Neponset River via direct overland flow or through catch basins connected to the drainage system in Ericsson Street, which discharges into the river. The drainage system is owned by the Boston Water and Sewer Commission (BWSC). The project will include a new stormwater management system that will comply with the SMS by improving water quality, reducing runoff volume and maintaining or minimizing peak rates of runoff compared to existing conditions. The DEIR should provide a more detailed description of the proposed stormwater management system, including supporting documentation, calculations and data to demonstrate that it will comply with the SMS and BWSC standards, type and location of Best Management Practices (BMPs), plans showing the locations of system components and connections to the BWSC system, and ultimate discharge points. The DEIR should evaluate the feasibility of incorporating Low Impact Design (LID) features in the overall design of the site.

### Traffic and Transportation

The ENF reviewed the existing roadway network adjacent to the project site, identified nearby bus routes operated by the Massachusetts Bay Transportation Authority (MBTA), and provided an estimate of the project's trip generation. It described the transportation analysis to be provided in the DEIR and acknowledged that the project may be required to provide transportation-related mitigation, which may include roadway improvements, shuttle service, and TDM measures.

The site has limited vehicular and transit access. It is connected to the Port Norfolk neighborhood by two driveways onto Ericsson Street. Lawley Street, Port Norfolk Street and Walnut Street run in a north-south direction between Ericsson Street and Water Street. Access to the regional roadway network is provided via Water Street to either Conley Street, which intersects with Morrissey Boulevard, or Redfield Street, which provides access to Neponset Circle in combination with Woodworth Street and Walnut Street. Parking at the site occurs on unstriped surface lots. The nearest MBTA bus stops are at Neponset Circle, approximately 0.5 miles south of the site. Bus Route 201/202 runs between Fields Corner and North Quincy and Bus Route 210 provides access between Fields Corner and Quincy Center.

The project will add 1,515 unadjusted weekday adt and 1,591 unadjusted Saturday trips based on trip generation estimates derived from the Institute of Transportation Engineers (ITE) *Trip Generation Manual (9<sup>th</sup> Edition)* for Land Use Codes (LUC) 230 (Residential Condominium/Townhouse), 310 (Hotel) and 931 (Quality Restaurant). Adjusted for a five percent allocation for bicycle and pedestrian trips, the project will generate 1,440 new daily

vehicle trips on weekdays and 1,230 new vehicle trips on Saturday. It will generate 83 new vehicle trips during the weekday morning peak hour, 124 during the weekday evening peak hour, and 394 during the Saturday mid-day peak period. The trip generation estimates were not adjusted for transit use because the project site lacks public transportation service.

The DEIR should include a traffic study prepared consistent with the EEA/Massachusetts Department of Transportation (MassDOT) *Transportation Impact Assessment (TIA) Guidelines* issued in March 2014 and the City of Boston's requirements for traffic studies. It should identify the study area used for the analysis; describe both existing and proposed roadway, pedestrian, and bicycle conditions; public transit capacity and infrastructure; roadway and intersection volumes; safety issues; and capacity analyses for the weekday morning and evening peak hours. At a minimum, the TIA study area should include the intersections of Walnut Street at Neponset Circle, Redfield Street at Neponset Circle, Morrissey Boulevard at Conley Street, and Morrissey Boulevard at Tenean Street. The DEIR should include a detailed description of existing and proposed site access and internal circulation roadways. The TIA should provide this analysis for Existing, No Build, Build, and Build with mitigation scenarios. Future conditions should be based on the seven-year planning increments suggested by the TIA Guidelines. Background growth in traffic should be determined based on trips to be generated by other nearby planned or approved projects using ITE trip rates, and an annual growth factor, which should be determined based on historical trends in the area. This factor should be incorporated into Future Build and No-Build conditions presented in the TIA.

According to DCR, plans to reconstruct Morrissey Boulevard are at the 25 percent design stage. The Morrissey Boulevard project will improve flood control, street lighting, and pedestrian and bicycle access and safety. The design includes significant changes to Neponset Circle, the intersections of Morrissey Boulevard at Tenean Street and Morrissey Boulevard at Conley Street. The DEIR should identify and describe the planned Morrissey Boulevard reconstruction and how it may affect the project's transportation options. It should also identify the project's potential impact on the DCR project. Future conditions analyzed in the TIA should include the proposed configuration of Morrissey Boulevard.

The DEIR should provide a trip distribution for the project, an analysis of vehicle crash data for study area intersections, and traffic signal warrants at any intersection where signalization may be proposed. The TIA should include a tabular summary of the results of the intersection operations analysis, including volume-to-capacity ratios (V/C) and average delays. The level-of-service (LOS) for each lane group/turning movement should be clearly indicated for each condition. The DEIR should calculate crash rates for each study area intersection using local and MassDOT data covering the most recent five-year period. Any proposed roadway improvements, including bicycle/pedestrian facilities, that are recommended to mitigate traffic impacts should be consistent with Complete Streets design guidelines contained in the *MassDOT Project Development and Design Guide*.

It should clearly identify any mitigation measures that will be necessary to minimize impacts to the local road network, including improvements to bicycle and pedestrian facilities, public transportation services, and roadway improvements. The DEIR should evaluate the feasibility of providing or expanding safe pedestrian and bicycle facilities on area roadways and describe improvements that will be necessary to encourage non-vehicular trips to and from the site. The DEIR should describe the project's anticipated transportation impacts and identify

appropriate mitigation measures for locations where the project would likely have an impact on traffic operations. The Proponent should indicate a clear commitment to implement proposed mitigation measures and describe the timing of their implementation.

The ENF included a commitment to implement TDM measures to reduce single-occupancy vehicle (SOV) trips to and from the site, but did not list any proposed measures. The DEIR should include a comprehensive TDM program that will provide incentives for using alternative transportation and discourage SOV trips. The TDM program should evaluate all feasible measures to reduce trip generation associated with the project. The TDM program should be based on specific measures that have been successful in reducing trip generation for similar projects. The Proponent should consult with the City of Boston, MassDOT, MassRIDES and local Transportation Management Associations (TMA) to discuss specific measures that have been successful in reducing trip generation for similar projects in Boston. The DEIR should report on feasibility of establishing new shuttle service. The TDM plan should seek to maximize the use of pedestrian and bicycle facilities, offer incentives for using public transportation and local transportation and shuttle services, and encourage the use of low-emissions vehicles. The DEIR should review the potential for pedestrian and bicycle improvements to area roadways to promote non-vehicular access to the site. The DEIR should include an outline of a Transportation Monitoring Program designed to evaluate the transportation-related assumptions made in the DEIR, the adequacy of mitigation measures, and the effectiveness of the TDM program.

The project will include 185 parking spaces. The projected parking supply was determined by calculating 1.4 spaces per retail unit (11 spaces), 1.0 spaces per residential unit (150 spaces), and 0.5 spaces per hotel room (24 spaces). The Proponent should consult with DCR regarding parking and the DEIR should provide a detailed analysis of parking supply and demand, discuss how the amount of parking proposed in the ENF compares to the parking need and supply for several comparable facilities and to zoning requirements, and provide a parking management program. The TIA should evaluate the potential for space sharing at the project site.

### Climate Change

Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569) was issued on September 16, 2016. EO 569 recognizes the serious threat presented by climate change and directs agencies within the administration to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet greenhouse gas emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change.

The GHG Policy and requirements to analyze the effects of climate change through EIR review is an important part of this statewide strategy. These analyses advance proponents' understanding of a project's contribution and vulnerability to climate change. I strongly encourage the Proponent to consider complementary approaches – such as passive design for residential buildings, incorporation of renewables and inclusion of LID in site design - which

can improve the project's resiliency, reduce GHG emissions and conserve and sustainably employ the natural resources of the Commonwealth.

### *Adaptation and Resiliency*

The ENF reviewed how climate change could affect the site, including extreme precipitation, extreme weather conditions and sea level rise. Future weather conditions are expected to include increases in intense precipitation events, periods of drought, tropical rainfall patterns, and extreme heat and cold stretches, and increases in the number of days with extreme heat (over 90 degrees F and 100 degrees F). According to *Climate Change and Sea Level Rise Projections for Boston* (2016), prepared by the Boston Research Advisory Group (BRAG) for the City of Boston, sea level is expected to rise by four to eight feet by the year 2100, depending on the level of GHG emissions over that time span. Higher sea levels are likely to result in greater frequency and impact of flooding from storm events.

The ENF listed potential resiliency measures that will be incorporated into the project design, including:

- Raising the elevation of the first floor and critical building infrastructure above future flood levels;
- Maximizing green space to mitigate heat effects;
- Landscaping with native, drought-resistant plants; and
- Reusing grey water and/or stormwater for irrigation.

In the DEIR, the Proponent should review any additional design features that may provide resiliency and support adaptation under future climate scenarios. At a minimum, the Proponent should consider adopting measures such as elevating the ground level of the site, on-site renewable energy generation, high albedo roofing material, water-tight conduits, additional green space and pervious pavement. The DEIR should provide additional information on how the tidal garden will be designed to increase the resiliency of the site.

### *Sustainable Design*

Article 37 of the Boston Zoning Code requires that the project be certifiable by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program under the LEEDv4 rating system. As described in the ENF, the project will meet the lowest LEED certification level. I encourage the Proponent to strive for certification at a higher level and note that adopting additional building energy efficiency measures, as discussed in more detail below, would contribute considerably toward that goal. The DEIR should include a full evaluation of sustainable design elements for the buildings and exterior site areas, including measures identified in the LEED rating system.

### *Greenhouse Gas (GHG) Emissions*

This project is subject to review under the May 5, 2010 MEPA GHG Policy. The Policy requires Proponents to quantify carbon dioxide (CO<sub>2</sub>) emissions and identify measures to avoid, minimize or mitigate such emissions. The analysis should quantify the direct and indirect CO<sub>2</sub>



emissions of the project's energy use (stationary sources) and transportation-related emissions (mobile sources). Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions from vehicles used by employees, vendors, customers and others.

### *Stationary Sources*

The City of Boston has adopted the Massachusetts Stretch Energy Code (SC). Therefore, the project will be required to meet the applicable version of the Stretch Code in effect at the time of construction. The Stretch Code increases the energy efficiency code requirements for new construction (both residential and commercial) and for major residential renovations or additions in municipalities that adopt it. The current SC requires a reduction in energy use of 10 percent compared to that achieved by complying with the baseline energy provisions of the State Building Code. According to the ENF, the buildings have been designed to exceed the energy conservation requirements of the 8<sup>th</sup> edition of the Building Code, which are based on the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standards 90.1-2013.

The ENF provided a preliminary analysis of the project's stationary-source GHG emissions and reviewed potential mitigation measures. The buildings will be designed with a high performance thermal envelope, including continuous insulation on the roof, walls and floors, and window glazing with high resistance to heat flow (low U-value) and solar transmittance (low Solar Heat Gain Coefficient (SHGC)). The buildings will incorporate energy-efficient heating, ventilation and air conditioning (HVAC) systems that exceeding Building Code requirements. The project will also include low lighting power density, and high efficiency hot water boilers.

The DEIR should provide a GHG analysis consistent with the EEA GHG Policy. It should calculate and compare GHG emissions from: 1) a Base Case corresponding to the current Massachusetts Building Code and 2) a Preferred Alternative that achieves greater reductions in energy use and GHG emissions than required by the Building Code. According to the ENF, the project will target a 15 percent reduction in energy use compared to the baseline Building Code. The GHG analysis should not be constrained by an energy reduction target, and should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which Damage to the Environment can be avoided, minimized and mitigated to the maximum extent feasible. The Proponent should identify the model used to analyze GHG emissions, clearly state modeling assumptions, explicitly note which GHG reduction measures have been modeled, and identify whether certain building design or operational GHG reduction measures will be mandated by the Proponent to future occupants or merely encouraged for adoption and implementation. The DEIR should include the modeling printout for each alternative and emission tables that compare base case emissions in tons per year (tpy) with the Preferred Alternative showing the anticipated reduction in tpy and percentage by emissions source (both direct and indirect). Other tables and graphs may also be included to convey the GHG emissions and potential reductions associated with various mitigation measures as necessary. The DEIR should provide the information and formatted tables requested in the Department of Energy Resources' (DOER) comment letter.

The project proposes to construct residential buildings, which are well-suited to Passive design strategies. As noted by DOER, the use of Passive design could reduce GHG emissions by approximately 30 percent and result in considerable cost-savings for residents.

The DEIR should present an evaluation of mitigation measures identified in the GHG Policy Appendix. In particular, the feasibility of each of the mitigation measures outlined below should be assessed for each of the major project elements, and if feasible, GHG emissions reduction potential associated with major mitigation elements should be evaluated to assess the relative benefits of each measure. The DEIR should explain, in reasonable detail, why certain measures, which could provide significant GHG reductions, were not selected – either because it is not applicable to the project or is considered technically or financially infeasible. At a minimum, the DEIR should assess the feasibility of the following mitigation measures:

- Maintaining window-to-wall ratios consistent with the Building Code to minimize energy loss through windows;
- Passive design for the residential buildings;
- Use of high-albedo roofing materials;
- Reduce energy use through peak shaving or load shifting strategies;
- Incorporate lighting motion sensors, climate control and building energy management systems;
- Install energy efficient LED lighting, both exterior and interior; and
- Consider the development of a “green lease” program whereby tenants agree to pay the landlord recovery costs for energy efficiency improvements based on predicted cost savings to the tenant.

The DEIR should analyze the potential for on-site energy generation by rooftop solar PV and Combined Heat and Power (CHP) systems and document the expected energy savings and reduction in GHG emissions from each generating technology. According to the ENF, the Proponent will also evaluate the use of wind turbine generators, transpired solar collectors and solar thermal. The analysis of potential on-site energy generation should address DOER’s comments.

The solar feasibility analysis should consider solar PV for both a first-party and a third-party ownership structure. The analysis should:

- Estimate available roof area (excluding areas dedicated for mechanical equipment) or ground space for solar panel installation;
- State the assumed panel efficiency;
- Estimate electrical output of the potential system; and
- Estimate and compare annual GHG reductions to use of natural gas.

The analysis should include a narrative and data to support the Proponent’s adoption (or dismissal) of solar PV systems as a feasible measure to avoid, minimize or mitigate project-related GHG emissions and Damage to the Environment. If solar PV is not feasible at this time, the Proponent should commit to constructing the buildings with “solar-ready” roofs.

### *Mobile sources*

The GHG analysis should include an evaluation of potential GHG emissions from mobile emissions sources. The DEIR should follow the guidance provided in the GHG Policy for *Indirect Emissions from Transportation* to determine mobile emissions for Existing Conditions, Build Conditions, and Build Conditions with Mitigation. The Proponent should thoroughly explore means to improve traffic operations and minimize overall single occupancy vehicle trips. Improvements in traffic operations that minimize idling time can minimize overall project-related mobile source emissions. The DEIR should also review measures to promote the use of low-emissions vehicles, including installing EV charging stations and providing designated parking spaces for these vehicles. The Build with Mitigation model should incorporate roadway improvements, TDM measures, and any other transportation mitigation to be implemented by the Proponent.

### *Mitigation*

The DEIR should include a commitment to provide a self-certification to the MEPA Office at the completion of the project. It should be signed by an appropriate professional (e.g. engineer, architect, transportation planner, general contractor) indicating that all of the GHG mitigation measures, or equivalent measures that are designed to collectively achieve identified reductions in stationary source GHG emission and transportation-related measures, have been incorporated into the project.

### Hazardous Waste

The ENF documented a release of oil and/or hazardous materials regulated under M.G.L. chapter 21E, the Massachusetts Contingency Plan (MCP). The release is associated with a former underground storage tank (UST) containing fuel. The release was assigned Release Tracking Number (RTN) 3-12654 by MassDEP in 1995 and consists of petroleum hydrocarbons, petroleum-related constituents and non-aqueous phase liquid (NAPL). Groundwater testing has indicated that the contaminants of concern associated with the release are below the applicable MCP risk characterization standards.

According to MassDEP, historical site uses could have resulted in releases of heavy metals and other contaminants in the soil and sediment. The DEIR should describe any additional assessment and/or treatment of the MCP release that will facilitate regulatory closure under the MCP. It should describe any additional assessment of soils, sediment and groundwater that will be conducted prior to construction and potential measures to remove, treat and/or dispose of contaminated material. It should address any implications to land uses.

### Water and Wastewater

The project will generate 30,752 gpd of wastewater and consume 27,956 gpd of water. The site is supplied with water via a 12-inch water main in Ericsson Street. Wastewater from the site will be directed to the BWSC 12-inch diameter sewer main in Ericsson Street. The site is served by separate sanitary sewers and storm drains maintained by the BWSC. The BWSC system carries sanitary flow from this area to the MWRA's Columbus Park Headworks for transport to the Deer Island Treatment Plant. According to the MWRA, infiltration and inflow

(I/I) into the sanitary system, along with flows from combined systems may, in large storms, contribute to flooding in Dorchester and combined sewer overflows (CSO) into Fort Point Channel and the MWRA's South Boston CSO Storage Tunnel.

The project will be required to mitigate its contribution of flow into the BWSC sanitary system. MassDEP regulations at 314 CMR 12.04(2)(d) specify that communities with combined sewer overflows (CSOs), such as Boston, must require projects generating 15,000 gpd or more of new wastewater flow to remove four gallons of infiltration and inflow (I/I) for each gallon of wastewater. According to the ENF, the Proponent will make a monetary contribution to the BWSC's I/I Reduction Mitigation Account to mitigate the impacts of the project on the sewer system. As noted by the MWRA, groundwater discharges into the sanitary system are prohibited. The DEIR should indicate whether the project will require a discharge permit from the MWRA's Toxic Reduction and Control (TRAC) Department for a laundry facility at the proposed hotel.

Comments from Port Norfolk residents express concern that the project will overtax the water and sewer infrastructure serving the neighborhood. The DEIR should include updated water use and wastewater generation estimates. It should evaluate the capacity of the existing BWSC water supply system under average and peak flow conditions. The DEIR should include information and plans describing the existing and proposed water and wastewater systems on site and in the BWSC system. The DEIR should describe the location and size of infrastructure, connections to the BWSC water and sewer systems, and the path and ultimate disposal of wastewater from the site. The DEIR should identify and describe water conservation measures that will be incorporated into design and operations. At a minimum, the DEIR should review the feasibility of installing low-flow fixtures and using rainwater or gray water for irrigation and other purposes.

### Solid Waste

The DEIR should characterize the solid waste expected to be generated by the project. In 2014, Massachusetts banned the disposal of commercial organic wastes by businesses and institutions that generate a ton or more of organic materials per week. Business subject to the ban must use composting, conversion (such as anaerobic digestion), recycling or reuse of organic waste. The DEIR should indicate whether any proposed uses may be subject to the waste ban and how it may dispose of its organic waste.

The DEIR should describe measures to reduce and recycle organic and other wastes through waste diversion and recycling programs. As noted by MassDEP, incorporating the design, infrastructure, and contractual components of the project's solid waste facilities at this stage will help ensure the success of future waste reduction and recycling efforts. The Proponent should refer to MassDEP's comment letter for additional information and links to web sites providing technical assistance.

### Construction Period

The DEIR should provide drafts of the Construction Management Plan (CMP) and Transportation Access Plan Agreement (TAPA). It should identify the schedule for construction of various elements and phases. It should identify construction-period impacts and mitigation relative to noise, air quality, water quality, and traffic, including pedestrians and bicyclists. The

DEIR should document any contaminated soil or groundwater regulated under the MCP and describe construction-period remediation and mitigation measures if necessary. The DEIR should confirm that the project will require its construction contractors to use Ultra Low Sulfur Diesel fuel, and discuss the use of after-engine emissions controls, such as oxidation catalysts or diesel particulate filters. More information regarding construction-period diesel emission mitigation may be found on MassDEP's web site at <http://www.mass.gov/dep/air/diesel/connetro.pdf>.

The DEIR should provide more information regarding the project's generation, handling, recycling, and disposal of construction and demolition debris (C&D) and identify measures to reduce solid waste generated by the project. The Proponent has committed to recycle or reuse at least 75 percent of the C&D material. Demolition of any structures must comply with the MassDEP Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. These regulations require a pre-demolition and post-abatement surveys and inspections by a licensed asbestos monitor. The Proponent should consult the MassDEP comment letter with regard to regulatory requirements and potential mitigation measures for the removal, handling, and disposal of asbestos containing material (ACM) and other demolition debris during the construction period. The Proponent is reminded that any contaminated material encountered during construction must be managed in accordance with the MCP and with prior notification to MassDEP.

The DEIR should describe potential construction period dewatering requirements, discuss how dewatering will be conducted in a manner consistent with MWRA, MassDEP and/or BWSC regulations/guidelines, and identify any necessary permits. The DEIR should describe appropriate erosion and sedimentation control BMPs. I encourage the Proponent to adopt erosion and sedimentation controls consistent with a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the NPDES Construction General Permit requirements.

#### Mitigation and Draft Section 61 Findings

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each permit to be issued by State Agencies. The DEIR should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and a schedule for implementation. The DEIR should clearly indicate which mitigation measures will be constructed or implemented based upon project phasing, either tying mitigation commitments to overall project square footage/phase or environmental impact thresholds, to ensure that measures are in place to mitigate the anticipated impact associated with each development phase.

#### Responses to Comments

The DEIR 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 DEIR should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive is not intended to, and shall not be construed to, enlarge the Scope of the DEIR beyond what has been expressly identified in this certificate.

Circulation

The Proponent should circulate the DEIR to those parties who commented on the ENF, 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. Per 301 CMR 11.16(5), the Proponent may circulate copies of the EIR to commenters in CD-ROM format or by directing commenters to a project website address. However, the Proponent must make a reasonable number of hard copies available to accommodate those without convenient access to a computer and distribute these upon request on a first-come, first-served basis. The Proponent should send correspondence accompanying the CD-ROM or website address indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. The DEIR submitted to the MEPA office should include a digital copy of the complete document. A copy of the DEIR should be made available for review at the Boston Public Library (BPL) and the Dorchester branch of the BPL.


August 25, 2017

Date

Matthew A. Beaton

## Comments received:

07/20/2017	Board of Underwater Archaeological Resources (BUAR)
07/24/2017	John Lyons
07/30/2017	Frank Kodzis
08/01/2017	Massachusetts Department of Environmental Protection (MassDEP)/ Northeast Regional Office (NERO)
08/01/2017	Massachusetts Water Resources Authority (MWRA)
08/09/2017	Boguslaw Bialek
08/09/2017	Jolanta Bialek
08/09/2017	Freda Nolan
08/09/2017	Shari Winick
08/09/2017	Naomi Frye
08/09/2017	Helen O'Connor
08/09/2017	W. John Rudicus
08/09/2017	Freda Manning
08/09/2017	Massachusetts Department of Environmental Protection (MassDEP)/Waterways Regulation Program (WRP)
08/10/2017	WalkBoston
08/10/2017	Boston Water and Sewer Commission (BWSC)
08/13/2017	Maria Lyons
08/14/2017	Paul Nutting
08/14/2017	Jason Berry
08/14/2017	Ellen Spring
08/14/2017	Susan Roche

08/14/2017 Emy Thomas  
08/14/2017 Joseph McDermott  
08/15/2017 Port Norfolk Civic Association  
08/15/2017 Daniel Roche  
08/15/2017 Massachusetts Office of Coastal Zone Management (CZM)  
08/15/2017 Edward Roche  
08/15/2017 Boston Planning and Development Agency (BPDA)  
08/15/2017 Conservation Law Foundation  
08/15/2017 Boston Harbor Now  
08/15/2017 Neponset River Watershed Association  
08/15/2017 Department of Conservation and Recreation (DCR)  
08/16/2017 Department of Energy Resources (DOER)  
08/18/2017 Division of Marine Fisheries (DMF)

MAB/AJS/ajs

Matthew A.  
Beaton

August 9, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strycky, EEA No15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

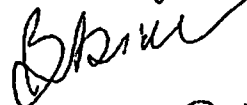
E-mail MEPA: Alex Strycky: [alexander.strycky@state.ma.us](mailto:alexander.strycky@state.ma.us)

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf project for the following reasons:

The project will overwhelm the Port Norfolk Neighborhood & Dorchester waterfront & change character of quite Seaside neighborhood to overhyped destination. Will also double existing population, straining infrastructure & utilities. It will harm Neponset River area of Critical Environmental Concern (ACEC).

Thank you,



Boguslaw Bialek

182 Walnut St.

Dorchester, MA 02122

RECEIVED  
AUG 16 2017  
MEPA



August 14<sup>th</sup> 2017

Secretary of Energy and Environmental Affairs  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Alex Strysky, EEA No. 15728, Neponset Wharf Project  
100 Cambridge Street, Suite 900  
Boston MA 02114  
Email MEPA - [alexander.strytsky@state.ma.us](mailto:alexander.strytsky@state.ma.us)

This letter is in response to the Environmental Filing (EEA No. 15728) for the Neponset Wharf Project at 24 Ericsson Street by City Point Capital. My name is Jason Berry. I am a homeowner in the Port Norfolk neighborhood, 67 Lawley Street. I am on the IAG for this project and attended the MEPA information meeting.

I am strongly opposed to the Neponset Wharf Project in its current form. The size and scope of this project is unsuitable for the site and will cause significant harm to the neighborhood and the Neponset River Estuary, an Area of Critical Environment Concern (ACEC).

## **Dredging**

The application indicates the project includes maintenance dredging and improvement dredging is not anticipated (Wetlands, Waterways and Tidelands Section > Part III, G Does the Project Include Dredging). I believe more attention should be given to the dredging license, the extent of dredging and the distinction between improvement and maintenance. The possibility of any improvement dredging in a prohibited ACEC area should not exist.

The application indicates it is in an intertidal area and as such is required to evaluate approaches and practical steps for avoidance when possible and minimization if avoidance is not possible. The project in its current form aggressively expands the scope of the marina. There is a functioning marina currently on the site. The most practical approach for avoidance/minimization would be to keep marina operations consistent with the current scale which can be accomplished without dredging.

The application indicates that it does not impact "Other resource areas (i.e. shellfish beds)" despite the fact that "substantial soft-shell clam beds are located at the mouth of the river" [reference 1]. I believe this answer should be revised.

The Neponset River Watershed suffers from "Legacy toxins (i.e., PCB-laced soil and groundwater from a former industrial property leaches toxins into the river)" [reference 2]. The application provides no physical and chemical data of the sediment and answers "no" to all sediment characterization questions. I believe these items should be required given the legacy toxins in the watershed.

The project in its current form should check both improvement and maintenance dredging until these items are resolved.

Reference 1 - <http://www.mass.gov/eea/agencies/dcr/conservation/ecology-acec/neponset-river-estuary.html>

Reference 2 - <https://www.neponset.org/your-watershed/issues/>

## **Height**

The size of the proposed structures will have an adverse effect on the surrounding ecosystem and will decrease the quality of the Tenean beach experience.

The height will add shade to Pine Neck Creek and Tenean Beach. The shaded area will change water temperatures impacting wide life and vegetation. The size of the structures will impact an area heavily populated with birds.

The increased height will make the beach less desirable for visitors given the reduced sunlight, obstructed views and decreased ocean breezes.

## **Fence Removal and Bridge**

The project calls for the removal of the in-water Tenean beach wave fence. Increased wave action from the removal of the fence could cause erosion issues at Tenean Beach and should be studied.

The proposed foot bridge between the site and Tenean beach will be placed over Pine Neck Creek. The creek ecosystem has improved over the years and will be set back by this unnecessary structure.

## **Other Issues**

The following issues are of significant concern, have environment impact and should be considered as part of the MEPA application:

- Density – neighborhood can't handle proposed density
- Traffic – neighborhood can't handle increased traffic
- Sewage – already problematic sewage system can't handle increase
- Construction – neighborhood has old infrastructure, can't handle construction
- Design – incompatible with Port Norfolk neighborhood.

Please call (617-982-3768) or email ([jberry@itfoots.com](mailto:jberry@itfoots.com)) with any questions. I can be reached via mail at 67 Lawley Street, Dorchester MA 02122.

Thank you,  
Jason Berry



Are you on board?

15 State Street, Suite 1100  
Boston, MA 02109  
617.223.8671  
[bostonharbornow.org](http://bostonharbornow.org)

August 15, 2017

Via email to: [Alexander.Strysky@ma.us.gov](mailto:Alexander.Strysky@ma.us.gov)

Secretary Matthew Beaton  
Executive Office of Energy and Environmental Affairs (EEA)  
100 Cambridge Street, Ste 900  
Boston, MA 02114

Attn: MEPA Office: Alex Strysky, EEA# 15728

Re: Neponset Wharf, 24 Ericsson Street, Environmental Notification Form, EEA# 15728

Dear Secretary Beaton,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the MEPA Environmental Notification Form (ENF) for the Neponset Wharf project, submitted by City Point Capital on June 30, 2017.

After reviewing the ENF and attending the July 24, 2017 MEPA site visit, we ask that the proponent be required to submit a Draft Environmental Impact Report (DEIR) to address the following:

- The extent and type of dredging proposed within the Neponset River Estuary ACEC,
- Potential impacts to public access and open space,
- Site accessibility and traffic related impacts to the neighboring community,
- Impacts related to construction activities, and
- Proposed climate resiliency strategies.

#### **Project Description**

As presented in the Environmental Notification Form the proposal is for the construction of a new, mixed-used development project in the Port Norfolk neighborhood of Dorchester. The entire site is approximately 7.6 acres and is comprised of both land and watersheet areas. The Neponset Wharf project will include:

- A renovated 75-vessel marina with new reconfigured docks and piers,

- Maintenance dredging of the area near the marina,
- 185 new parking spaces and 152 bike storage spots
- The addition of 150 new condominium units,
- A 25-room seasonal hotel,
- A 4,000 SF restaurant/café, and
- Two acres of landscaped outdoor space.

#### **Area of Critical Environmental Concern**

The Neponset Wharf project falls squarely within the boundary of the Neponset River Estuary ACEC. Designated in 1995 by the Massachusetts Secretary of Environmental Affairs, the 1,300-acre Neponset River Estuary is a Massachusetts Area of Critical Environmental Concern (ACEC). (Neponset River Estuary Area of Critical Environmental Concern Resource Management Plan, 11). The ACEC begins at the Lower Mills Dam in Dorchester and extends to the mouth of the river at Commercial Point in Boston and Squantum Point in Quincy. These designated areas are places that receive special recognition because of the significance of their natural and cultural resources. Projects located within an ACEC and subject to MEPA jurisdiction require closer scrutiny than projects located outside of ACECs.

As one of the nonprofits named in the 1996 Neponset River Estuary ACEC RMP and responsible for advancing the long-term objectives of the ACEC designation, Boston Harbor Now is particularly interested in understanding how the proposed mixed-use project and dredging will affect the resource area. (Neponset ACEC RMP, 16-21).

#### ***Dredging within the ACEC***

According to the proponents, renovations to the existing marina will require some dredging. Section 8.3 of the ENF refers to the 1911 Harbor and Land Commissioners License as the original authorization for dredging of the marina. To date, the original license plans cannot be found in the registry of deeds or DEP records.

We ask that the DEIR address the following items related to the proposed dredging:

- The relevancy of a 100+ year old dredging license and the existing ACEC Resource Management Plan
- Whether the proposed dredging is for improvement or maintenance purposes
- Impacts to marine habitat and resource areas resulting from the proposed dredging activities.

Section 1.1.1 and Figure 8.1 of the ENF address the ACEC designation. As presented in the ENF, the project will “embrace” the heightened ACEC performance standards. We are glad to see the proponent’s acknowledgement and commitment to complying with the ACEC standard. The DEIR should include additional details to address compliance and how the project proposes to meet or exceed this obligation.

#### **Open Space and Public Realm**

As presented in the ENF, the proposal will create nearly 2 acres of landscaped outdoor space that includes:

- A 28,000 SF Harborwalk,

- A public fishing pier,
- A kayak launch and storage,
- Public restrooms,
- The Shore Shack refreshment stand,
- A marina support building, and
- A pedestrian bridge across Pine Neck Creek (possibly)

The combination of open lawn, public seating, pet areas, fitness station, art installations and dedicated gathering areas has the potential to provide multi-use functionality of the area. We are encouraged by the addition of a new section of the Harborwalk and look forward to reviewing additional details of proposed amenities, signage, and public programming.

The ENF proposal includes several renderings of proposed public access to the project site (Figures 2.7-2.9). The DEIR should clearly distinguish areas of the wharf and open green space that are open to the public from those that are reserved for private use. The Public Realm improvements will play an important role in ensuring the open space areas are fully activated and create a welcoming waterfront experience for residents, neighbors, and visitors. Part of the success includes maintaining adequate signage at appropriate locations to advise the public of its access rights and disclose access-related regulations.

The DEIR should also include details of the proposed watersheet and water's edge activation as an integral part of the transient public's experience of the overall project site. The proponent should consider programming and public amenities that will encourage the public's use and enjoyment of the waterfront on a year-round basis.

We note that during the MEPA site visit, the community expressed concern over some of the proposed public amenities. Specifically, the kayak storage area, dog park, and pedestrian bridge to Tenean Beach. We encourage the proponent to work with the local community to develop a public realm improvement plan that includes amenities that fit within the character of this area of the waterfront and adjacent neighborhood.

#### **Transportation**

Accessibility to the site should be a key focus of the DEIR. As presented in the ENF, the project is located on the northern edge of the Port Norfolk peninsula. The site has limited vehicular access, is not readily accessible by train, and is serviced by only two MBTA bus routes. The bus routes are located at Neponset Circle, about half a mile from the site.

We are strongly in favor a detailed traffic analysis of existing traffic concerns in Port Norfolk and adjacent areas as part of the DEIR. Without the proper improvements, additional daily trips will put pressure on an already strained system. Section 5.3 of the ENF includes a summary of daily trips anticipated for the project. The summary includes vehicular trips generated by condominium, hotel, and retail/restaurant users. The DEIR transportation analysis should also include trips generated by the general public's use of the new landscaped outdoor spaces.

Despite its waterfront location, the mitigation efforts described in Section 5.7 might be best focused on land-based transportation accommodations that 1) serve a wider group of riders over a greater geographic area and is 2) a more cost-effective option than a water taxi.

**Construction Impacts**

We ask that best practices be implemented to minimize construction impacts to the nearby community. Depending on the anticipated construction activities, increased traffic is likely both in size and frequency of vehicles entering and leaving the area. We expect that delivery of construction materials will also affect the number of trucks traveling through the surrounding community. In addition to providing a construction management plan, we ask that the proponent consider a comprehensive traffic plan to minimize traffic flow interference from construction activities (e.g. advanced public notice of road closures, alternate routes, and shifting operations affecting traffic to off-peak hours).

**Climate Resilient Design**

As completed by the proponent, the Boston Climate Change Resiliency and Preparedness Checklist, confirms the project site is within the FEMA "100-year" Flood Zone VE and AE with a Boston City Base (BCB) site elevation ranging from 14-18.8 feet.

As presented in ENF, possible measures to address future flooding on the site include elevating the ground floor and moving critical infrastructure above the floodplain. However, Page 7 of the BPDA Climate Checklist indicates that specific flood protection measures have not been considered for the site.

As part of its resiliency strategy, the waterfront portion of Building B will be raised on pilings – resembling a building on stilts and a design more typical of beach homes. The space underneath the pilings will open up view corridors and create a covered terrace that is accessible to the public. This is a building typology that is new to Boston Harbor. We applaud the proponent for incorporating this innovative design in their project proposal.

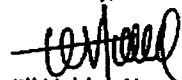
We look forward to reviewing the DEIR and additional details of the proponent's climate resiliency strategy to limit storm damage, minimize wave action, and protect inland resource areas.

**Community Engagement**

Over a dozen members of the Port Norfolk community attended the July 24, 2017, MEPA site visit. Although the community expressed concerns about the proposed development, many expressed a willingness to consider a smaller scale redevelopment project that benefits the community and improves the existing conditions of the site. To ensure the community is heard throughout the planning process, we encourage the proponent to consider additional ways to engage interested neighbors and stakeholders as the project moves forward.

Thank you for your consideration of our comments.

Sincerely,



Jill Valdes Horwood  
Director of Policy



August 15, 2017

Secretary of Energy and Environmental Affairs  
Executive Office of Energy and Environmental Affairs  
ATTN: MEPA Office  
Mr. Alex Strysky, EEA #15728  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: Environmental Notification Form/Project Notification Form, EEA #15728  
Neponset Wharf, 24 Ericsson Street, Boston

Dear Mr. Strysky,

Waterfront Planning staff of the Boston Planning & Development Agency (BPDA) have received and reviewed the Environmental Notification Form (ENF)/Project Notification Form (PNF) for Neponset Wharf (the "Project") at 24 Ericsson Street in Port Norfolk, Dorchester, Boston (the "Project Site"). The Project, proposed by CPC Ericsson Street, LLC (the "Proponent") comprises 307,000 SF of new development in three mixed-use buildings and a boathouse; the reconfiguration of docks and piers for the existing marina; and approximately two acres of open space. Portions of the site are within the Neponset River Estuary Area of Critical Environmental Concern (the "ACEC") and seaward of the historic high water mark; as a result, these portions are subject to the ACEC Resource Management Plan and the state's Waterways regulations, respectively. In addition, the entire site is located within the 100-year floodplain in various zones and elevations.

Because of its impacts, the Project is required to file both a Draft Environmental Impact Report (DEIR) and Draft Project Impact Report (DPIR). The DEIR/DPIR should include additional information on the elevations of the landscaped open spaces and how these areas may function as both recreational space and a flood protection system not only for the Project, but also for the Port Norfolk neighborhood; more details on the proposed Tidal Garden; clarifications on the marina components, including heights of pilings, accessibility, and the functionality of the new wave/wind attenuator, especially as compared to the existing one; and an exploration of the feasibility of water transportation from the Project site. We strongly encourage the Proponent to identify and pursue additional measures to achieve a higher LEED rating. Finally, a Resiliency Checklist for each structure, instead of one for the entire Project, is required by the BPDA.



**boston planning &  
development agency**

We look forward to reviewing the DEIR/DPIR upon filing. As always, we appreciate the opportunity to comment and for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. McGuinness'.

Richard McGuinness

Deputy Director for Climate Change and Environmental Planning

cc: Tim Czerwienski, Project Manager, BPDA  
Lisa Berry Engler, Boston Harbor Regional Coordinator, Coastal Zone Management





The COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
Tel. (617) 626-1200 Fax (617) 626-1240 Web Site: [www.mass.gov/czm/buar/index.htm](http://www.mass.gov/czm/buar/index.htm)

July 20, 2017

RECEIVED

JUL 28 2017

MEPA

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

RE: Neponset Wharf, 24 Ericsson Street, Neponset River, Boston (EEA #15728)

Dear Secretary Beaton,

The staff of the Massachusetts Board of Underwater Archaeological Resources has reviewed the above referenced project's ENF (#15728) and supporting materials submitted by VBH, Inc., on behalf of CPC Ericsson Street LLC. We offer the following comments.

The Board has conducted a preliminary review of its files and secondary literature sources to identify known and potential submerged cultural resources in the proposed project area. No record of any underwater archaeological resources was found. Based on the results of this review, the Board expects that this project is unlikely to impact submerged cultural resources.

However, should heretofore-unknown submerged cultural resources be encountered during the course of the project, the Board expects that the project's sponsor will take steps to limit adverse affects and notify the Board, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments as part of the review process. Should you have any questions regarding this letter, please do not hesitate to contact me at the address above, by email at [victor.mastone@state.ma.us](mailto:victor.mastone@state.ma.us), or by telephone at (617) 626-1141.

Sincerely,

A handwritten signature in dark ink, appearing to read "V. Mastone".

Victor T. Mastone  
Director

/vtm

**Boston Water and  
Sewer Commission**

980 Harrison Avenue  
Boston, MA 02119-2540  
617-989-7000

August 10, 2017

Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Alex Strycky, EEA No. 15728  
100 Cambridge Street, Suite 900  
Boston, MA 02114

and

Tim Czerwinski  
Project Manager  
Boston Planning and Development Agency  
One City Hall Square  
Boston, MA 02201

Re: Neponset Wharf  
Environmental Notification Form/Project Notification Form

Dear Secretary Beaton and Mr. Czerwinski:

The Boston Water and Sewer Commission (Commission) has reviewed the Environmental Notification Form (ENF) and the Project Notification Form (PNF) for the proposed Neponset Wharf project located at 24 Ericsson Street in the Port Norfolk neighborhood of Boston.

The proposed project is located on an approximately 7.6 acre site along the Neponset River and Pine Neck Creek at the northernmost point of the Port Norfolk peninsula. The site currently contains a boat dealership, a marina, and supporting buildings. The project proponent, CPC Ericsson Street LLC, proposes to construct 307,000 square feet (sf) of floor area in four new buildings including a boathouse and three mixed-use buildings. The project includes the following:

- The existing marina will be reconfigured and maintenance dredging will occur, as needed.
- The existing landside storage and services areas will be consolidated from 71,300 sf to 23,000 sf.
- Three new mixed use buildings will contain 150 condominium units, 185 parking spaces, a 25-room hotel and a restaurant/café.
- An existing paved area will be replaced with approximately 2 acres of new landscaped open space, including approximately 28,000 sf of publicly accessible Harborwalk, a fishing pier, a kayak launching area, restrooms, a refreshment stand, and a support building.



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AUG 10 2017

MEPA



The site is bounded to the north by the Neponset River, to the east by the Venezia, to the south by existing buildings and to the west by the Pine Neck Creek.

According to the ENF/PNF, the proposed water demand is 30,752 gallons per day (gpd). The Commission owns and maintains a 12-inch Southern High water main in Ericsson Street.

According to the ENF/PNF, the proposed sewage generation is 27,956 gpd. For sewage and storm drainage service, the site is served by a 12-inch sanitary sewer and a 12-inch storm drain in Ericsson Street.

The Commission has the following comments regarding the proposed project:

#### General

1. Prior to demolition of any buildings, all water, sewer and storm drain connections to the buildings must be cut and capped at the main pipe in accordance with the Commission's requirements. The proponent must then complete a Termination Verification Approval Form for a Demolition Permit, available from the Commission and submit the completed form to the City of Boston's Inspectional Services Department before a demolition permit will be issued.
2. All new or relocated water mains, sewers and storm drains must be designed and constructed at CPC Ericsson Street LLC's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use Regulations, and Requirements for Site Plans. To assure compliance with the Commission's requirements, the proponent must submit a site plan and a General Service Application to the Commission's Engineering Customer Service Department for review and approval when the design of the new water and wastewater systems and the proposed service connections to those systems are 50 percent complete. The site plan should include the locations of new, relocated and existing water mains, sewers and drains which serve the site, proposed service connections as well as water meter locations.
3. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority and its member communities, is implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/inflow (I/I)) in the system. In April of 2014, the Massachusetts DEP promulgated new regulations regarding wastewater. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (I/I) for each new gallon



of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission supports the policy, and will require proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.

4. The design of the project should comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes greenscapes, such as trees, shrubs, grasses and other landscape plantings, as well as rain gardens and vegetative swales, infiltration basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org/>
5. CPC Ericsson Street LLC should be aware that the US Environmental Protection Agency issued the Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, CPC Ericsson Street LLC will be required to apply for a RGP to cover these discharges.
6. It is CPC Ericsson Street LLC's responsibility to evaluate the capacity of the water, sewer and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, CPC Ericsson Street LLC must include a detailed capacity analysis for the water, sewer and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer and storm drainage systems.

#### Water

1. CPC Ericsson Street LLC must provide separate estimates of peak and continuous maximum water demand for residential, commercial, industrial, irrigation of landscaped areas, and air-conditioning make-up water for the project with the site plan. Estimates should be based on full-site build-out of the proposed project. CPC Ericsson Street LLC should also provide the methodology used to estimate water demand for the proposed project.
2. CPC Ericsson Street LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, CPC Ericsson Street LLC should consider outdoor landscaping which requires minimal use of water to maintain. If CPC Ericsson Street LLC plans to install in-ground



sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should be considered.

3. CPC Ericsson Street LLC is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. CPC Ericsson Street LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. If water service is to be provided to the proposed docks in the marina, CPC Ericsson Street LLC will be required to install cross connection control devices on the water service. CPC Ericsson Street LLC will also be required to install approved backflow prevention devices on the water services for fire protection, vehicle wash, mechanical and any irrigation systems. CPC Ericsson Street LLC is advised to consult with Mr. James Florentino, Manager of Engineering Code Enforcement, with regards to backflow prevention.
5. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, CPC Ericsson Street LLC should contact the Commission's Meter Department.

#### Sewage / Drainage

1. In conjunction with the Site Plan and the General Service Application CPC Ericsson Street LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
  - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
  - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control structures or treatment structures to be utilized during the construction.
  - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
2. Developers of projects involving disturbances of land of one acre or more will be required to obtain an NPDES General Permit for Construction from the Environmental



Protection Agency and the Massachusetts Department of Environmental Protection. CPC Ericsson Street LLC is responsible for determining if such a permit is required and for obtaining the permit. If such a permit is required, it is required that a copy of the permit and any pollution prevention plan prepared pursuant to the permit be provided to the Commission's Engineering Services Department, prior to the commencement of construction. The pollution prevention plan submitted pursuant to a NPDES Permit may be submitted in place of the pollution prevention plan required by the Commission provided the Plan addresses the same components identified in item 1 above.

3. The Commission encourages CPC Ericsson Street LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
4. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission. CPC Ericsson Street LLC is advised that the discharge of any dewatering drainage to the storm drainage system requires a Drainage Discharge Permit from the Commission. If the dewatering drainage is contaminated with petroleum products, CPC Ericsson Street LLC will be required to obtain a Remediation General Permit from the Environmental Protection Agency (EPA) for the discharge.
5. CPC Ericsson Street LLC must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof drains will be handled and the feasibility of retaining their stormwater discharge on-site. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
6. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, CPC Ericsson Street LLC will be required to meet MassDEP Stormwater Management Standards.
7. If pump-out stations are to be constructed for the new slips, the wastewater from the pump-out station must be discharged to a sanitary sewer. CPC Ericsson Street LLC is advised to consult with Mr. Phil Larocque, Site Plan Engineer, with regard to connecting the pump-out station to a sanitary sewer.
8. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.





9. The Commission requests that CPC Ericsson Street LLC install a permanent casting stating "Don't Dump: Drains to Boston Harbor" next to any catch basin created or modified as part of this project. CPC Ericsson Street LLC should contact the Commission's Operations Division for information regarding the purchase of the castings.
10. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission's Sewer Use Regulations. CPC Ericsson Street LLC is advised to consult with the Commission's Operations Department with regards to grease traps.
11. The enclosed floors of a parking garage must drain through oil separators into the sewer system in accordance with the Commission's Sewer Use Regulations. The Commission's Requirements for Site Plans, available by contacting the Engineering Services Department, include requirements for separators.
12. The Commission requires installation of particle separators on all new parking lots greater than 7,500 square feet in size. If it is determined that it is not possible to infiltrate all of the runoff from the new parking lot, the Commission will require the installation of a particle separator or a standard Type 5 catch basin with an outlet tee for the parking lot. Specifications for particle separators are provided in the Commission's requirements for Site Plans.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.  
Chief Engineer

JPS/afh

C: Ryan Sillery, CPC Ericsson Street LLC  
M. Connolly, MWRA via e-mail  
M. Zlody, BED via e-mail  
P. Larocque, BWSC via e-mail



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**August 15, 2017**

**Via email: [alexander.strysky@state.ma.us](mailto:alexander.strysky@state.ma.us)**

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

**Subject: Comments on Neponset Wharf Environmental Notification Form, EEA # 15728**

**Dear Secretary Beaton:**

**Thank you for the opportunity to comment on the Environmental Notification Form ("ENF") for the proposed Neponset Wharf project located at 24 Ericsson Street in Dorchester. Conservation Law Foundation ("CLF") looks forward to working with the proponent and your office to ensure that this project is environmentally sensitive and promotes a high standard of public access and benefit while also addressing the concerns and meeting the needs of the surrounding community.**

**CLF is generally supportive of waterfront redevelopment efforts especially when they target underutilized areas to provide public access and benefit. Safeguarding the public trust is a critical component of any waterfront project and the proponent's proclaimed commitment to providing meaningful public access on this site and promoting water-dependent activities is very encouraging. However, our comments underpin the need for clarity and detail in the proponent's subsequent filing to ensure that these criteria are being met. We look forward to reviewing the proponent's response to comments and receiving more details about the project in the Draft Environmental Impact Report (DEIR).**



### *Chapter 91-defined Open Space*

The ENF asserts that the project will be in compliance with the open space requirements of Chapter 91 and will exceed those requirements. However, the proponent consistently uses the terms "public open space" and "public outdoor space" interchangeably and does not provide an estimation of the amount of Chapter 91-defined open space that will be made available on the site. For the purposes of Chapter 91, open space does not include areas that are covered and not "open to sky". The proponent states that the 2-acre public open space/outdoor space will feature a continuous publicly accessible harborwalk; a public fishing pier; facilities for kayak launching and storage; public restrooms; a refreshment stand; and a marine support building. Among these listed uses, only the harborwalk, fishing pier, and kayak launch would be considered open space for the purposes of Chapter 91. By the proponent's calculations, the kayak storage shed, shore shack, and marina support building alone will comprise 2,500 SF of the 2-acre area described as being open space.

We request that the proponent provide a breakdown of the amount of Chapter 91-defined open space so that it can be assessed for compliance with the standards contained in 310 CMR 9.53 (b)(1). We also request that the proponent clearly distinguish between "open space" and "public outdoor space"/"public realm" in their subsequent filings.

### *Water-dependent Use Zone*

We are particularly concerned about the categorization of the shore shack as open space because it is a food/beverage service establishment. Not only should the shore shack be excluded from the open space calculation, it should be removed from the water-dependent use zone ("WDUZ"). There is ample room to locate the shore shack outside of the WDUZ and still adequately serve the public. The shore shack does not squarely fit into the definition of a water-dependent use under the regulations and more closely fits the restaurant category. 310 CMR 9.12 (f) states, "restaurants and other food/beverage service establishments are not considered water-dependent uses." Chapter 91 does not allow for nonwater-dependent structures to be located within the WDUZ. While the shore shack may serve a public purpose, it would set a dangerous precedent that could open the door for other developers to locate similar food/beverage facilities in the WDUZ.

We request that the proponent relocating the shore shack outside of the WDUZ and provide a map of the WDUZ overlaid with the proposed development and uses. Currently, only a stand-alone map of the WDUZ is provided.

### *Public Access & Site Configuration*

Generally, we are encouraged by the diversity of uses proposed for the public realm. In particular, a continuous harborwalk would be a tremendous asset to this area. However, we are concerned that the uses requiring a greater amount of hardscape and impervious surface are located around the outer edges of the site closest to the shoreline. We are also concerned that some of these uses, namely the dog park, will exacerbate existing pollution concerns by being located so close to surface waters. The current configuration is a missed opportunity to leverage green space for the purpose of flood protection and pollution control. By configuring the public realm in a way that prioritizes the location of green spaces along the outer edges, the proponent can more effectively buffer the site from flood waters and promote stormwater capture while also providing direct public access to the water. Public access to the water could be further enhanced through consideration of natural shoreline features. We request that the proponent assess the viability of features like living shorelines as an alternative to a structured shoreline. We understand that the location of the site in a velocity zone may create limitations but encourage the proponent to look to other developments that have recently prioritized natural features including the Clippership Wharf project in East Boston and the Wynn Casino project in Everett.

We are very interested in the idea of incorporating a tidal garden into the site design and request that the proponent provide more information on its design and function. We are also interested in the rationale for the tidal garden's location and have some concern that if located in the proposed area it could cut off continuous harborwalk access. Figure 2.9 of the proponent's ENF depicts pedestrian access on the harborwalk and demonstrates the missing link caused by the location of the tidal garden. We encourage the proponent to consider ways they can make the continuity of the harborwalk clear to visitors as well as ways to make the tidal garden an interactive space that provides the opportunity for the public to have close and direct contact with the shoreline and water.

Finally, we are supportive of the proponent's use of water-dependent facilities to encourage water-related activities on the site. The fishing pier is certainly a positive component to this project. However, because the proponent will be advertising this location as a fish pier and enabling fishing in this area, they should be required to post signage that alerts users to safety concerns and fish advisories. We encourage the proponent to work closely with the Department of Health on the appropriate signage.

### *Categorization of Buildings*

We are concerned by the inconsistencies in the proponent's description of the proposed buildings on the site; specifically, "Building C" and "Building D". The project massing in Figure 2.3 depicts Buildings C and D as one structure and indicates that Building C is comprised of solely of a boathouse and Building D is comprised of parking, residential,

amenity and restaurant space. The description of these buildings in Section 2.3 of the ENF states that Building C and D are two structurally independent but adjacent buildings. Section 2.3 describes the features of each building in a way that appears to be inconsistent with the visual in Figure 2.3. The table below summarizes the inconsistent descriptions of Building C and D in terms of structure and programming.

#### Inconsistent Descriptions of Building C and D

	Description in Figure 2.3	Description in Section 2.3.1
<b>Building C Features</b>	<ul style="list-style-type: none"> <li>- Boathouse</li> </ul>	<ul style="list-style-type: none"> <li>- Podium comprised of lobby, bike storage, and parking garage</li> <li>- Residential units</li> </ul>
<b>Building D Features</b>	<ul style="list-style-type: none"> <li>- Parking</li> <li>- Residential</li> <li>- Amenity</li> <li>- Restaurant</li> </ul>	<ul style="list-style-type: none"> <li>- Podium entirely taken up by boathouse</li> <li>- Restaurant café</li> </ul>

Beyond these inconsistencies, we are concerned that the framing of Building C and D are “structurally independent” is misleading. Ultimately, the building(s) are stacked and do not give the appearance of being separate structures. On its face, this appears to be a clever way for the proponent to avoid having Building C/D classified as a nonwater-dependent structure and thus avoid being subject to the applicable regulations. Specifically, this allows the proponent to ignore the shoreline setback requirements and the WDUZ requirements for nonwater-dependent structures. We are not oppose to the boathouse. In fact, we think the boathouse is a great component of this project. However, we would characterize this configuration as a predominately nonwater-dependent structure with a water-dependent facility of public accommodation on the ground floor.

A greater shoreline setback is desirable in this area not only for preservation of water-dependent uses but also for climate change purposes. It is unwise to encourage development so close to the shoreline in any waterfront development given the expected sea level rise, storm, and flood impacts, let alone a project in a floodplain and velocity zone.

We request that the proponent provide more detail on the rationale for characterizing Buildings C and D as separate structures. We also request that for purposes of regulatory compliance/consistency and climate resiliency the proponent consider increasing the setback of Building C/D from the shoreline and outside of the WDUZ.

### *Transportation*

CLF would like to echo the concerns of the community about accessibility to this site. Public transportation to this area is currently very limited and as such is unlikely to be a primary mode of transportation for visitors. We request that the proponent provide a more detailed analysis of the traffic implications associated with this project as well as how the proponent will encourage public access to the site given the existing transportation constraints.

First, it is unclear whether the proponent will be providing public parking spaces for use by the general public accessing this site and if so, how many. The proponent has also indicated they are considering a pedestrian connection between their site and Tenean Beach. While we are not necessarily opposed to this connection, the proponent should consider how it may affect the availability of parking for beach-goers if the beach is used as overflow parking for the site and propose ways to mitigate the issue.

Second, site users will have to travel through a densely populated neighborhood to access this site, generating many more daily trips than the area is accustomed to. The proponent should consider the viability of water transportation as an alternative mode of transportation for the site to help alleviate the number of vehicle trips. By providing appropriate water transportation infrastructure, the proponent could make this site more accessible, reduce landside traffic and congestion issues, and promote active public use of the watershed.

### *Proposed Dredging*

The proponent states that the site's license history and historic aerials indicate that dredging of the existing marina was authorized in 1911 but that the plan for this license is missing from the Department of Environmental Protection ("DEP") records and from the registry of deeds. 310 CMR 9.22 (2) further states that, "Maintenance dredging may occur for five years from the date of issuance of the license or permit or for such other term, **not exceeding ten years**, specified therein, provided that the written notice required pursuant to the Wetlands Protection Act (M.G.L. c. 131, § 40 and 310 CMR 10.00: Wetlands Protection) has been filed with the Conservation Commission and a copy has been sent to the Department (emphasis added)."

The proponent has indicated they are working with DEP and other agencies to confirm that the proposed dredging is consistent with the definition of maintenance dredging but does not indicate that they intend to seek a permit. Specifically, Table 1-2 of anticipated permits and approvals does not indicate any intent to seek a new permit for the proposed dredging. We request that the proponent clarify the process by which they will be approved to complete the dredging and provide details on the proposed dredging including the scope and scale of the project compared to the existing conditions and an

explanation of how it meets the Department's definition of maintenance dredging versus improvement dredging.

It is also worth noting that dredging on this site was allegedly authorized in 1911, well before the Neponset River Estuary was designated as an ACEC in 1995. This makes it all the more important that the proposed dredging is consistent with DEP's definition of maintenance dredging versus improvement dredging, which may not have been an explicit concern at the time the dredging was allegedly authorized. The proponent states that the Resource Management Plan ("RMP") for the ACEC acknowledges and endorses maintenance dredging activities but does not provide details on whether the RMP includes specific standards for maintenance dredging.

### *Climate Change*

We appreciate the proponent's recognition of climate change as an important consideration in the redevelopment of this site. In particular, we applaud the proponent for the creative design of "Building B", which is proposed to be constructed on pilings for sea level rise and resiliency purposes. However, we request that the proponent provide more detail on how climate change considerations will be woven into the decision-making for all aspects of the site including the public realm and critical infrastructure systems. For example, the proponent acknowledges that stormwater infrastructure should be designed to accommodate the expected increases in precipitation intensity but it is not clear whether the proponent has done so or plans to do so. The proponent has also proposed to remove the existing wave attenuator without much discussion of the implications of that decision. Similarly, the proponent has provided very little detail on the design and function of the tidal garden, which they state is a resiliency measure.

The proponent has discussed the proposed design elevation for the various buildings proposed on the site but has not addressed whether the site itself will be raised. The ENF states, "raised topography will help protect all site edge conditions", but no further details are provided. We request that the proponent more thoroughly analyze and describe how they will account for future climate impacts in the design and management of the site and how their on-site measures may or may not fit into broader climate resiliency plans for the surrounding area. This is especially important considering the location of the site in a floodplain and a velocity zone.

Summary of requests for DEIR:

- Calculation of open space (as defined by Chapter 91) and clear distinction from the area referred to as "public outdoor space"
- Consider relocating the shore shack outside of the WDUZ
- Provide a map of the WDUZ overlaid with the proposed development and uses
- Consider the viability of natural shoreline features
- Provide more information about the tidal garden including design, function, and rationale for location on the site
- Consider ways to reinforce continuity of the harborwalk including making the tidal garden more interactive for visitors
- Articulate plans for providing appropriate signage on the fishing pier to alert users to fish advisory and safety concerns
- Provide additional detail and rationale for the characterization of Buildings C and D as separate structures
- Consider increasing the setback of Building C/D from the shoreline and outside of the WDUZ
- More detailed transportation analysis including consideration of water transportation infrastructure and the need for public parking accommodation
- More detailed analysis and description of how climate change is being considered in all aspects of the project
- Provide details on the proposed dredging including the scope and scale of the project compared to the existing conditions and an explanation of how it meets the Department's definition of maintenance dredging versus improvement dredging.

Thank you for your consideration of these comments. Please contact me at [dmoran@clf.org](mailto:dmoran@clf.org) with any questions.

Sincerely,



Deanna Moran  
Director, Environmental Planning  
Conservation Law Foundation



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
(617) 626-1200 FAX: (617) 626-1240

## MEMORANDUM

TO: Matthew A. Beaton, Secretary, EEA  
ATTN: Alex Strysky, MEPA Unit  
FROM: Bruce Carlisle, Director, CZM  
DATE: August 15, 2017  
RE: EEA-15728, Neponset Wharf, Boston

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated May 24, 2017. According to the ENF, the project exceeds the threshold for a mandatory Environmental Impact Report (EIR) for a new non-water dependent use occupying one or more acres of tidelands. CZM recommends that the proponent address the issues identified below in the EIR.

### Project Description

With this ENF filing, CPC Ericsson Street, LLC proposes to construct a mixed-use development (residential, hotel, restaurant, boathouse, and parking) totaling 307,000 sf in four new buildings on a site which currently houses a 75-slip marina and related water-dependent uses. The project will require dredging to support renovations to the marina. Two acres of outdoor public space are proposed with this project including passive recreation areas, harbor walk, and a pedestrian connection to the state-owned Tenean Beach. The project is partially located within the Neponset River Estuary Area of Critical Environmental Concern (ACEC). The project is located within filled and flowed tidelands and proposes impacts to Coastal Bank and Land Subject to Coastal Storm Flowage.

### Project Comments

The ENF indicates that portions of the project site lie within the 100-year floodplain (A Zone elevations 11, 12, and 13 ft NAVD88 and Velocity Zone elevation 14 ft NAVD88). However, the ENF does not provide information regarding how the proposed project will intersect with these flood zones. The EIR should include figures depicting plan view and cross sections through the site which show the existing topography, any proposed fill, proposed building program (including permanent and seasonal structures, marina with piers, pedestrian bridge and recreational space), and proposed finish floor, with respect to existing MHW, the FEMA Base Flood Elevations (A and V) in NAVD88, and storm and sea level rise elevations. Additionally, the ENF does not provide detailed information regarding how climate change impacts including increased sea levels, storm intensity and frequency, and precipitation have been incorporated into the project design. The EIR should provide detailed information describing how the proposed project has been designed for projected sea levels for the area. It is important to consider these potential impacts over the life of the proposed development. The proponent should describe and use the anticipated lifespan of the proposed project as the basis for incorporating the projected increases in precipitation, coastal flooding, and storm events into the project design. The EIR should also include details on building design and other measures to avoid and mitigate risks from inundation and storm damage. The



EIR should also include an analysis of wave energy for the proposed project under existing and future conditions. If a structure such as a wave fence is required to dissipate wave energy for the proposed marina, or additional shore protection is needed due to the removal of the wave fence, impacts to adjacent areas, including resources such as Tenean Beach and salt marsh resources, should be fully evaluated.

Prior to filing the EIR, the proponent should consult with the Massachusetts Department of Conservation and Recreation's Flood Hazard Management Program regarding the proximity of the proposed project to the various flood zones and State Building Code requirements.

The EIR should evaluate how the proposed development will affect the ability of the floodplain to provide storm damage protection and flood control interests under the Massachusetts Wetlands Protection Act (WPA). The physical characteristics of the floodplain, such as topography, permeability, and vegetation are critical for determining how effective an area is in slowing down moving water and in protecting areas within and landward of these zones from storm damage and flooding. Areas of vegetated cover and pervious areas provide surfaces that can detail, absorb, slow or evaporate waters. Impervious surfaces, fill and solid structures may have the effect of channeling flood waters, which increases their velocity. Although there are no specific performance standards for this coastal resource area, it is a protected resource area and as part of the plan to redevelop this site, the EIR should evaluate alternative designs for the proposed project which will improve the ability of the floodplain to provide storm damage protection and flood control to landward areas. The EIR should also include a description of how the flow of water across the site will be changed by the proposed project, particularly as it relates to adjacent development and infrastructure.

As previously noted the project site includes areas of filled tidelands as well as flowed tidelands. As such, the project will need to comply with the regulatory standards of MassDEP's Waterways regulations. Additional information relating to work in areas within jurisdiction should be provided in the DEIR as outlined below.

- Detailed plan showing the existing (licensed) and proposed marina footprint
- Detailed plan showing the layout of the proposed marina (location, size and number of slips, piers, floats)
- Documentation relating to the previously licensed marina and location within the Neponset River Estuary Area of Critical Environmental Concern
- Discussion of proposed dredge area and depth and how this relates to the existing licensed dredge footprint

#### **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](http://www.state.ma.us/czm/fcr.htm).

BKC/bw/lbe



cc: Rich McGuiness, Chris Busch, Erik Hokenson, BPDA  
Mia Goldwasser, City of Boston Environment  
Ben Lynch, Rachel Freed, MassDEP



August 15, 2017

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

Re: EOEEA #15728 Neponset Wharf EENF

Dear Secretary Beaton:

The Department of Conservation and Recreation ("DCR" or "Department") is pleased to submit the following comments in response to the Expanded Environmental Notification Form ("EENF") submitted by CPC Ericsson Street LLC (the "Proponent") for its Neponset Wharf project (the "Project"). As stated in the EENF, the Project will both construct a mixed-use development consisting of 150 condominium units, a 25-unit hotel, a restaurant, and 185 parking spaces, and make improvements to an existing marina. The Proponent is also seeking to construct two acres of landscaped outdoor space, including a Harborwalk, public fishing pier, kayak launching and storage, public restrooms, and a small concession stand. The Project Site (the "Site") consists of 7.6 acres, 4 acres of which are watersheet at the marina, with the remaining 3.6 acres being developed land on an existing wharf. A new pedestrian bridge is proposed to be designed and constructed by the Proponent across a tidal creek to connect the Site to Tenean Beach.

DCR has care, custody, and control of the Tenean Beach facility, consisting of a swimming beach, a playground facility, tennis and basketball courts, and a parking lot with approximately 90 spaces. DCR also has care, custody, and control of a nearby bicycle/pedestrian path that connects public recreation spaces including Savin Hill Beach, Tenean Beach, Pope John Paul II Park, Senator John Finnegan Park, and the Neponset River Reservation. The Project is located in the Neponset River Estuary Area of Critical Environmental Concern ("ACEC"). DCR also has care, custody, and control of nearby Morrissey Boulevard, an arterial roadway that carries significant traffic volumes. The Project requires a mandatory Environmental Impact Report ("EIR").

DCR makes the following comments and suggestions regarding the EIR scope:

#### Article 97

The EENF states that the proposed pedestrian bridge connecting the Site to Tenean Beach, if permitted and constructed, would be transferred to DCR. DCR will accept ownership of the proposed bridge given the following conditions: the Proponent constructs and agrees to maintain the bridge, agrees to relocate and improve the Tenean Beach playground, constructs and maintains publically accessible restrooms. In the case that the Proponent does not accept these conditions and

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Matthew A. Beaton, Secretary, Executive  
Office of Energy & Environmental Affairs

Leo Roy, Commissioner  
Department of Conservation & Recreation

still chooses to include the bridge in the proposal, a permanent easement on DCR property will be required. DCR notes that a Construction and Access Permit will be required for any construction activities on DCR property, regardless of the ultimate ownership of a pedestrian bridge or other elements related to the Project.

DCR notes that transfer of interests in state conservation property, including the granting of an easement, must meet the requirements set forth in the Executive Office of Energy and Environmental Affairs ("EEA") Article 97 Land Disposition Policy, which has the stated goal of ensuring no net loss of Article 97 lands under the ownership and control of the Commonwealth. The policy states as a general premise that EEA and its agencies shall not sell, transfer or otherwise dispose of any right or interest in Article 97 lands. Transfer of ownership or interests therein may only occur under exceptional circumstances, as defined in the policy, including the determination that no feasible alternative is available, and a minimum amount of land is being disposed for the proposed use. Additionally, any disposition of Article 97 lands will require legislative authorization obtained by a 2/3 majority on a roll call vote. In its EIR, DCR requests that the Proponent state how it would meet the Article 97 Land Disposition Policy, in the event the Proponent retains ownership of the pedestrian bridge.

DCR notes the potential, if the pedestrian bridge is constructed, for depletion of available parking spaces at the DCR lot at Tenean Beach, if the 185 spaces provided on the Project site are not adequate for the intended residential, hotel / restaurant and recreation purposes. DCR requests that the Proponent, in its EIR, demonstrate how it will provide adequate parking on-site to prevent depletion of available public parking at Tenean Beach.

#### **Water Quality**

DCR notes that its beaches along this stretch of waterfront periodically encounter water quality issues. DCR requests that in its EIR, the Proponent evaluate the impact of its development program on water quality within the Tenean Beach area, by comparing pre- and post-development conditions and demonstrating compliance with the Massachusetts Stormwater Policy. DCR requests that in its EIR the Proponent map stormwater catchment areas, identify potential infiltration methods and structural improvements to stormwater infrastructure, and potential operation and maintenance plans including street sweeping.

#### **Flood Hazard Management**

As proposed, the Project involves activities within a 100-year floodplain as delineated on the current effective Flood Insurance Rate Map ("FIRM") for Suffolk County, dated March 16, 2016. DCR's Flood Hazard Management Program ("FHMP"), under agreement with the Federal Emergency Management Agency ("FEMA"), is the state coordinating agency for the National Flood Insurance Program ("NFIP"). As such, the FHMP provides technical assistance to communities that participate in the NFIP related directly to the program and also related to floodplain management in general. Communities that participate in the NFIP are required by FEMA, as a condition of their participation, to regulate development within the 100-year floodplain in a manner that meets or exceeds the minimum standards established by FEMA, located at 44 CFR 60.3. Participating communities such as Boston are required to adopt the NFIP requirements through locally enforceable measures. In Massachusetts, many of the requirements contained in 44 CFR 60.3 are enforced through existing state regulations such as the State Building Code (780 CMR) and Wetlands Protection Act regulations (310 CMR 10.00). Communities

typically adopt the remainder of the requirements as part of a zoning ordinance or other locally enforceable measure. Boston has a zoning bylaw that includes a Floodplain District section which has been accepted by FEMA as meeting their requirements under the NFIP.

In our role as NFIP coordinator, the FHMP offers comments on the proposed Project's relationship to many of the above regulations and requirements. The FHMP does not directly administer any of these requirements and therefore does not provide official determinations as to compliance with them; rather, our comments are provided as an overview of the requirements and the documentation necessary to demonstrate compliance with these requirements.

The Project includes construction of a new mixed-use development including four new buildings. Based on information submitted with the EENF, the structures are proposed to be located within the 100-year floodplain on the current effective FIRM, specifically a zone VE with a base flood elevation of 14 feet above North American Vertical Datum ("NAVD"), and zones AE with base flood elevations of 13 and 12 feet above NAVD. Because of its location in the 100-year floodplain, compliance with the requirements of several federal, state and local measures related to floodplain development is required. The Massachusetts State Building Code (780 CMR) Eighth Edition, includes specific standards for structures newly constructed or substantially improved in the floodplain.

Within VE zones, the State Building Code requires that the bottom of the lowest horizontal structural member of the lowest floor be two feet above the base flood elevation. The space below this is to be free of obstruction, with some exceptions. Further, only certain uses are permitted in spaces below the base flood elevation: building access, parking and storage. Plans included with the ENF show that buildings B and C-D (referred to alternatively as Buildings C and D or Building C/D) are located partly in the VE zone. Buildings that are located in more than one flood zone must be designed and constructed to meet the standards for the more restrictive of the zones. Architectural elevations and project renderings in the EENF suggest that the free-of-obstruction requirement is not met by this proposal for buildings B and C-D. Also, proposed uses for those buildings in Section 2.3 of the EENF do not appear consistent with uses allowed under the Building Code for enclosed space below the base flood elevation in V zones.

#### **Transportation**

The EENF indicates that four potential intersections under DCR jurisdiction will be evaluated in the EIR process: two unsignalized intersections at Walnut Street/Neponset Circle and Redfield Street/Neponset Circle, and two signalized intersections at Morrissey Boulevard/Conley Street and Morrissey Boulevard/Tenean Street. DCR supports the inclusion of these intersections in the EIR transportation analysis.

DCR is currently at the 25% design stage of a Morrissey Boulevard reconstruction project. The Morrissey Boulevard project seeks to improve flood control, street lighting, pedestrian and bicycle access, and includes significant proposed changes to Neponset Circle, the Morrissey Boulevard/Tenean Street intersection, and the Morrissey Boulevard/Conley Street intersection. DCR recommends that the Proponent coordinate with the Department during the design phase of the Morrissey Boulevard project.

Thank you for the opportunity to comment on the EENF. If you have questions regarding our comments relating to Article 97, please contact Jim Comeau at [james.comeau@state.ma.us](mailto:james.comeau@state.ma.us) or 617-626-1403. Water quality questions can be directed to Robert Lowell at [robert.lowell@state.ma.us](mailto:robert.lowell@state.ma.us) or 617-626-1340. Flood Hazard Management questions can be directed to Eric Carlson [eric.carlson@state.ma.us](mailto:eric.carlson@state.ma.us) or 617-626-1362. Transportation questions can be directed to Mark MacLean at [mark.macleam@state.ma.us](mailto:mark.macleam@state.ma.us) or 617-626-4923.

Sincerely,



Leo Roy  
Commissioner

cc: Patrice Kish, Rob Lowell, Norm Orrall (DCR)  
Ryan P. Sillery, CPC Ericsson Street LLC  
Seth Lattrell, VHB



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Lieutenant Governor

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Secretary

Martin Suuberg  
Commissioner

August 1, 2017

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

RE: Boston - Neponset Wharf  
24 Ericsson Street  
Boston, MA  
EEA #15728

Attn: MEPA Unit

Dear Secretary Beaton:

The Department of Environmental Protection Northeast Regional Office (MassDEP-NERO) has reviewed the Environmental Notification Form (ENF) submitted by VHB on behalf of CPC Ericsson Street LLC, to construct a mixed-use development known as Neponset Wharf. The project encompasses 7.6 acres in the Port Norfolk area of Dorchester. The proposed project is to construct three new buildings with 150 condominium units, a 25-room hotel, restaurant and 185 structured parking spaces. The project will also reserve over 50 percent of the site for public outdoor space. MassDEP provides the following comments.

### Wastewater

The ENF indicates that the proposed project will generate increased wastewater flows of 29,382 gallons per day (gpd). MassDEP regulations at 314 CMR 12.04(2)(d) require sewer authorities with permitted combined sewer overflows, including the Boston Water & Sewer Commission (BWSC), to require removal of four gallons of infiltration and inflow (I/I) for each gallon of new wastewater flow generated for any new connection to their system where greater than 15,000 gallons per day of new wastewater flows will be generated. Accordingly the proponent should meet with staff from BWSC to ensure that this mitigation requirement is met.

## **Hazardous Waste/MCP**

The previous site uses included: 1) From the late 1800's to 1908 the site and surrounding property was developed as a nail factory; 2) From the late 1920's – 1940's the site and vicinity was used as a shipyard, and both pleasure boats and military vessels were constructed; and 3) From the 1950's to the present the site included a variety of uses including a marina, shipbuilding and repair, the Port Alloy Foundry, Seaboard Salvage Corporation, Dorchester Ice Cream Company, and Arcway Welding Company.

Historical usage and storage of various petroleum products have resulted in releases of petroleum hydrocarbons to the subsurface soil and groundwater at the site, with non-aqueous phase liquid present in some areas. The release was first discovered in March 1981, when the U.S. Coast Guard issued a Notice of Responsibility to a previous owner of the property identified as Norwood Marine. Currently, the releases are collectively being managed under RTN 3-12654 which was assigned by MassDEP in 1995. The area impacted occupies the northeastern section of the subject site.

Remedial actions associated with RTN 3-12654 are being conducted under Phase V Remedy Operation Status (ROS). The ROS remedial actions consist of biannual analysis of groundwater within the release area as well as the injection of potassium permanganate as deemed necessary. The most recent status report is dated May 24, 2017 and was submitted by McPhail Associates on behalf of CPC Ericsson LLC. The Licensed Site Professional of Record is William Burns (LSP # 4381).

MassDEP has reviewed the history of site operations to determine the types of contamination that may be present, and compared these to release conditions investigated and reported to date at the site, to determine if the nature and extent of contamination was sufficiently evaluated. Although the ENF/PNF states that "Prior to construction, additional assessment will be performed to pre-characterize in-situ soils for off-site removal, and groundwater for potential off-site discharge, these plans have not yet been submitted. Based on historical site use, the supplemental environmental investigation plans should include the following elements:

- Historical site uses could have released heavy metals to surface and subsurface soils. Boat building and storage facilities often contain soils contaminated with copper, zinc, lead, mercury, cadmium, and tributyl tin. The site was permitted for use as a foundry and for metal melting including cobalt and nickel. Despite the likelihood of metals contamination at the site, surface soils and subsurface soils down to a depth of 6 feet have not been evaluated for the presence of metals contamination. The development plan for the property contains 2 acres of landscaped outdoor space. The potential presence of heavy metals contamination in soils on site, and associated environmental and human health risks, must be thoroughly evaluated.
- The property includes 4 acres of water sheet that encompasses the dock area. The assessment must include an evaluation surface water and sediment in this area to determine if it is part of the disposal site. An evaluation of "Local Conditions" must

also be completed to determine if any contamination that may be identified within the dock area is either consistent with conditions in the general area or is required to be remediated as part of the disposal site.

- As part of the renovation of the existing marina the ENF/PNF indicates that maintenance dredging will be performed. Based on historical site uses and the known presence of polychlorinated biphenyls (PCBs) in the sediments of the Neponset River Estuary, any dredged sediments should be evaluated for metals and PCBs as part of sediment characterization and management.

In addition, MassDEP has reviewed the development plans in relation to the access the project provides for people to fish and kayak within the Neponset River Estuary. The development plans should include the following considerations:

- The ENF/PNF indicates that the development will include a public fishing pier, and facilities for kayak launching and storage. Studies completed by the United States Geologic Survey from 2002 through 2006 identified PCBs in salt water fish within the Neponset River Estuary, but at that time they were not found at levels that presented a risk to human health. The inclusion of a fishing pier to encourage fishing in this area should be re-evaluated. In addition, it is unclear as to the extent to which the kayak launch will require people to have direct contact with sediments. The presence of contaminated sediments in the area to be used for the kayak launch and fishing should be assessed and a risk characterization should be completed for these receptors and site uses.

### **Contaminated Soil and Groundwater**

The project proponent is advised that excavating, removing and/or disposing of contaminated soil, pumping of contaminated groundwater, or working in contaminated media must be done under the provisions of MGL c.21E (and, potentially, c.21C) and all other applicable federal, state, and local laws, regulations, and bylaws. If permits and approvals under these provisions are not obtained beforehand, considerable delays in the project can occur. The project proponent cannot manage contaminated media without prior submittal of appropriate plans to MassDEP, which describe the proposed contaminated soil and groundwater handling and disposal approach, as well as health and safety precautions. If contamination at the site is known or suspected, the appropriate tests should be conducted well in advance of the start of construction and professional environmental consulting services should be readily available to provide technical guidance to facilitate any necessary permits. If dewatering activities are to occur at a site with contaminated groundwater, or in proximity to contaminated groundwater where dewatering can draw in the contamination, a plan must be in place to properly manage the groundwater and ensure site conditions are not exacerbated by these activities. Dust and/or vapor monitoring and controls are often necessary for large-scale projects in contaminated areas. The need to conduct real-time air monitoring for contaminated dust and to implement dust suppression must be determined prior to excavation of soils, especially those contaminated with compounds such as metals and PCBs. An evaluation of contaminant concentrations in soil should be completed to determine the concentration



of contaminated dust that could pose a risk to health of on-site workers and nearby human receptors. If this dust concentration, or action level, is reached during excavation, dust suppression should be implemented as needed, or earthwork should be halted. A Licensed Site Professional (LSP) must be employed or engaged to manage, supervise or actually perform the necessary response actions at the site.

### **Capping of Contaminated Soil**

If capping of contaminated soil is needed to achieve a level of No Significant Risk, MassDEP recommends the following capping design criteria. In unpaved areas, a minimum of three feet of clean soil should be placed over the contaminated soil. This protective layer of clean soil should be separated from the underlying contaminated soil by a geotextile or combination of materials, which will provide both a brightly colored visual marker and a permeable fabric to separate the clean soil from the contaminated soil. In paved areas, a minimum one-foot cap consisting of clean soil, road base and the pavement layer should be placed over the contaminated soil. Similar to unpaved areas, the contaminated soil should be separated from the clean soil or road base using a visual marker and geotextile. In such cases, an Activity and Use Limitation (AUL), prepared in accordance with 310 CMR 40.1012 would be necessary to identify the maintenance requirements of the cap. It should also be noted that a cap constructed as a Release Abatement Measure will not be considered a Permanent Solution until a Phase III completed in accordance with 310 CMR 40.0850 demonstrates the lack of a feasible alternative, as required by 310 CMR 40.0442(4).

### **Potential Indoor Air Impacts**

Parties constructing and/or renovating buildings in contaminated areas should consider whether chemical or petroleum vapors in subsurface soils and/or groundwater could impact the indoor air quality of the buildings. All relevant site data, such as contaminant concentrations in soil and groundwater, depth to groundwater, and soil gas concentrations should be evaluated to determine the potential for indoor air impacts to existing or proposed building structures. Particular attention should be paid to the vapor intrusion pathway for sites with elevated levels of chlorinated volatile organic compounds such as tetrachloroethylene (PCE) and trichloroethylene (TCE). MassDEP has additional information about the vapor intrusion pathway on its website at <http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/vapor-intrusion-and-indoor-air-contamination-waste-sites.html>.

### **New Structures and Utilities**

Construction activities conducted at a disposal site shall not prevent or impede the implementation of likely assessment or remedial response actions at the site. Construction of structures at a contaminated site may be conducted as a Release Abatement Measure if assessment and remedial activities prescribed at 310 CMR 40.0442(3) are completed within and adjacent to the footprint of the proposed structure prior to or concurrent with the construction activities. Excavation of contaminated soils to construct clean utility corridors should be conducted for all new utility installations.

## **Activity and Use Limitations**

An Activity and Use Limitation (AUL) is a legal document that is recorded or registered at the appropriate Registry of Deeds and identifies site conditions that are the basis for maintaining a condition of No Significant Risk at a property where contamination remains after a cleanup. The AUL identifies permitted and allowable site uses and activities that may occur at a property while maintaining No Significant Risk. The AUL also identifies restricted uses and activities, which could result in the exposure of people at or near the disposal site to remaining contamination if such activities were to occur. The project proponent is advised that in cases where proposed activities would not be consistent with a level of No Significant Risk and/or an existing AUL, additional cleanup and the amendment or termination of the initial AUL and implementation of a revised AUL would be necessary before the proposed activities could occur.

## **Recycling/Demolition**

MassDEP encourages the project proponent to make a significant commitment to C&D recycling activities as a sustainable measure for the project, consistent with comparable projects that have undergone MEPA reviews. In addition, the proponent is advised that demolition activities must comply with both Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. Chapter 40, Section 54, which provides:

“Every city or town shall require, as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure, that the debris resulting from such demolition, renovation, rehabilitation or alteration be disposed of in a properly licensed solid waste disposal facility, as defined by Section one hundred and fifty A of Chapter one hundred and eleven. Any such permit or license shall indicate the location of the facility at which the debris is to be disposed. If for any reason, the debris will not be disposed as indicated, the permittee or licensee shall notify the issuing authority as to the location where the debris will be disposed. The issuing authority shall amend the permit or license to so indicate.”

For the purposes of implementing the requirements of M.G.L. Chapter 40, Section 54, MassDEP considers an asphalt, brick, and concrete (ABC) rubble processing or recycling facility, (pursuant to the provisions of Section (3) under 310 CMR 16.05, the Site Assignment regulations for solid waste management facilities), to be conditionally exempt from the site assignment requirements, if the ABC rubble at such facilities is separated from other solid waste materials at the point of generation. In accordance with 310 CMR 16.05(3), ABC can be crushed on-site with a 30-day notification to MassDEP. However, the asphalt is limited to weathered bituminous concrete, (no roofing asphalt), and the brick and concrete must be uncoated or not impregnated with materials such as roofing epoxy. If the brick and concrete are not clean, the material is defined as construction and demolition (C&D) waste and requires either a Beneficial Use Determination (BUD) or a Site Assignment and permit before it can be crushed.

Pursuant to the requirements of 310 CMR 7.02 of the Air Pollution Control regulations, if the ABC crushing activities are projected to result in the emission of one ton or more of particulate

matter to the ambient air per year, and/or if the crushing equipment employs a diesel oil fired engine with an energy input capacity of three million or more British thermal units per hour for either mechanical or electrical power which will remain on-site for twelve or more months, then a plan application must be submitted to MassDEP for written approval prior to installation and operation of the crushing equipment.

Asbestos removal notification on permit form BWP AQ04 (ANF 001) and building demolition notification on permit form BWP AQ06 must be submitted to MassDEP at least 10 working days prior to initiating work. If any asbestos-containing materials will need to be abated through non-traditional abatement methods, the proponent must apply for and obtain approval from MassDEP, through Application BWP AQ36 - Application for Non-Traditional Asbestos Abatement Work Practice Approval. Except for vinyl asbestos tile (VAT) and asphaltic-asbestos felt and shingles, the disposal of asbestos containing materials within the Commonwealth must be at a facility specifically approved by MassDEP, (310 CMR 19.061). No asbestos containing material including VAT, and/or asphaltic-asbestos felts or shingles may be disposed at a facility operating as a recycling facility, (310 CMR 16.05). In addition, if the demolition project contain asbestos, the project proponent is advised that asbestos and asbestos-containing waste material are a special waste as defined in the Solid Waste Management regulations, (310 CMR 19.061). The disposal of the asbestos containing materials outside the jurisdictional boundaries of the Commonwealth must comply with all the applicable laws and regulations of the state receiving the material.

The demolition activity also must conform to current Massachusetts Air Pollution Control regulations governing nuisance conditions at 310 CMR 7.01, 7.09 and 7.10. As such, the proponent should propose measures to prevent and minimize dust, noise, and odor nuisance conditions, which may occur during the demolition. Again, MassDEP must be notified in writing, at least 10 days in advance of removing any asbestos, and at least 10 days prior to any demolition work. The removal of asbestos from the buildings must adhere to the special safeguards defined in the Air Pollution Control regulations, (310 CMR 7.15 (2)).

#### Waste Ban Regulation – 310 CMR 19.017

Section 310 CMR 19.017 *Waste Bans* of the Massachusetts Solid Waste regulations prohibit the disposal of certain wastes in Massachusetts. These wastes include, but are not limited to, recyclable paper (including cardboard). The Massachusetts Organics Waste Ban on the disposal of commercial organic wastes by businesses and institutions also is in effect. It prohibits the disposal of organic wastes from businesses and institutions that generate a ton or more of organic materials per week, which necessitates the composting, conversion (such as anaerobic digestion), recycling or reuse of organic the waste.

As the lead state agencies responsible for helping the Commonwealth achieve its waste diversion goals, MassDEP and EEA have strongly supported voluntary initiatives by the private sector to institutionalize source reduction and recycling into their operations. Adapting the design, infrastructure, and contractual requirements necessary to incorporate reduction, recycling and recycled products into existing large-scale developments has presented significant challenges to recycling proponents. Integrating those components into developments such as this helps assist effective waste diversion programs. For example, facilities with minimal obstructions to trash

receptacles and easy access to main recycling areas and trash chutes allow for implementation of recycling programs and have been proven to reduce cleaning costs by 20 percent to 50 percent. Other designs that provide sufficient space and electrical services will support consolidating and compacting recyclable material and truck access for recycling material collection.

By incorporating recycling and source reduction into the design, the proponent has the opportunity to join a national movement toward sustainable design. Sustainable design was endorsed in 1993 by the American Institute of Architects with the signing of its *Declaration of Interdependence for a Sustainable Future*. The project proponent may be aware of organizations that provide additional information and technical assistance, including Reuse Marketplace (<http://www.reusemarketplace.org/>), USEPA's WasteWise Program ([www.epa.gov/wastewise/](http://www.epa.gov/wastewise/)), and MassRecycle (<http://www.massrecycle.org/>). The listed organizations and programs are notable for offering valuable and effective waste reduction and recycling assistance, web-based resources, case studies, and tools for C&D projects.

The MassDEP Northeast Regional Office appreciates the opportunity to comment on this proposed project. Please contact [Kevin.Brande@state.ma.us](mailto:Kevin.Brande@state.ma.us) or at (978) 694-3236 for further information on wastewater issues. Please contact [Joanne.Fagan@state.ma.us](mailto:Joanne.Fagan@state.ma.us) or at (978) 694-3390 for further information on hazardous waste issues. If you have any general questions regarding these comments, please contact me at [John.D.Viola@state.ma.us](mailto:John.D.Viola@state.ma.us) or at (978) 694-3304.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

John D. Viola  
Deputy Regional Director

cc: Brana Simon, Massachusetts Historical Commission  
Joanne Fagan, Rachel Freed, Kevin Brander, MassDEP-NERO





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Secretary

Martin Suuberg  
Commissioner

### Memorandum

**To:** Alex Strysky, MEPA

**From:** Frank Taormina, MassDEP/Boston

**Cc:** Ben Lynch, MassDEP/Boston

**Re:** Comments from the Chapter 91 Waterways Regulation Program — EEA #15728  
ENF – Neponset Wharf, 6R, 8R, and 18 Ericsson Street, Filled and Flowed  
Tidelands of the Neponset River, Boston (Dorchester), Suffolk County

**Date:** August 9, 2017

The Department of Environmental Protection Waterways Regulation Program (“Department” or “WRP”) has reviewed the referenced ENF (EEA #15728), submitted by CPC Ericsson Street, LLC (“Proponent”) on June 30, 2017 to demolition existing warehouse structures and redevelop site into a mixed-use development, which includes seven (7) new buildings (kayak storage building, shore shack, marine commercial building, boathouse, and three mixed-use buildings) with structured parking, internal roadways, passive and active open space, landscaping, interconnecting walkways, a Harborwalk, fishing pier, renovated and reconfigured marina with associated dredging, a pedestrian bridge crossing, kayak launch, etc., located within the Neponset River Estuary Area of Critical Environmental Concern (ACEC) and on filled and flowed tidelands of the Neponset River, at 6R, 8R, and 18 Ericsson Street, Boston (Dorchester), Suffolk County (the “project site”).

#### **Water Dependency:**

The Department has determined that this project is a nonwater-dependent use project pursuant to 310 CMR 9.12(2)(f)(1), (2), (3), (5), (6), (8) and 310 CMR 9.12(4). Therefore, the project will be reviewed under the nonwater-dependent performance standards at 310 CMR 9.51 through 9.52.

#### **Chapter 91 Jurisdiction:**

Said project will require authorization through a Chapter 91 (c.91) Waterways License as more than half the project site is located on filled Private Tidelands and flowed Private and Commonwealth Tidelands of the Neponset River. The WRP acknowledges that only portions of

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

the project site within Chapter 91 jurisdiction must conform to the applicable Waterways Regulations at 310 CMR 9.00. Also, the seaward side of the project site is located within the Neponset River Estuary ACEC and the Department acknowledges that only the portions of the ACEC located within c.91 jurisdiction must comply with 310 CMR 9.32(1)(e) and with the Neponset River Estuary ACEC Resource Management Plan (RMP) approved by the Secretary on May 15, 1996.

**Chapter 91 Regulatory Analysis:**

The Proponent did not provide the methodology and calculations to explain how they calculated a 74-foot wide weighted average Water Dependent Use Zone (WDUZ), however as they stated in their ENF the Proponent did provide, and the Department approved and accepted, said WDUZ calculations in advance of this MEPA filing.

A portion of the landside and the entire waterside project site is located with the Neponset River Estuary ACEC. The proposed landside structures, fill, and uses located within said ACEC on previously authorized filled tidelands are permissible pursuant to 310 CMR 9.32(1)(e)(1). The proposed Harborwalk appears to comply with 310 CMR 9.32(1)(e)(2), as it appears to be located above the mean high water (MHW) mark or within the footprint of existing pile-supported structures however as detailed below, the Proponent did not plot the MHW mark onto any proposed site plans. Proposed improvements and expansion to the existing private-recreational marina are permissible pursuant 310 CMR 9.32(1)(e)(5), as the state-approved Neponset River Estuary ACEC RMP permits the expansion and improvement of existing waterfront facilities in said ACEC. Specifically, Page 69 of said RMP it refers to the project site as Thomas Marine located within the Lower Estuary Area of said RMP, which had 100+ boat slips, a boat lift, pump out facility, and boat storage, maintenance and sales. It also states that the property owner at the time was planning to improve some structural conditions and reconfigure the associated boat basin and marina. Furthermore, Page 73 states that within the Lower Estuary Area "limited expansion and improvement to existing facilities is anticipated and endorsed by this plan".

Maintenance dredging is permitted in an ACEC however improvement dredging is not unless it is associated with an ecological restoration project, fish and wildlife enhancement, or explicitly permitted in a State Approved RMP. In this case, said RMP does not explicitly permit improvement dredging it only reaffirms that maintenance dredging is permitted and identifies areas with the ACEC which have been previously dredged, including the watersheet off the project site (formerly known as Thomas Marine). Although, the RMP recognizes that the watersheet off the project site was previously dredged, the Proponent must prove that the proposed maintenance dredging is in accordance with a previously authorized license or permit and does not extend the originally dredged depth, width, or length in order for the proposed dredging to be considered maintenance and not improvement dredging.

The Proponent did not overlay the Chapter 91 Presumptive Line or the WDUZ depicted on Figure 8.4 of the ENF onto any of the proposed site plans. In order to properly determine whether said buildings are located outside of Chapter 91 jurisdiction or located within jurisdiction and compliant with the applicable nonwater-dependent provisions, the Proponent must plot both lines onto all proposed plans submitted with their DEIR. Additionally the Proponent did not provide

the MHW mark onto any of the proposed site plans and cross sections. In order to determine compliance with the RMP and said ACEC provisions, the Proponent must overlay the MHW mark onto all proposed plans showing coastal structures/fill submitted with their DEIR. Although the Proponent did not provide a sufficient site plan, the Department offers the following additional limited comments:

Pedestrian Crossing over Pine Neck Creek – if the Proponent wishes to pursue the potential pedestrian crossing over Pine Neck Creek, then in order for such a new structure to exist in an ACEC, it must span the waterway from bank to bank with no fill or structures located below MHW and must ensure proper clearance under said structure for navigational purposes pursuant to 310 CMR 9.35(2)(a) and at least 5-foot clearance along MHW mark for lateral pedestrian access pursuant to 310 CMR 9.35(3)(b)(1).

Boat Travel Lift within the Boathouse – the Proponent should include more details as to how a vessel would access and egress the boathouse in order to get to the travel lift, which will remain in place but proposed to locate within the enclosed boathouse, as it is not clear in the ENF. Additionally, please elaborate on how this impacts the Harborwalk section proposed to locate directly in front of the boat travel lift entrance and egress area.

Shore Shack – please elaborate what uses will locate within said building located within the WDUZ.

Marine Commercial Building – please elaborate what uses will locate within the Marine Commercial Building at the end of the pile-supported wharf.

Tidal Garden – please clarify what a tidal garden is and whether it includes any new fill seaward of MHW within the ACEC.

Building A (mixed-use residential) – appears to be located landward of the historic high water mark and outside of Chapter 91 jurisdiction.

Building B (mixed-use residential) – appears to be located mostly within Chapter 91 jurisdiction but outside of the Water Dependent Use Zone (WDUZ). The portion of the nonwater-dependent building located with 100-feet of mean high water is pile-supported (on fill) to provide public access at the ground level under the building in order to comply with the Facilities of Private Tenancy setback requirements at 310 CMR 9.51(3)(b).

Building C (boathouse) – appears to be located mostly within the WDUZ, which is permissible as the boat lift and associated boat storage is a water-dependent use pursuant to 310 CMR 9.12(2)(a)(2).

Building D (mixed-use residential) – appears to be located landward of the historic high water mark and outside of Chapter 91 jurisdiction.

If you have any questions regarding the WRP's comments, please feel free to contact Frank Taormina at [frank.taormina@state.ma.us](mailto:frank.taormina@state.ma.us) or at (617) 292-5551.





David E. Pierce, Ph.D.  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker  
Governor

Karyn E. Polito

Lieutenant Governor

Matthew A. Beaton

Secretary

Ronald Amidon

Commissioner

Mary-Lee King

Deputy Commissioner

August 18, 2017

Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Alex Strysky, EEA No. 15728  
100 Cambridge Street, Suite 900  
Boston MA 02114

Re: Neponset Wharf, CPC Ericsson Street

Dear Secretary Beaton:

Division of Marine Fisheries (DMF) staff have reviewed the Environmental Notification Form for the proposed mixed use development along the Neponset River and Pine Neck Creek. Portions of the project site are within the Neponset River Estuary Area of Critical Environmental Concern (ACEC). The proposed development will reduce impervious surface, and increase public access to the waterfront including a public fishing pier. Project impacts will include 94,000sf of impact to Land Under the Ocean and 36,000sf to coastal beaches, including Land Containing Shellfish, mapped as soft shell clam (*Mya arenaria*) habitat. Dredging in the marina basin is proposed, as needed.

DMF requests information on the proposed dredging and alternatives plans with details on project impacts to wetland resource areas, including plans to minimize impacts to Land Under the Ocean, Coastal Beach, Tidal Flat and Land Containing Shellfish. We would also like to discuss the details of the fishing pier with the applicant. DMF public access staff are available to discuss the pier design and can provide helpful recommendations that address area needs.

Please contact Tay Evans at 978-282-0308 x.168 or [tay.evans@state.ma.us](mailto:tay.evans@state.ma.us) for more information about this review, and Ross Kessler at 508-990-2860 x. 143 or [ross.kessler@state.ma.us](mailto:ross.kessler@state.ma.us) to discuss public access plans.

Sincerely,

A handwritten signature in cursive script that reads "David E. Pierce".

David E. Pierce, PhD  
Director

DP/te/sd

cc:

R. Kessler; K. Ford, DMF

K. Chin, DEP

B. Boeri, CZM

B. Newman, ACOE

Boston Conservation Commission

S. Latrell, VHB





COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., SUITE 1020  
BOSTON, MA 02114  
Telephone: 617-626-7300  
Facsimile: 617-727-0030

Charles D. Baker  
Governor

Karyn E. Polito  
Lt. Governor

Matthew A. Beaton  
Secretary

Judith F. Judson  
Commissioner

16 August 2017

Matthew Beaton, Secretary  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street  
Boston, Massachusetts 02114  
Attn: MEPA Unit

RE: Neponset Wharf, Boston, Massachusetts EEA #15728

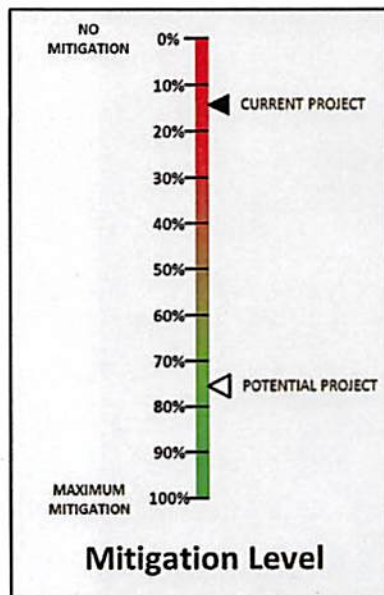
Cc: Arah Schuur, Director of Energy Efficiency Programs, Department of Energy Resources  
Judith Judson, Commissioner, Department of Energy Resources

Dear Secretary Beaton:

We've reviewed the Environmental Notification Form (ENF) for the above-referenced project. The proponent has already evaluated and is committing to an array of efficiency measures which will help deliver notable GHG mitigation. We are pleased to see the following measures already committed:

- Above-code threshold, continuous insulation
- Above-code threshold glazing performance
- VRF in hotel; above-code threshold HVAC efficiency throughout
- Reduced lighting densities

The proponent also indicates that subsequent submissions will evaluate solar PV, CHP, and other measures. We recommend also adding to future evaluations Passive design for the residential portion. We also recommend maintaining code-threshold window-to-wall ratios.



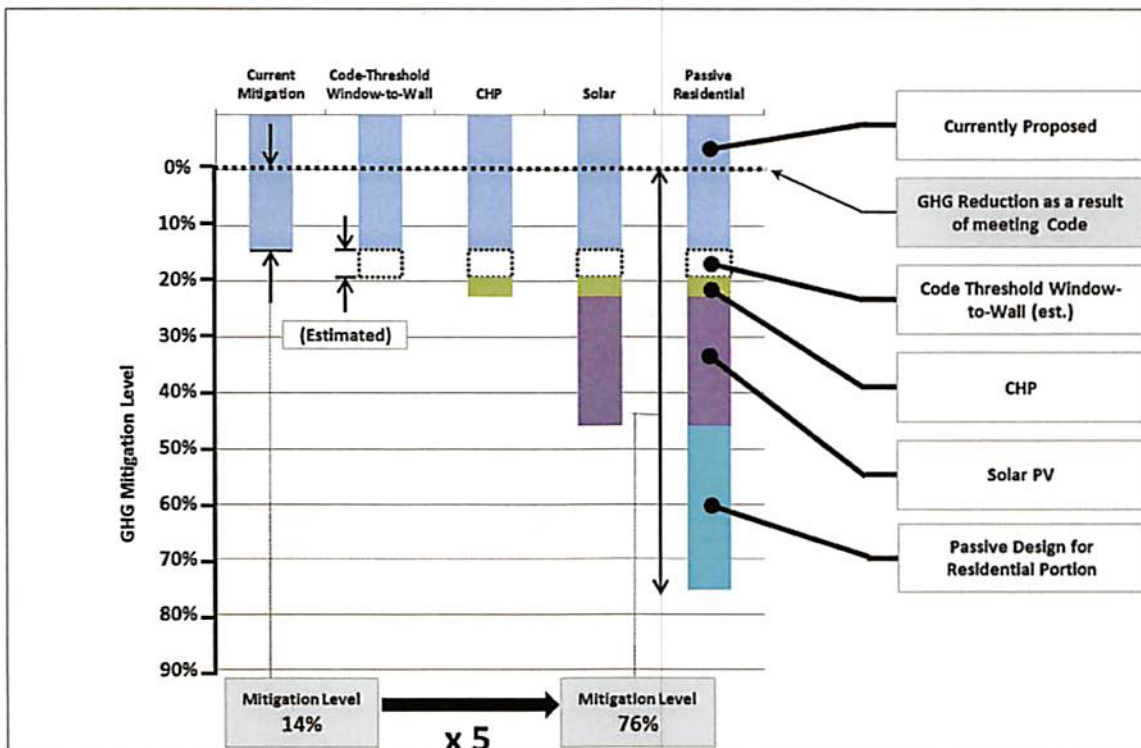
The current submission's mitigation level<sup>1</sup> is 14%. We currently estimate that this project could reach a mitigation level of 76% by implementing the recommendations below.

### Pathway to 76% Mitigation Level

Based on the evaluations performed, it appears that the project can readily achieve a GHG Mitigation Level of 76% using the following strategies:

- Maintaining code-threshold window-to-wall ratio (24% for hotel; 24 to 34% for restaurant; and 40% for residential – see Table G3.1.1-1). Window to wall ratio is currently set at 50%. We conservatively estimate maintaining code-threshold window-to-wall ratios would improve Mitigation Level to 19%, but this requires thorough modeling to confirm.
- CHP and solar PV on the roofs would improve Mitigation Level to 46%. We understand these will be evaluated.
- Passive Design for the residential portion of the development would improve Mitigation Level to 76%.

The figure below illustrates the above:



<sup>1</sup> Mitigation Level is the GHG emissions below locally-required Building Code, expressed in percent. A Mitigation Level of 0% means no above-code GHG mitigation is proposed.



## Improving Resilience & Housing Affordability for City of Boston

In addition to greenhouse gas mitigation, the above package of mitigation would also improve resilience of Boston's built assets and improve housing affordability for the City:

- Resilience: Passive buildings require near-negligible active and heating and cooling, and thus perform well during power outages and extreme weather. In fact, residents of an existing Passive multifamily in South Boston (see below) report not having to turn on their heat through winter of 2016-2017. PV and CHP would also contribute to resilience.
- Affordability: A Passive Multifamily would cost residents an average of \$1,300/unit less for gas and electricity per year, a 62% reduction in utility costs.

### Passive Multifamily in Boston

Information about a Passive multifamily that is completed and in-service is available here: <http://www.distillerynorth.com/>. This project has plans for additional expansion.

### Key Recommendations

Our recommendations are as follows:

1. Investigate Passive design for the residential portion of the development. Passive design methods are available here: <http://www.phius.org/home-page>. Multifamily specific information is available here: <http://multifamily.phius.org/>. An extensive study on financial and feasibility of Passive multifamily is available here: <http://www.fxowle.com/projects/182/feasibility-study-to-implement-the-passivhaus-standard-on-tall-residential-buildings/>. See right for examples of Passive multifamily projects, including both low rise and high rise examples.
2. When evaluating Passive cost feasibility (and cost evaluations, in general), we recommend netting additional envelope costs against reduced HVAC costs. With Passive, usually HVAC systems can be downsized as a result of improving envelope. The above report estimates this approach yields a 2 to 3% cost add on a net basis. The Second and Delaware project (upper picture on right)



Second and Delaware Project – Passive Low Rise  
<http://multifamily.phius.org/case-study/second-and-delaware>



Mott Haven Project – Passive High Rise  
<https://ny.curbed.com/2016/4/29/11540744/nyc-largest-passive-house-mott-haven-241-affordable-apartments>

reported costs \$4/sf less to construct than conventional construction on a net basis

3. In addition, we recommend further cost netting against potential financial benefits derived from the following sources, which can also reduce first costs:
  - Mass Save performance incentive for residential new construction for high rise and low rise: <http://www.masssave.com/en/residential/building-a-house/offers/rnc-multi-family-high-rise>. and <http://www.masssave.com/en/residential/building-a-house/offers/rnc-performance-path>
  - Massachusetts Clean Energy Center incentives for heat pumps and VRF: <http://www.masscec.com/installer-resources-air-source-heat-pumps>
  - Alternative Energy Credits for heat pumps and VRF: <http://www.mass.gov/eea/energy-utilities-clean-tech/renewable-energy/renewable-thermal/renewable-heating-and-cooling-alternative-portfolio-std.html>
4. Using PHIUS methods, we estimate an EUI of 12 kBtu/sy-yr for the residential portion of the development. The DOER is available to review Passive findings in advance of the next submission.
5. Having more fenestration than Building Code thresholds necessarily results in trading off other efficiency improvements, resulting in reduced GHG benefits, increased operating costs, and reduced resiliency than would otherwise occur. We recommend that fenestration be maintained within code-thresholds (Table G3.1.1-1).

If the proponent chooses to continue to evaluate an option that exceeds these thresholds, we recommend submitting the following energy model scenario results:

- Code building with Code-threshold window-to-wall ratio
- Code building, with planned window-to-wall ratio
- Planned building with Code-threshold window-to-wall ratio
- Planned building with planned window-to-wall ratio

The above scenarios will help reveal the extent to which other efficiency measures are being traded-off by exceeding fenestration thresholds.

6. Section C406.1 of the building code specifies that 2 out of a list of 6 measures be included in a code building. The proponent should clarify which 2 measures are being chosen, and incorporate those values into their “baseline case” model.

#### **Other Recommendations**

In order to expedite the DOER review, we recommend the following accompany the submission:

- A. A table similar to the example below should be included:

Neponset Wharf, Boston EEA #15728  
Boston, Massachusetts

Measure/Area	Base Code 2013 90.1 App. G or 2015 IECC	Proposed	% Change	Comment
Roof Assembly U-value (Btu/hr-Ft <sup>2</sup> -f)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
(Additional rows for each bldg.)	<i>code value</i>	<i>design value</i>	%	
Wall Assembly U-value (Btu/hr-Ft <sup>2</sup> -f)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
Area Window/Area Wall (%)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
Window U-value (Btu/hr-Ft <sup>2</sup> -f)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
AC Efficiency (EER)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
ERV Effectiveness (%)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
Boiler (% efficiency)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
LPD (Watts/sq ft)				
Bldg 1	<i>code value</i>	<i>design value</i>	%	
Bldg 2	<i>code value</i>	<i>design value</i>	%	
(continue to include service water, equipment, etc)				

- B. A description of the proposed building envelope assembly: report both component R-values and whole assembly U-factor. Utilize the pre-calculated relationships between R-Value and U-factor contained in Appendix A in the code. Distinguish between non-continuous and continuous insulation.
- C. A description of the building energy simulation model and procedures utilized.
- D. A detailed and complete table of modeling inputs showing the item and the input value for both the base and as-designed scenarios. The area of the building should be included.
- E. The output of the model showing the monthly and annual energy consumption by major end use system.
- F. Baseline (e.g. Code) energy use intensity and proposed mitigated building energy use intensity.



Neponset Wharf, Boston EEA #15728  
Boston, Massachusetts

- G. Project modeling files are to be submitted to the DOER with the submittal on a flash drive or may be transmitted via electronic file transfer to [paul.ormond@state.ma.us](mailto:paul.ormond@state.ma.us).
- H. Separate "side calcs" may be required for non-building energy consuming site improvements which are not included in the building energy modeling software (e.g. parking lot lighting).
- I. Estimate area of roof potentially usable for solar development (e.g. 'Usable Roof Area' (URA)). Estimate resulting power production and associated GHG reduction if all this URA was utilized.
- J. A description of the proposed project building usage and size, including a site plan and elevation views, should be included.
- K. Provide a summary of discussions with MassSave.
- L. We recommend cross-examining produced model results' total and individual end uses with representative, prototype buildings developed by Pacific Northwest National Labs/Department of Energy found here:
  - [https://www.energycodes.gov/sites/default/files/documents/BECP\\_901\\_2013\\_Progress\\_Indicator\\_0\\_0.pdf](https://www.energycodes.gov/sites/default/files/documents/BECP_901_2013_Progress_Indicator_0_0.pdf)
  - <http://www.energycodes.gov/sites/default/files/documents/2013EndUseTables.zip>
  - <https://www.energycodes.gov/commercial-energy-cost-savings-analysis>

Sincerely,



Paul F. Ormond, P.E.  
Energy Efficiency Engineer  
Massachusetts Department of Energy Resources



Received 7/24/17  
at Scoping Session

July 24, 2017

John J. Lyons, President  
Port Norfolk Civic Association  
176 Walnut Street  
Dorchester, Massachusetts 02122

Honorable Matthew A. Beaton Secretary  
Executive office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, Massachusetts 02114

Re: Port Norfolk Proposed Development  
Ericson St. Dorchester Waterfront 02122  
Public Comments MEPA review.

Transmittal of Boston Redevelopment Authority Neighborhood Plan for Port Norfolk

Dear Secretary Beaton:

Greetings! I write in relation to the comment period ending August 1, 2017 regarding the proposed development ; To assist MEPA in its evaluations of this project I enclose a copy of the "Boston Redevelopment Authority Plan for Port Norfolk" dated 1990 called Exhibit A ; zoning / urban design and related studies that identify and address the many peculiar problems and opportunities associated with developing this site and aspects of project scale and the site, and infrastructure limitations that I believe that all participants in the review process should be aware of and address singularly and holistically. Further comments will follow soon.

If you have any questions please contact me at 617 -905-2609.

Respectfully yours



John J. Lyons  
President



Daniel Roche impacted resident  
158 Walnut Street  
Dorchester, Massachusetts 02122

Hon. Mathew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114  
c/o Alex Strysky MEPA Project Manager.

Re: Port Norfolk Proposed Development Neponset Wharf  
Ericson St. Dorchester Waterfront 02122  
Public Comments MEPA review.

Dear Secretary Beaton:

I write in relation to the MEPA comment period ending August 15, 2017 regarding the proposed development; To assist MEPA in its evaluations of this project I forwarded a copy c/o Mr. Alex Strysky of your staff, of the "Boston Redevelopment Authority Plan for Port Norfolk" dated 1990 called Exhibit A : zoning / urban design and related studies that identify and address the many peculiar problems and opportunities associated with developing this site and aspects of vehicular traffic, environmental conditions, project scale and the site, and infrastructure limitations that I believe that all considering factors in the review process should be addressed singularly and holistically and to ensure that the proponent conforms to the zoning and land use codes of the City of Boston and Commonwealth of Massachusetts.

If you have any questions please contact me at 617 -5300379

**Public safety matters!**

### **TRANSPORTATION & PARKING (amended)**

1. There is a traffic study in Exhibit A that defines the current traffic capacity of the 3 streets of port Norfolk: **Walnut Street, Port Norfolk Street, and Lawley Street** that access Port Norfolk including Morrissey Blvd interchanges. **In summary, the current traffic capacity rating of these streets and Neponset circle as of 1990 were rated as "F" (failure).** Nothing has changed other than the generation of more cars and less capacity to handle them.



2. **DCR has a plan in plan to eliminate 2 lanes of traffic from Morrissey Blvd. A reduction of 3 travel lanes to 2 travel lanes. This plan would worsen the LOS of this neighborhoods connection to North and Southbound municipal roadway.**
3. **The proponents preliminary traffic analysis estimates that 1500 vehicle trips daily would be added to the streets already at capacity of failure without additional traffic!**

#### **Additional traffic study catchment area**

4. The extensive traffic condition in the traffic analysis study area must consider the continuous traffic overflows , backups and delaying lanes and ramps on and off from the Expressway Southbound , the Expressway Northbound ' . along with the daily traffic flow north and southbound over the Neponset river bridge into Neponset circle . These conditions need to be factored into any traffic analysis of the development site and conditions included into the mix to determine capacity of intersections and streets from traffic daily moving out of the the Port Norfolk intersections of Conley , Walnut , Taylor and Tenean Streets . into and out of Morrissey Blvd and all intersections. This traffic survey can not be accurate without considering these factors .

**Amendment to comments sent on august 14, 2017.**

**Edward Roche AIA NCARB BSA**

**Resident & impacted home owner**

**158 Walnut Street**

**Dorchester, Massachusetts 02122**

**Hon. Mathew A. Beaton, Secretary**

**Executive Office of Energy and Environmental Affairs**

**100 Cambridge Street**

**Boston, MA 02114**

**c/o Alex Streaky MEPA Project Manager.**

**Re: Port Norfolk Proposed Development Neponset Wharf**

**Ericson St. Dorchester Waterfront 02122**

**Public Comments MEPA review.**

**Dear Secretary Beaton:**

**Greetings! I write in relation to the MEPA comment period ending August 15, 2017 regarding the proposed development; To assist MEPA in its evaluations of this project I forwarded a copy c/o Mr. Alex Strycky of your staff, of the "Boston Redevelopment Authority Plan for Port Norfolk" dated 1990 called Exhibit A : zoning / urban design and related studies that identify and address the many peculiar problems and opportunities associated with developing this site and aspects of vehicular traffic, environmental conditions, project scale and the site, and infrastructure limitations that I believe that all considering factors in the review process should be addressed singularly and holistically and to ensure that the proponent conforms to the zoning and land use codes of the City of Boston and Commonwealth of Massachusetts.**

**If you have any questions please contact me at 617-290-5161.**

**B. photo copy Port Norfolk wharf image showing scale of works buildings. Circa 1895 & scale of Typical Victorian Home circa summer 1856.**

**C. Drawing E-1 showing comparison of scale existing residential. Bldgs. To proposed new buildings on site.**

## **Public safety matters!**

In 1982, a horrific fire ravaged the neighborhood of Port Norfolk. Following the catastrophe, then Mayor Raymond L. Flynn and BRA Director Stephen Coyle sought to address public safety egress, access issues that had been, among other things negatively affecting Port Norfolk since the neighborhood's streets had been planned in 1850 and constructed in the same years, another death occurred because of a closed bridge in 1987 and the emts could not find their way into Port Norfolk, a neighbor died of heart failure because of the delayed medical response.

Aside, following the many years of abandoned buildings and overall municipal neglect it was time to revisit the peninsulas planning and public safety problems. In 1985, The Boston Redevelopment Authority, followed the city of Boston's intervention, developed a comprehensive plan that became the new zoning codes for this neighborhood and the greater Dorchester district.

Specific design guidelines were laid out that are directly pertinent to the current Development proposal we are addressing today for 24 Ericsson Street, I believe that the following urban design guidelines, as valid today as they were then, that were established by the BRA in 1984 must be acknowledged by the development team if they intend on building housing and non-water dependent uses in the waterfront services zone in Port Norfolk.

The guidelines established by the BRA with the City of Boston's first IP0D and Development Guidelines for districts and neighborhoods in 1984 are the made up of the following components:

### **1. LAND USE & ZONING**

Development Guidelines established in 1989-1992 prescribed the following land use regulations and neighborhood development procedures for Port Norfolk. The following guidelines are what we believe must be addressed with any proposal for new construction in our neighborhood and are more fully defined in Exhibit A:

1. To encourage new development which is architecturally compatible **with the** Predominant residential building types existing on the peninsula.
2. To **maintain the predominate height and massing** of the existing residential areas;

3. To encourage new development which is **compatible with existing residential area and opens and maintains view corridors to the water;**
4. To encourage the design of **phased developments to minimize impacts on existing residential development;** and minimizing negative impacts.
5. To promote compatible uses, **without increasing peak hour traffic delays and effects on Transportation and Parking:**
6. To discourage large, paved parking lots in new developments and
  - Encourage covered parking on landscaped parking areas; and
  - To minimize the impact of heavy traffic on adjacent residential streets.

**Neighborhood Plan recommendations:**

1. Insuring that any new development is compatible with existing historic structures placing height limits along with waterfront parcel zoning:
  - Establishes a floor area ratio of 1.0 and a height limit of 35 feet.
  - Promotes water-dependent services uses.
  - Replaces portions of the Waterfront Industrial district
  - Conditionally permits uses that are not water-dependent, including residential, if restricted to 25% of the allowable FAR and 35% of the lot area and other conditions of use and factors .

## **2. TRANSPORTATION & PARKING**

1. There is a traffic study in Exhibit A that defines the current traffic capacity of the 3 streets of port Norfolk: **Walnut Street, Port Norfolk Street, and Lawley Street** that access Port Norfolk including Morrissey Blvd interchanges. **In summary, the current traffic capacity rating of these streets and Neponset circle as of 1990 were rated as "F" (failure).** Nothing has changed other than the generation of more cars and less capacity to handle them.
2. **DCR has a plan in plan to eliminate 2 lanes of traffic from Morrissey Blvd.** A reduction of 3 travel lanes to 2 travel lanes. This plan would worsen the LOS of this neighborhoods connection to North and Southbound municipal roadway.

3. The proponents preliminary traffic analysis estimates that 1500 vehicle trips daily would be added to the streets already at capacity of failure without additional traffic!

### 3. PARKS & OPEN SPACE

1. DCRs extensive parkland acquired in recent years has resulted in over 36% +, an abundance of green open areas, along the existing water's edge of the peninsula.

### 4. ENVIRONMENTAL ISSUES

The Port Norfolk sewer system was constructed in 1850. Nothing much has changed with this since an upgrade of water lines in 2004 and to our knowledge it remains a combined CSO system with continuing problems

This needs to be recognized and inspected in that this problem is perhaps contributing to water quality affecting the use of Tenean beach. Over time because of lack of maintenance and being the lowest point in the BWSewer system; deposits within the pipes reduce the undersized capacity further.

- Consequently, the combined sewer overflows negatively affect the water quality surrounding Port Norfolk. In addition, the storm drains at Tenean Beach negatively affects that bathing area in the ACEC
- The antiquated Sewer system occasionally results in surcharging. The conditions Would be expensive to correct, but modification is to be required to allow additional large scale development.

*\* It is important to note this public beach is heavily used by neighboring district residents in the southern / western areas of the City and beyond to swim in the ocean here! Great progress in this harbor cleanup regard The Port Norfolk waterfront is an ACEC. It is an aggressive statement to the users of this heavily used public beach will be overwhelmed with these 9 story structures casting shadows over the beach which is some peoples "visit to the cape " .*

### 5. HISTORICAL PRESERVATION & HOUSING

The built environment of the Port was shaped in the years 1840- 1850. The context for most development and architectural styles was established by prominent Dorchester architect, Luther Briggs (who was also a resident of the Port Norfolk). Briggs established 7 different architectural styles; while diverse, the similarity in materials and scale makes the community' s architecture harmonious, pleasant and beautiful. Briggs also laid out the current street patterns and parks but it is unclear if he had role in layout of the Nail factory works.

The architecture and scale of the Port has been recognized by the City of Boston Landmarks Commission as to be designated as an architectural conservation district to make sure that future developments continue to be woven into this successful fabric by design.

## **6 URBAN DESIGN GUIDELINES / recommendations**

### **Constraints:**

1. Port Norfolk has an existing over utilized land use and street pattern. The proposed development is too ambitious to fit within this context and not negatively impact the ACEC and neighborhoods
2. The original land use pattern was based on the 19<sup>th</sup> century needs to have water access and for housing to be close to employment. No plans or room to expand housing into the Waterfront services zone
3. Current seaport industrial uses require large tracts of land for containers, trucks, water access require specialized docking and receiving facilities. This is not Northern Avenue nor access route to Marina Bay complex of Quincy, Mass.
4. Break-bulk operations and deep-water access, neither of which Port Norfolk offers.
5. The expansion of the proposed site area to meet modern port requirements for a maritime use would encroach upon the residential area but may have a lesser impact on traffic patterns.
6. Similarly, the street pattern and widths (20' and 24') are 19<sup>th</sup> century in origin do not lend themselves to modification without major, undesirable neighborhood disruption and private land takings for expansion.

7. These conditions result in limited street capacity, little room for expansion and conflicts in land use, if major development of site adjacent to residences.
8. Regional transportation systems isolate and bisect the neighborhood.
9. The Boston Gas tank looms over the close horizon (loaded with natural gas)
10. The development parcel is in a Waterfront services zone WS 1: as such uses in this zone are to be water dependent uses, subject to CH. 91 the only use proposed that is water dependent is the Marina, the plan for the marina is under review and is acknowledged
11. Based on a preliminary analysis the existing housing density vs. the proposed new housing density is estimated that currently there is a total of 185\* dwelling units on the peninsula and the proposed development of 150 housing units and 25 hotel units for a total of 175 new dwelling units effectively doubles the # of residences with no upgrading of the existing street capacity, new traffic conditions. Public safety access problems and utility infrastructure age and notwithstanding the proposed restaurant and expansion of the marina.

#### Opportunities

1. The original existing wood-frame, low -rise housing has architectural and Historic significance has been maintained and relatively intact.
2. Much of the Port Norfolk housing stock was built prior to 1860, and Displays a diverse interesting range of 19<sup>th</sup> century styles of then contemporary Architectural fabric..

Development should follow the zoning / and urban design plan.

4. The B LS Commission Survey, recommended that Port Norfolk be designated as an Architectural Conservation District. This fact was recognized in new zoning for area adopted in 1992 by a designation as an Architectural Overlay district.
5. Landmark buildings from the Nail factory / Lawley shipyard remain intact that could set the pattern and scale for design of new buildings! There are in the site area, buildings of the first industrial era that have been reused, **the shipyards lofting area has been exceptionally well redesigned and rebuilt**; this reuse is an example of the intent to integrate the industrial site back to the neighborhood scale and mass and the Lawley offices bldg. (Seymour ice cream)

6 The current site plan appears to be driven by the proponents attempt to meet Ch. 91 compliance., the site plan should be secondary to the architectural vision for this site. The open space component of the plan would be better served allowing the buildings to be where they should be in relation to the urban design goals. The fact that the peninsula is uniquely served with open spaces totaling approximate 36% , throughout the port lessens the importance of open space for the peninsula and to not create a new destination by accident or design creating worse traffic conditions

7. Irrespective of such designation, recognition of the neighborhood's architectural heritage should guide adjacent development. BRA plan.

8. Protection and enhancement of the existing housing stock is highly desirable, as in maintenance of the predominant height and density and general character and scale of the proposed new buildings.

### **Urban Design Guidelines**

1. Mitigate the negative impacts that non-residential activity might have on existing housing.
2. Discourage new or expanded non-water related uses on waterfront parcels.
3. Preserve the scale and quality of the existing residential area.

Please see additional guidelines on pages 1 and 2 attached. And sketches E1 and E2

### **Moving forward: next possible steps**

*These wharfs and this site are no less important to the city of Boston than the wharves of the rest of the City. This is an important project in our city's history. The BRA plan recognized this when these regulations and zoning were approved in 1992 and remain the law today.*

Having illustrated the history of our neighborhood and the rationale for its planning guidelines, it is suggested that the development team may express their understanding and acceptance of the long-standing BRA Plan and make a statement on their vision and commitment to the plans and the long existent community objectives for new development! It is hoped that the new buildings be beautiful additions to Dorchester's /Boston shores and reflect the history of the milieu dating back to 1600s as sites of the establishment of the nation's first commercial / residential waterfronts along the Harbor Park integrated shores.

### **Architectural suggestions for future development discussions**



1. The new designs, should in the writer's opinion be woven into this existing residential fabric and not treated as an isolated element as is presently shown.

The development should be modelled on the existing character of the neighborhood and from waterfront neighborhood community's waterfronts elsewhere in Boston and New England. New buildings should be sensitive to traditional building forms, views long and short, vistas, scale, heights, massing, and materials and relate to the waterfront and narrow local street patterns.

The PNCA residents' concerns focus on preserving the historic residential character and architectonics of the Dorchester waterfront and on better utilizing the waterfront for water dependent and public uses. The density of the existing housing is high use and will be impacted heavily by the proposed high density uses: case in point, based on a preliminary analysis of plan that effectively doubles the # of residences on the peninsula with no upgrading of the in and out daily access, street capacity and utility infrastructure not including additional traffic of the proposed and existing restaurants and expansion of the marina.

2. The new plan should not wall itself off from the neighborhood further isolating the community from the waterfront.

The proponent would add 3 new buildings of 8 stories in a presently compatible site of all structures; further visual connections back to residential neighborhood need to be made sincerely; presently and proposed effectively walls off the neighborhood visually and physically with barriers and the incompatible new structures clashing with the scale and character of the existing port neighborhood.

Also, the following impact problems need to be considered:

The Southeast expressways retaining walls and constant drones and hello traffic are an unwelcome neighbor and a wall!

The MBTA red line and commuter tracks divide our neighborhood and present another wall of nuisance noise etc.

The current and historical route of airplane traffic that flies directly over in flight path to Logan airport.

3. The development team may consider hosting a charrette with the Port Norfolk Civic Committee to assist in creating a proponent / civic assn. vision to encourage and mitigate the proposed development in the neighborhood.

It is suggested that the proponent may engage an independent experienced design team with proven expertise in historic preservation in waterfront building and site design to conduct this charrette: as the current site and buildings plans appear to be driven and dictated by the proponents attempt to meet Ch. 91 compliance With proposed non-zoning nor water dependent non-compliant buildings in the water dependent zone.

**There needs to be a balance between profit driven enterprise and impacts on existing resident's property rights and general overwhelming negative environmental impacts.** The results of the Charrette may uncover a viable plan that may not please all, but may be agreeable to most.!

Hopefully, this process may lead to come to a design that is fluidly compatible with defining how new elements and structures not conflict with this historic neighborhood!

With the information that has been presented to date by the proponents of this plan, there is no concrete evidence that serious attention has been paid to the zoning laws and design guidelines that address the long-standing development guidelines that are the goals of our community and I find that the plan as presented has very negative impacts on the peninsula while providing new useable tangible benefits. I do say that I intend, in good faith, to work with the proponents to develop a viable plan for this site.

It is disturbing to myself and other residents of the city whose site doesn't abut nor inhabit the historic shores and places along the freedom trail of downtown, yet, this site is no less historically important and worthy of landmark protections than those downtown historic districts as they exist. Port Norfolk and Commercial point developed contextually and were in the same time line of the founding of the City of Boston and equally this waterfront should be recognized for its unique historical context.

Dorchester and the Port Norfolk site. deserves no less!

Thank you for this opportunity to comment on this project.

Edward Roche, AIA      Resident

**Honorable Mayor Martin Walsh  
Honorable Governor Charles Baker  
Honorable Congressman Stephen Lynch  
Honorable Congressman Michael Capuano**

**Honorable City of Boston Councilor Frank Baker  
Honorable City of Boston Councilor Anissa Essabi George  
Honorable City of Boston Councilor Ayanna Pressley  
Honorable City of Boston Councilor Michelle Wu President  
Honorable City of Boston Councilor Michael Flaherty**

**Honorable Senator Linda Forry**

**Honorable Representative Daniel Hunt  
Honorable Representative Daniel Cullinane  
Honorable Representative Nick Costello**

**Honorable Director Brian Golden Boston Planning and Development  
Project Manager Tim Czerwinski Boston Planning and Development**

**David Carlson, Senior Architect / Executive Director  
Boston Civic Design Commission**

**Honorable Members of Boston Civic Design Commission. c/o Mr. David Carlson**

**Ms. Deneen Crosby ASLA  
Mr. Michael Davis FAIA, LEED, Co-Vice Chair  
Ms. Linda Eastley AICP  
Mr. David Hacin FAIA  
Ms. Andrea Leers AIA  
Mr. David Manfredi FAIA  
Mr. Paul F. McDonough Esquire, Co-Vice Chair  
Mr. William L. Rawn FAIA LEED AP  
Mr. Daniel St. Clair AIA  
Mr. Kirk Sykes AIA  
Ms. Lynn Wolff FASLA**

Timeline port Norfolk Boston an island in the city. Understanding the Context (A residents perspective)

8084 AD reports of settlements by Native Americans blue hills Neponset river and islands.  
"king's handbook of Boston Harbor" .1

Pine Neck aka Port Norfolk Peninsula, 8000 ad till 1830s surrounded by water, "pine neck"  
similar geography / landform to present day Thompson island same topography, soil mases,  
landscape materials.

900 to 1100 ad: reports of Portuguese fisher's discovery of the "secret fishing grounds" east  
shore Atlantic Ocean of North America. The cod

Circa 1480 ad or so, king of England's map of north. America depicts area from what is now  
North Carolina to Canadas farthest eastern reaches is called" Dorchestershire ".

1492 Columbus discovers Americas

1620 pilgrims arrive in Plymouth

Spring 1621, Ship Mary and John visit Dorchester bay @ Savin Hill; erect camp /fort at Savin hill  
woods Movement over Massachusetts into Boston and beyond

General settlement of Boston development of this era.

1775Bonner/ Pelham maps environs created 1775

Revolutionary war Mill Street Dorchester fortifications on hill (still evident) cannons protection  
of Dorchester bay / town of Dorchester

1840 Old Colony Railroad comes in 1840s connecting cape cod to city of Boston

Industrial and residential development began interesting patterns as industrialist built homes  
next to lumber yards and shipyards and misc. factories. Recognized livability potential of the  
peninsula. Place to live and work.

1845 Luther Briggs, Dorchester architect, lays out what is now Port Norfolk street system and  
infrastructure and designs/constructs several homes in period architectural styles to establish  
fabric and context of present day port. Designed home, built in March – October months of  
1856 long Italianate row along walnut St. block

1860 -64 American civil war / industrial growth / in this war. Lumber, steel, supplies .....  
growth of industrial operations at present site from Ericson St. Note: scale of buildings generally  
same scale / heights of existing residential buildings Putnam nail factory.

1859 -1874 present day street layout was complete.

1872 -3 Town of Dorchester Annexed to City of Boston

1910 bridge built over water street connecting port to Neponset circle.

1880 -1940 sustained growth, depression, WW 2. Americas cup Columbia built in 1920s Lawley  
yard. / Oriole rescued

1940 – 1948 WW 2, lumber and shipyards in the river and port were booming, immigration of  
carpenters, shipwrights from New England, Scotland ships in summer and industrial buildings in  
winter Growth of Lawley ship works, incorporated nail factory into shipyard operations.

1942 WW2 our home converted to 9 room, rooming house through 1950s house workers in  
the port.

1950 population of Dorchester was 230,000 people today 120,000

1952 Old colony rail line closes cuts port off

1953 Old Colony Parkway (now Wm T Morrissey Blvd) opens cuts port off

1952-1960 construction of southeast expressway – cuts port Norfolk again off from city.

1950s through 1970s Boston was, like most of northeast USA was a depressed city  
economically.

1960 s exodus from city, south shore and beyond.

(1969 photo drive in dump.)

Most lumber yards, industry, ship yard closes.

1970s decline in city services in port, paper, later hazardous material transfer station / plant  
moves in.

1980 huge fire, flames rising over 150 ft. in the air , at hazardous mat plant explodes closes  
port, our oldest son was 2 mos. Old

City is lethargic, no support to address what happened here, Dorchester neighborhoods mobilize & support efforts of Residents to fight fire dangers transfer station.

City councilors, Flynn, O'Neill, Langone, Sansone join our efforts.

1983 Ray Flynn elected mayor, paper company haz-mat closes, BRA director Steve Coyle tours Port Norfolk, orders zoning analysis, zoning board creates IPOD.

1984 master Harbor Park plan is created. Harbor walk guidelines project begins. BRA under director Stephen Coyle commissions Port Norfolk neighborhood plan and IPOD initiative.

1990 -92 Neighborhood plan approved by Mayor Flynn and Zoning commission, BRA – New zoning for port Norfolk and Dorchester has been made law of the city of Boston and the Commonwealth.

1988 current park created from haz mat site as envisioned by Port Norfolk neighborhood , city government, legislature, John and Maria Lyons on site of Shaffer Paper. Governor Charlie Baker, Mayor Martin Walsh , Rep. Dan Hunt, Sen. Linda Forry and Congressman Stephen Lynch open Finnegan Park May 2017 joined by former elected officials Sen Paul White, Sen Jack Hart, Representative James Brett and Representative Tom Finneran (60% of the Neighborhood leaders of the 70s and 80s are no longer with us. Rip. Thank you all for your help in preserving our neighborhood.

Matthew A.  
Beaton

August 9, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strysky, EEA No 15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

E-mail MEPA: Alex Strysky: [alexander.strysky@state.ma.us](mailto:alexander.strysky@state.ma.us)

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf project for the following reasons:

*I oppose the plan of paving away the historic  
Boston. The large amount of impervious  
surface will cause the city to pump  
sewage to an old sewer system, also cause  
erosion of Tenon Beach. Bridge will destroy Pine Neck  
Creek. Also View*

*Helen O'Connor  
156 Belmont St #10  
Brookton Ma 02301  
508 510-6880  
617 733 5518*

Matthew A.  
Beaton

August 9, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strysky, EEA No 15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

E-mail MEPA: Alex Strysky: [alexander.strycky@state.ma.us](mailto:alexander.strycky@state.ma.us)

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf project for the following reasons:

- 1) Project will overwhelm the Port Norfolk Neighborhood & Dorchester Waterfront. Changes character of quite seaside neighborhood to overhyped destination. Doubles existing population, Straining infrastructure & utilities.
- 2) Sewage Issue - 1,245 to 27,956 gallons/day increase to an old, already problematic sewer system will cause more backup into homes
- 3) Traffic Issue - 1,500 cars a day through small neighborhood is unacceptable. The only way in & out is through Morrissey Boulevard which is already too access. The proposed project provides only 185 parking spots for 150 units, average family uses 2 cars = 300+ parking spots needed.
- 4) Noise & vibrations due to construction & tracks will ~~in~~ impact neighborhood & ACEC wildlife.

RECEIVED  
AUG 16 2017  
MEPA



5) The project design is incompatible with historic  
Port Norfolk Neighborhood names & building &  
natural ACEC area.

Thank you.

Jolanta Bialek

JOLANTA BIALEK

182 Walnut St.

Dorchester, MA 02122

jolanta\_bialek@hotmail.com

## **Strysky, Alexander (EEA)**

---

**From:** fkodzis@juno.com  
**Sent:** Sunday, July 30, 2017 6:11 PM  
**To:** Strysky, Alexander (EEA)  
**Cc:** jlljdcpa@aol.com  
**Subject:** Comment letter on Enviromental impact to Port Norfolk Neponset Wharf

Dear Mr. Strysky

I have given considerable thought to the meeting on July 24, 2017 concerning the Neponset Wharf project. There are serious environmental impacts to the neighborhood that should be mitigated by the developer prior to any approval of your agency.

First; The traffic generated by this project is clearly a major obstacle, not only for the egress from the property into the neighborhood but the environmental impact of water run off into the bay from the excess vehicles on the small property. A solution is to limit the amount of cars onto the property. I highly recommend that your agency request from the developer a separate independent traffic engineer to review all traffic plans submitted by the developer. This would ensure the confidence of the neighborhood in accurate data. A development of this scale should automatically require a third party study.

Second; The history of this parcel of land dates back to the early 19th century where it was used as a nail manufacture and boat building. Both industries used hazardous material to produce their product. It has been used as a boat yard repair service going back as far as I can remember for 60 years. This service also produces hazardous waste. At the very minimum your agency should require sampling of the soil in all parts of the parcel. Not requiring this would be considered a serious fault. The new Finnagan park that was just open on the south side of Port Norfolk had this requirement. It would be imperative that the developers are held to the same standard.

I implore the MEPA to sustain any approval of this project until these concerns are address with adequate and reasonable solutions to both your agency and the neighborhood..

Thank you kindly

Frank Kodzis  
157 Walnut Street  
Port Norfolk

---

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Matthew A. Beaton

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strysky, EEA No152728, Neponset Wharf Project

100 Cambridge St., Suite 900

Boston, MA 02114

E-mail MEPA: Alex Strysky: [alexander.strytsky@state.ma.us](mailto:alexander.strytsky@state.ma.us)

Dear Secretary Beaton;

This letter is in response to the Environmental Filing, (EEA NO. 15728), for the Neponset Wharf Project by City Point Capital. We are strongly opposed to the Neponset Wharf project for the following reasons:

Traffic and Parking

This project almost doubles our population of Port Norfolk. The impact on traffic would be unbearable. As a peninsula, we have only two ways to exit. Almost every street in the neighborhood except at the diamond is one way traffic at peak travel times. Walnut St., Redfield St., Lawley St., Rice St., Woodworth St., and Lorenzo St. two cars cannot pass each other at peak times and one must pull over in the hard to find spaces on the side of the road. Often on Woodworth hill one should remain at top or bottom of hill if another car is on the street because with all the parked cars there is no space to pull over.

To exit out by the beach is going to become more difficult with the changes being made with the suggested Morrissey Blvd. project and the loss of turn around across from Phillips Candy house. We will no longer have quick access to the Expressway heading South. Going North the traffic on the future two lane Morrissey Blvd. during school season will back up to the beach.

With the traffic comes the problems of parking. The project is asking for way too many units and not enough parking spaces. The overflow would then park on our

already too congested streets. We do not want to be another South Boston driving around to find a parking space. Our section of Walnut St., the middle section, every night has 2-3 cars parked illegally on the sidewalks. How will emergency vehicles be able to get by. This has been a problem before this project was even in the picture.

During construction, the large vehicles bringing product in and out is also concerning. Any car wishing to use the street would have to wait for the vehicle to go the by.

#### Water and Sewer

As one of the oldest sections of Dorchester we have great concerns if the infrastructure can support a project of this size.

#### Building and Construction

We are on the water and with all the construction the worry of a rodent problem is disconcerting.

#### Hotel

More traffic! More parking issues. With two hotels within two city blocks from Tenen Beach and one just over the bridge at the other end of the Port is it necessary?

#### Height

In our area, most of buildings are residential. The maximum height is four floors and they are rare most are only two. The buildings suggested do not conform to the neighborhood aesthetics.

#### Green Space \* Optional Projects

We have plenty of open space with Finnegan Park, Tenen Beach, playground, tennis courts and basketball courts and kayak launch at the Granite Ave end of park. This will only cause more traffic for our streets. Hotels, restaurants, active marina will make it a destination place for people outside of Port Norfolk and no parking for them again causing them to be parking on our congested streets.

I have noticed an increase of birds in the last decade or so with the cleaner water. Will the height of the building influence migrating birds?

These buildings will also block the city view.

Dredging and Marina

Our neighborhood has had many environmental issues over the decades and we don't want more. Dredging will bring out the PCB's which will impact local fish and wildlife.

Foot & Bike Path Bridge

I loved this idea originally but it would just become a distant parking lot for the residents and visitors of the new development.

Thank you for taking these thoughts into consideration.

Sincerely,

Freda Manning

James Manning Sr.

Jeremiah Manning and

James Manning Jr.

97 Walnut St.

Dorchester, MA 02122

Email: [manningsat97@gmail.com](mailto:manningsat97@gmail.com)

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[Jerry.mannn@gmail.com](mailto:Jerry.mannn@gmail.com)

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Hon. Mathew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114  
c/o Alex Strysky MEPA Project Manager.

Re: Port Norfolk Proposed Development Neponset Wharf  
Ericsson St. Dorchester Waterfront 02122  
Public Comments MEPA review.

Dear Secretary Beaton:

I am writing to express my concerns of the Ericsson St. Project. It is my opinion that "The Project", as now proposed, will have a negative impact on the quality of life for all Port Norfolk residents; will have a negative environmental impact on the existing tidelands and wetlands; and will negative impact on the history and future of Port Norfolk itself.

**The Quality of Life:** The existing infrastructure of Port Norfolk, particularly the antiquated sewerage system and the existing narrow streets are barely capable of handling the today's demand of use. Some of my neighbors are currently experiencing sewerage backups. "The Project", as now proposed, would nearly double the number of residential units in Port Norfolk. Could existing sewerage backups turn into future raw sewerage spillage into Dorchester Bay/Tenean Beach? I would rather not take that gamble. "The Project", as now proposed, would potentially more than double the number of vehicles in out of Port Norfolk.

When I leave for work in the morning, I drive down Walnut St., yield and turn left onto Ericsson St, stop at the corner of Lawley St. and inch my way around the corner. If there is a vehicle already on Lawley St., I wait for the approaching vehicle to pass me to Ericsson St before I drive down Lawley St. Usually, there are cars parked most of the length of the street. I find it safer to let traffic pass before I drive the length of the street. Not all drivers, especially those not accustomed to driving the streets of Port Norfolk, are as courteous as I am. I do not desire to see the streets of Port Norfolk turned into demolition derby.



**Environmental Impacts:** The peninsula of Port Norfolk, according to neighbors who know more than me, is part of an ACEC. "The Project", as now proposed, will further encroach on the area of critical environmental concern, and would create more potential environmental concerns, such as raw sewerage spills previously mentioned; the scale of "The Project", as now proposed, because of its height and massing, would affect the surrounding areas, including Tenean Beach and Pine Creek.

**The History and Future of Port Norfolk:** "The Project", as now proposed, in my opinion, is insensitive to the history of Port Norfolk. The scale and massing of the project does not fit into the fabric and history of Port Norfolk. If the developer does not learn from the history, the future will be dim. The residents of Port Norfolk deserve better than a few boxes falling out of the sky and landing on the peninsula of Port Norfolk.

Mr. Beaton, these are a just few of my thoughts and concerns regarding "The Project". I am sure you will be receiving other comments, some more in depth, and some including experiences of my neighbors in Port Norfolk. Port Norfolk is a great neighborhood with great neighbors. We watch out for each other. We need your help to watch out for us.

Sincerely,

Joseph P. McDermott  
158 Walnut Street unit 2 rear  
Dorchester, MA 02122  
josmcdermott@yahoo.com

**Strysky, Alexander (EEA)**

---

**From:** Maria Lyons <mtl teach@comcast.net>  
**Sent:** Sunday, August 13, 2017 10:19 PM  
**To:** Strysky, Alexander (EEA)  
**Subject:** Neponset Wharf Project Comment Letter to Environmental Filing  
**Attachments:** Neponset Wharf Environment Filing Comments.docx

Matthew A. Beaton

August 13, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office.

Alex Strysky, EEA No15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf Project. I have been a science teacher for 37 years with a Biology Degree from Boston University and have lived in Dorchester my entire life, the last 36 years in Port Norfolk. I am an active member of the Neponset Greenway Council and the Neponset Watershed Association and serve as the Environmental Chairperson for the Port Norfolk Civic Association. I have enjoyed working with the DCR on projects along the Neponset River especially the completion of the Joseph P. Finnegan Park at Port Norfolk. I believe that I am someone, along with many neighbors, who knows the area well and I am a strong supporter of the Neponset River ACEC. For these reasons, my comments are lengthy, but necessary.

Below is a summary of impacts to the Port Norfolk neighborhood, to the Neponset River Area of Critical Environmental Concern and the Dorchester Waterfront. The Environmental Notification Report for the Neponset Wharf Project is extremely deficient of information and misleading. The responses to the questions about possible impacts only refers to the actual site of the project and there is no regard to the surrounding neighborhoods or the ACEC. They are ignoring much of the Massachusetts Wetlands Act, River Act and ACEC Regulations especially in regards to sensitive areas surrounding the site.

In Regards To...

**Size, Scope and Use** - Project will overwhelm the Port Norfolk Neighborhood and Dorchester Waterfront. Port Norfolk peninsula is all at one level, 2-3 stories. 86 ft. high project will stick up like a sore thumb, negatively changing the Dorchester Waterfront views and character drastically. 150 condos and 25 room hotel will double

population of entire Port Norfolk neighborhood. Restaurant, 75 boat marina and other planned structures will change character from quiet seaside neighborhood to an overhyped destination. There will be nothing to stop them from filing for liquor and entertainment licenses after project is built. The end of the Port Norfolk Peninsula, already is vibrant enough with a large restaurant, 4 function rooms, and 4 bars. Doubling the existing population will strain infrastructure and utilities. Proposed projects will harm Neponset River Area of Critical Environmental Concern (ACEC).

**Design** – Large box designs of steel are incompatible with historic Port Norfolk Neighborhood homes and buildings and natural ACEC area. Any reflective surfaces across from Tenean Beach will reflect sunlight into the eyes of the public trying to enjoy beach.

**Traffic and Parking**- 1,500 cars a day through small neighborhood streets unacceptable, only way in and out is through Morrissey Boulevard, already difficult to access. Plan only providing 185 parking spots. 150+75+25+Restaurant+visitors+workers does not add up to 185. The plan does not add in cars from marina, 75 boats, or visitors. 1,500 cars a day in and out will add air pollution and increase pollutants in runoff from area, negating the increase in permeable areas reducing runoff.

**Height, Sky Dome, and Shade** – Plan only addresses sky dome from Erikson Street. Two 86ft high buildings and other massive buildings, will block view of sky dome and ocean from Tenean Beach, Rte. 93, Dorchester Neighborhoods, Venezia Harborwalk and block ocean breeze onto Tenean Beach. The beautiful views of sunrises and sunsets across the end of the Port Norfolk Peninsula will be blocked. Large buildings will block birds moving back and forth to feed and nest between Squantum Point Park and Pine Neck Creek and Migratory Birds. Project will add shade to Pine Neck Creek and Tenean Beach, changing temperature of water, impacting wildlife and enjoyment by humans.

**Sewage** – 1,245 to 27,956 Gallons/day increase to an old, already problematic sewer system will cause more backup into homes. Most of Port Norfolk is a flat sea level peninsula, hampering flow.

**Dredging and Larger Marina** - They have not found a previous dredging permit. What will be maintenance - what will be improvement? How determination be made if no permit record is found? Port Norfolk Yacht Club members believe it has been approximately 30 years since last dredging. Much of the site has refilled with PCB contaminated mud up to the level of land in Pine Neck Creek. The surrounding area is now an ACEC and has changed back into a natural area considerably. The developer should be required to start a new dredging licensing procedure to ensure safety of the area. Resuming large amount of dredging in a now ACEC area will impact the adjoining shellfish beds at Bucky's Bar ( off of Squantum Point Park), mudflats, marshes, Tenean Beach and the wildlife that feeds and nests there by covering them with mud and releasing PCBs into the water. Deep dredging across from Tenean Beach could cause erosion of beach, creek, and harm marsh by changing current patterns and wave actions. There is no completely safe way to dredge contaminated mud. More boats means more pollution such as from oil, gasoline, wastes leaks. Presently there is only about 15-20 boats on site.

**Fence Removal in water across from Tenean Beach** – Increased wave action could cause erosion of Tenean Beach. Professional evaluation of existing conditions and modeling of proposed changes must be required.

**Bridge** – Building a bridge across Pine Neck Creek will destroy marshes at Pine Neck Creek, ACEC, and would facilitate the use of Tenean Beach parking as ancillary parking for a private development. Visitors to Neponset Wharf, marina, restaurant patrons will take up spaces of public beach goers, and compete with neighborhood residents for insufficient parking on the peninsula. The scenic view from the end of Pine Neck Creek to downtown Boston, is also a popular artists' spot that would be blocked by a bridge.

**Open space, Public view** - The developer's report on open space and view is misleading. They say they are providing 2 acres of open space but much of public open space is unusable, under buildings or alongside

buildings. It is not clear if they are also counting streets and sidewalks. The best view, next to Venezia, is reserved for private use. The plan is for a flat roof boat storage building. This could easily be changed into an inappropriate, private, loud, open air bar/ entertainment spot after it is built. The offered public view is of the Xway and LNG tank. 40% of Port Norfolk already is open space and they would be destroying the public view from Tenean Beach, Rte. 93 and Dorchester. A small additional space and questionable view does not justify the harmful impacts of this project.

**Construction** – Noise and vibrations due to construction of a large project and trucks will impact neighborhood and ACEC wildlife. There is a substantial threat that construction could cause damage to historic homes and buildings, old streets and water and sewer pipes, especially since much of Port Norfolk is on filled land, know to increase impact.

Noise will scare away birds in ACEC, nesting and feeding near site.

**Public Amenities** – The offered public amenities are redundant in the area, inappropriate for area, or harmful to ACEC and neighborhood, and will increase traffic even more. Do not justify negative impacts regarding Chapter 91 Laws, Wetlands Act, neighborhood or ACEC.

**Kayak launch** – Will launch into a mudflat area, no water large parts of each day with tides.

Public will have to pay for kayak storage.

A more useful and appropriate Kayak launch already exist in nearby Neponset 2 Park.

**Fishing** - Fish in Neponset River have high levels of PCBs, should not be eaten.

Fishing Pier already exists next to Joseph Finnegan Port Norfolk Park.

Fishing gear, lines, and hooks could entangle birds and children, wash up on  
Beach and marshes.

**Beach Sand area** - Tenean Beach is right across Pine Neck Creek from project. If they remove  
seawall the project site will easily flood.

**Playground and courts** – Large playground, basketball and tennis courts at Tenean Beach.

**Dog Park** – Adding a dog park beside Tenean beach will increase bacteria level at Tenean Beach  
beyond the unacceptable current levels. This should not be allowed.

**Fire Safety**- There are concerns about fire safety. Entrances into and through Port Norfolk are difficult. Entrances into this site are narrow and multi- angled. Will large fire equipment be able to reach all sides of the buildings proposed on the site? Will there be water pressure capable to reach 86ft high?

**Boston Zoning Code and Port Norfolk BRA Report**– Project ignores Dorchester Port Norfolk Neighborhood Waterfront Service District Zoning- max height 35FT, no hotel, no restaurant - Allowing this project will set a bad precedent for entire Dorchester Waterfront. Many years ago, Dorchester lost its waterfront when the train tracks and Rte. 93 were built. The DCR has been working for many years to restore the Dorchester Waterfront. With the designation of the Neponset River ACEC and the creations of parks, they have been quite successful.

This project would be the beginning of creating a wall of condos between Dorchester and its waterfront. The Dorchester Waterfront Zoning Code and the BRA Plan for Port Norfolk is meant to protect Dorchester from projects such as the Neponset Wharf. Project needs to be cut down. They should be offering a much smaller project in size, height and density.

**Economic Injustice** – Tenean Beach is the Poor Man's Beach. It would not be right if rich people get to sit in their condos and enjoy their view while the public at Tenean Beach, Dorchester neighborhoods and travelers on Rte. 93 have to look at 86ft high monstrous buildings.

**Environmental Injustice** - The designation of an area as an ACEC raises it to the highest standards of protection from any project in or around it. The ACEC mandate for all private and public agencies is to "Do No Harm". The Neponset Wharf sits directly in the Neponset River ACEC.

In the Neponset River ACEC the designation is working. Much of the area is returning to the natural marshes, mudflats, shellfish, and buffer zones needed for the health of the Boston Harbor and the ocean wildlife. Some of the bird observations from this summer have included egrets, great blue herons, night herons, bitterns, cormorants, swans, swallows, red wing blackbirds, and various ducks, gulls and sandpipers.

The issues raised above, need to be evaluated by comprehensive studies by experts in each field.

Thank you for taking the time to read these comments. I have attached a complete review of the Neponset Wharf Filing that includes laws not cited by City Point Capital and comments on each section of the Environmental Filing for the Neponset Wharf Project.

Sincerely,

Maria Lyons

Port Norfolk Civic Association

Environmental Chairperson

Neponset Greenway Council Member

Neponset Watershed Association Member

## **Neponset Wharf Environmental Filling**

### **Port Norfolk Civic Association Responses**

Sections of Plan and developer responses in Black

PNCA Responses in red

Pages 2-6 Laws and Regulations

Pages 6- 16 Comments on Environmental Filing

**Massachusetts Laws and Regulations pertaining to Neponset Wharf Project**

**Reported In Env. Filing by applicant**

Ch. 91 301CMR11.03(3)(a)(5) Provided that a Chapter 91 License is required, New non-water dependent use or Expansion of an existing non-water dependent structure, provided the use or structure occupies one or more acres of waterways or tidelands.

**301 CMZ 11.03(11)(b) Areas of Critical Environmental Concern**

(b) ENF and Other MEPA Review if the Secretary So Requires. Any Project within a designated ACEC, unless the Project consists solely of one single family dwelling.

310 CMR 11.03(6)(b)(14) Generation of 1,000 or more New adt on roadways providing access to a single location and construction of 150 or more New parking spaces at a single location.

**Not Reported in Neponset Wharf Environmental Filing**

**301 CMZ 10.02: Statement of Jurisdiction**

(1) Areas Subject to Protection under M.G.L. c. 131, § 40. The following areas are subject to protection under M.G.L. c. 131, § 40:

- (a) Any bank, the ocean  
any freshwater wetland, any estuary  
any coastal wetland, any creek  
any beach, bordering any river  
any dune, on any stream  
any flat, any pond  
any marsh, or any lake  
or any swamp
- (b) Land under any of the water bodies listed above
- (c) Land subject to tidal action
- (d) Land subject to coastal storm flowage
- (e) Land subject to flooding
- (f) Riverfront area.



**310 CMZ 10.2 (d) Activities Outside the Areas Subject to Protection** under M.G.L. c. 131, § 40 and the Buffer Zone. Any activity proposed or undertaken outside the areas specified in 310 CMR 10.02(1) and outside the Buffer Zone is not subject to regulation under M.G.L. c. 131, § 40 and does not require the filing of a Notice of Intent unless and until that activity actually alters an Area Subject to Protection under M.G.L. c. 131, § 40. In the event that the issuing authority determines that such activity has in fact altered an Area Subject to Protection under M.G.L. c. 131, § 40, it may require the filing of a Notice of Intent and/or issuance of an Enforcement Order and shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

**M.G.L. c.131,Section 40: Removal, fill, dredging or altering of land bordering waters**

Section 40. No person shall remove, fill, dredge or alter any bank, riverfront area, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding,

**301 CMZ 10.03: General Provisions**

**(1) Burden of Proof.**

(a) Any person who files a Notice of Intent to perform any work within an Area Subject to Protection under M.G.L. c. 131, § 40 or within the Buffer Zone has the burden of demonstrating to the issuing authority:

1. that the area is not significant to the protection of any of the interests identified in M.G.L. c. 131, § 40; or
2. that the proposed work within a resource area will contribute to the protection of the interests identified in M.G.L. c. 131, § 40 by complying with the general performance standards established by 310 CMR 10.00 for that area.

Comment [m1]:
Comment [m2]:
Comment [m3]:
Comment [m4]:
Comment [m5]:
Comment [m6]:

**310 CMR 10.58 Riverfront Area** -25Ft setback along Rivers in Boston

**301 CMZ 10.37: Estimated Habitats of Rare Wildlife (for Coastal Wetlands)** As would applies to surrounding area ACEC [310 CMZ 10.2 (d)] See ACEC Bird list.

If a project is within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program (hereinafter referred to as the Program), a fully completed copy of the Notice of Intent (including all plans, reports, and other materials required under 310 CMR 10.05(4)(a) and (b)) for such project shall be sent to the Program via the U.S. Postal Service by express or priority mail (or otherwise sent in a manner that guarantees delivery within two days). Such copy shall be sent no later than the date of the filing of the Notice of Intent with the issuing authority. Proof of timely mailing or other delivery to the Program of the copy of such Notice of Intent shall be included in the Notice of Intent which is submitted to the Issuing authority and sent to the Department's regional office.

Within 30 days of the filing of such a Notice of Intent with the issuing authority, the Program shall determine whether any state-listed species identified on the aforementioned map are likely to continue to be located on or near the site of the original occurrence and, if so, whether the area to be altered by the proposed project is in fact part of such species' habitat.

#### **Land**

**310 CMR 11.03 (1)(b)(6).** Approval in accordance with M.G.L. c. 121A of a New urban redevelopment project or a fundamental change in an approved urban redevelopment project, provided that the Project consists of 100 or more dwelling units or 50,000 or more sf of non-residential space.

**310 CMR 11.03 (1)(b)(7).** Approval in accordance with M.G.L. c. 121B of a New urban renewal plan or a major modification of an existing urban renewal plan.

#### **3. Wetlands - as would apply to surrounding areas ACEC [310 CMZ 10.2 (d)]**

**310 CMR 11.03 (3) (a).** alteration of one or more acres of salt marsh or bordering vegetating wetlands; or

b. alteration of ten or more acres of any other wetlands.

**310 CMR 11.03 (3) (a)( 2).** Alteration requiring a variance in accordance with the Wetlands Protection Act.

**310 CMR 11.03 (3)(b)(1)(a)** alteration of coastal dune, barrier beach or coastal bank;

b. alteration of 500 or more linear feet of bank along a fish run or inland bank;

c. alteration of 1,000 or more sf of salt marsh or outstanding resource waters;

d. alteration of 5,000 or more sf of bordering or isolated vegetated wetlands;

**310 CMR 11.03 (3)(b) (2)** Construction of a New roadway or bridge providing access to a barrier beach or a New utility line providing service to a structure on a barrier beach.

**310 CMR 11.03(3)(b)(3)** Dredging of 10,000 or more cy of material.

#### **4. Water**

**310 CMR 11.03 (4)(a)(4)** Provided that the Project is undertaken by an Agency, New water service to a municipality or water district across a municipal boundary through New or existing pipelines, unless a disruption of service emergency is declared in accordance with applicable statutes and regulations.

#### **5. Wastewater**

**310 CMR 11.03(5)(a)(4)** Provided that the Project is undertaken by an Agency, New sewer service to a municipality or sewer district across a municipal boundary through New or existing pipelines, unless an emergency is declared in accordance with applicable statutes and regulations.

**Federal Clean Waters Act 33 U.S.C. §1251 et seq. (1972)**

**Boston Zoning Code**

**REGULATIONS APPLICABLE IN WATERFRONT SERVICE SUBDISTRICTS**

**SECTION 65-17. Establishment of Waterfront Service Subdistricts.** This Section 65-17 establishes Waterfront Service ("WS") Subdistricts within the Dorchester Neighborhood District. The Waterfront Service ("WS") Subdistricts in the Dorchester Neighborhood District are governed by the provisions of this Article, rather than by Article 42C (Waterfront Service District) of this Code. The following Waterfront Service Subdistrict is established:

**1. Port Norfolk Waterfront Service (WS) Subdistrict**

**SECTION 65-18. Use Regulations Applicable in Waterfront Service Subdistricts.** Within the Waterfront Service Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as "C" (conditional) in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Waterfront Service Subdistricts.

**SECTION 65-19. Dimensional Regulations Applicable in Waterfront Service Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Waterfront Service Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

Table B and D

[https://library.municode.com/ma/boston/codes/redevelopment\\_authority?nodeId=ART65TA](https://library.municode.com/ma/boston/codes/redevelopment_authority?nodeId=ART65TA)

## **BRA Plan for Port Norfolk, 1988**

### **Port Norfolk Civic Association Responses to Neponset Wharf Environmental Filing**

#### **Page 2 Summary of Project Size and Environmental Impacts**

##### **Land**

**Square Feet of New bordering vegetative wetlands alterations-** their response N/A

*Against ACEC Wetlands Regulations, Vegetative wetlands surrounding Pine Neck Creek would be altered by bridge to Teaneau Bench. Pine neck creek nesting site for shore birds.*

##### **Structures**

**Number of Housing Units-** 150,

*Missing Structures – Plan fails to mention Hotel, Restaurant, Parking Garage, Snack Bar, Kayak storage shed, New Piers in this section. No mention of number of bedrooms in units.*

*Against Ch. 91 301CMR11.03(3)(a)(5) includes over 1 acre of new non-water dependent use*

*Against ACEC Regulations 301 CMZ 11.03(11)(b) prohibits any project within ACEC*

*Against Boston Zoning Code – Housing Conditional, Single Family, 5000sf*

*Against Boston Zoning code - Restaurant, Garage, Hotel Forbidden*

**Maximum Height – 85 ft**

*Against Boston Zoning Code - 35 ft The Port Norfolk neighborhood is mostly at the same height. The project as planned sticking up at the end would be unsightly to the entire Neponset community. The 35 ft Zoning maximum is there for a reason, so that a wall of condos will not be built between the Dorchester Community and the Ocean. We have to endure the train tracks, Rt 93 and Morrissey Boulevard which all stole away Dorchester's waterfront. We should not have to endure a wall of condos as well! Travelers on Rt 93 as it goes by the Port Norfolk neighborhood, have the best view of the ocean from this highway in all of Boston. The view includes Port Norfolk, Victory Road Park, Squantum Point Park, The Kennedy Library as well as the ocean. Due to the massive size, both height and width, the Neponset Wharf project will stick up like a sore thumb and spoil this view. This project, if built as planned, will set a bad precedent for the entire waterfront area.*

*Against ACEC Regulations – Height could impede migratory and shore birds from feeding and nesting, as they travel across Port Norfolk to and from Squantum Point Park and Pine Neck Creek.*

##### **Transportation**

**Adjusted Vehicles/ Unadjusted Vehicles - 1,737/1,632**

*Traffic – The proposed project would add, by their estimate, 1,737 vehicle trips a day to a small neighborhood that already has problems travelling up and down our streets due to the existing businesses at the end of the Port Norfolk peninsula. For example, traveling on Walnut, Woodsworth, or Lawley, one must find a place to pull over to allow opposite traffic to pass. We also have problems entering and exiting onto Morrissey Boulevard, are only pathway in and out. During rush hours you have to wait in lines for your turn to fight the traffic to get out and can be blocked from returning by lines of cars backed up on the boulevard. The proposed DCR Morrissey Boulevard project will only make this worse. The traffic problem cannot be resolved.*

**Pg. 2 Summary of Project Size and Environmental Impacts Cont.**

**Parking - 185**

*Against 310 CMR 17.03(6)(b)(14) Exceeds 1,000 trip threshold and construction of parking garage. Higher number is the one to use, as there is no proof luxury condo owners will ride share. 185 spot garage doesn't even provide enough parking for housing and marina. Number of housing units should be reduced. Restaurant and Hotel would greatly increase traffic, both day and night, and parking needs would far exceed the 185 spots in the garage. Where will they park? Both should be eliminated.*

**Wastewater**

**Water use – from 1,370- 30,752**

*Huge increase in water use- Can neighborhood water lines support this increase*

**Wastewater – from 1,245-27,956**

*Huge Increase in sewage- Can neighborhood's old sewage lines handle this increase. Many Port Norfolk residents have had raw sewage backup into their homes from city sewage lines. A comprehensive study needs to be done in the entire neighborhood.*

**Page 3 General Project Information**

**Existing Conditions**

*2<sup>nd</sup> Paragraph – Is small, isolated and overgrown area west of buildings a marsh, in buffer zone in ACEC?*

**Project Description**

*1<sup>st</sup> Paragraph, - The project will provide over 50% of site for public outdoor space. Is that 50% of total. 7.6 acres or 50% of 3.6 non-water acres? Does 50% include roads, sidewalks, and narrow green areas alongside buildings? Does 50% include fishing pier, snack shack, restrooms, kayak storage, or just green areas? Not well defined.*

**Page 4 General Project Information Cont.**

**New Pedestrian Bridge - across Pine Neck Creek to project site**

*In addition to destroying marsh lands, a bridge at this point will cause an overuse of the Teneau Beach Parking area by people using the marina, restaurant or visiting tenants. This will block out the public that wants to park here to go to Teneau Beach. The Teneau Beach parking area should not become free, ancillary parking for a private project.*

#### **Pg. 4 Summary of Environmental Impacts**

**Daylight-** Due to the setback from the nearest public way, the Project will not significantly impact visible skydome.

#### **Measurements of Skydome blockage were only taken from one spot on Erickson Street.**

Does not consider impact on visible skydome from Tenean beach or the Public Harborwalk at Venezia Restaurant. Both will be seriously impacted. From Tenean Beach, public will be facing extremely large buildings to the East, that will significantly increase the blockage of the view of the skydome and also morning sunshine. Morning shade could affect the health of the surrounding ACEC, as well as public enjoyment of the beach.

From the Harborwalk at Venezia looking west, there will also be a significant increase in the blockage of the skydome and The Project will block the beautiful sunsets viewed from this area.

Residents of Dorchester and Travelers on Rt 93 have a beautiful view of the ocean. The view includes Port Norfolk, Victory Road Park, Squantum Point Park, The Kennedy Library as well as the ocean. Due to the massive size, both height and width, the Neponset Wharf project will stick up like a sore thumb and spoil this view. This project, if built as planned, will set a bad precedent for the entire area.

#### **Wetlands /Waterways – no details**

**Removal of Fence along pier-** The impact of removing the fence along the pier across from Tenean Beach has not been acknowledged or studied by the Project planners. An assessment by ocean shoreline engineers needs to be completed before this change is considered, with the highest standards applied according to ACEC regulations. Will it cause the erosion of Tenean Beach sand or destruction of marshland along Pine Neck Creek or Victory Road Park due to increase wave activity?

**Wetland Impact-** Project Plan does not acknowledge Bridge to Tenean causing destruction of wetlands.

**Dredging Impact-** Plan does not acknowledge that much of the area is surrounded by shellfish, Bucky's Bar, that was reseeded by the State a few years ago to promote growth of Oyster Beds. Dredging in area will have extreme impact on shellfish beds and on the tidal flats that are used as feeding grounds by shore birds and other wildlife.

Increased dredging in this area could also contaminate Tenean Beach and surrounding ACEC marshes with mud containing PCP's.

Will dredging cause erosion of sand and mud at Tenean Beach and Pine Neck Creek. Build up of mud level in front of Tenean Beach and on site of project has increased. Drastic reduction on site may impact surrounding mudflats and beach.

**No License** – The Project Planners have found no license to dredge in project area. Shouldn't they be required to begin dredging license request procedures from the beginning of the process? Is the amount of dredging maintenance or improvement? How can you tell if no license, if previous amounts of dredging were legal?



**Water Quality- Project will improve water quality...**

**Dog Park-** Plan fails to acknowledge that a dog park will increase bacterial waste in the runoff into an ACEC. Neighborhood is working on reducing dog use in this ACEC area not increase use. Save the Harbor/Save the Bay studies have shown dog wastes contaminate the water.

**Motor Vehicles** - Plan fails to acknowledge large increase in cars and trucks will increase amount of toxins being runoff into ACEC.

**Pg 4 Summary of Environmental Impacts Cont.**

**Noise - ... no adverse noise impact...**

**Traffic** - Project fails to acknowledge the overwhelming increase in traffic, day and night, cars and trucks, will cause a significant increase in noise impacting the surrounding residential neighborhood and wildlife.

**Hotel/ Bar** The developers have mentioned that the Hotel would have a Roof Top Bar. When asked about the Hotel/ Restaurant at the Open House, they refused to answer questions about it. Certainly an open, rooftop bar will negatively impact both the neighborhood and the wildlife in the adjacent ACEC.

**Solid and Hazardous Materials** - Existing solid and hazardous wastes

**Hazardous wastes-** It is extremely worrisome that there are hazardous wastes on this site and that the surrounding neighborhood has never been notified! Adults and children walk around this site all the time. We have just gotten rid of one hazardous site in the neighborhood and now we find that there is another! Has it been running off into the water?

**Geotechnical** - ...additional geotechnical assessments will be performed...

**Incomplete Filing** - Project planners have not determined final geotechnical assessment yet they have filed an Environmental report. They have also only considered their project site and not the entire neighborhood. What will happen if there is a large influx of truck traffic and if pile driving is necessary?

**Filled Ground** - Most of Port Norfolk is filled ground. As such, the area experiences a great deal of shaking from trucks as they pass through, train vibrations and we have felt a great deal of shaking from Earthquakes with epicenters from as far away as New Hampshire. Geotechnical studies need to be completed in the entire Port Norfolk area before this project goes forward.

**Construction** - Construction related impacts are temporary in nature.

**Neighborhood Impacts** - There are historic homes and buildings in the Port Norfolk area that could be impacted by vibrations by trucks and pile drivers. We are also concerned about our streets. They seem to be sinking! Continuous truck traffic during construction will increase this problem. The neighborhood has a very old sewage system. Will heavy increase in truck traffic damage pipes? A full study needs to be done here. Are the developers offering insurance to the city and neighborhood to fix any damages that are caused by construction of their project?

#### **Pg. 4 Alternatives**

**Harborwalk** – The alternatives offered by the Project Development Team fail to recognize that in 1999 the owners of the project property received a license to build an additional wall along the property. In remediation for the taking of public tidelands, they were ordered to construct a designated Harborwalk with a public viewing area, a bench and signage.

#### **Pg. 5 Preferred Alternative 150 Condos, 25 room Hotel, Restaurant, 75 slip Marina**

**Preferred Alternative** – The proposed Plan, with 150 units of housing, hotel, restaurant and marina, is overwhelming in size and density within the small Port Norfolk Neighborhood. The plan fails to report an important piece of information regarding density and infrastructure use, the number of bedrooms in each of the housing units. The plans neglects to report the affect it will have on the neighborhood and the surrounding ACEC. Insurmountable traffic issues, sewage problems, impacts on wetlands and shellfish beds, alteration of the skydome from highly public views are all ignored. Even the design of the project is overwhelming. The height of the project, 85ft, is double the height of the rest of Port Norfolk. It does not represent the character of the neighborhood, which has many historic homes and buildings or the ACEC natural experience that the DCR has been spending millions of dollars on in the surrounding area. It is a large, boxy, modernistic design which might belong downtown, but not in the Port Norfolk neighborhood.

To offset the forbidden uses that the plan is asking for, the project proposes numerous public amenities, not all of which are wanted or even practical for the area, some could actually cause harm. They are listed below.

#### **Problems with Public Amenities Proposed for Project.**

1. Restaurant, hotel, bar, garage all forbidden under Boston Zoning Code and Chap 91 Non-Water Dependent uses. Will increase traffic and parking impacts.
2. The open green space is a welcomed addition, however there are problems that need to be addressed. Most of the public open space faces the Rt. 93 Expressway or the LNG tank. The best view, next to Venetia, has a building where it could link to the Venezia Harborwalk. Is this the site of an open air bar that would add noise?
3. The dog park would add bacterial waste to the ACEC waters.
4. Fishing Pier is in an area where the fish have high levels of PCP's. Broken fishing lines and hooks could entangle birds and wash up on beach.
5. Paid Kayak storage and launch is proposed in an area that has extreme low tides. Most of the area is dry mudflats for about half the time each day with ever changing time due to the tides.
6. Bridge to Tenean Beach would damage the marsh along Pin Neck Creek and would serve as ancillary parking to a private development, blocking out the public that wants to park and use Tenean Beach. The bridge would also block a known Artist view spot from the end of Pine Neck Creek.

7. Other amenities, such as snack shack, restrooms, court ?, sand play area?, as well as kayak launch and fishing pier, may look nice but will only exacerbate the traffic and parking problems.

*These ideas are duplicating amenities that already exist in the area. There is a large beach, tennis and basketball courts, and playground right around the corner at Tenem Beach. There is a fishing area beside the Train Bridge in Port Norfolk. There is a useful kayak launch at Neponset II Park. Parkland and views at Tenean Beach, Joseph Finnegan Park at Port Norfolk and the Harborwalk at Venezia Restaurant. There is no public need of these proposed amenities.*

*To the residents of Port Norfolk, the proposed amenities are not worth the overwhelming imposition the project would have on the neighborhood. It would change the character of the neighborhood from a small, peaceful seaside community to a hangout for a privileged crowd. We already have plenty of vitality with a yacht club, a large restaurant, a winery and a whiskey distillery all situated at the end of the Port Norfolk Peninsula. All together that includes 3 bars, and 4 function rooms. We have reached our limit on speeders and drunk drivers. We are happy to share our state parks and beaches with everyone, even take in more residents, but we do not want to become the "destination" as proposed by the Neponset Wharf Project. We are not in the Scaport or Part of Marina Bay, both areas created where there were no neighborhoods. We are an existing neighborhood and ACEC area that needs to be protected from projects such as the proposed Neponset Wharf Project.*

#### **Missing Proposed Alternative-**

*Another alternative, not listed by the planners, is a project that offers a reasonable amount of housing, and marina with a public walkway along the waterfront connecting to adjacent Harborwalks around the Port Norfolk Peninsular. No hotel, restaurant, or problematic public amenities. Under these guidelines, a compromise could be made.*

*A small retirement Community.*

**Pg. 7 Mitigation Measures**

**Area of Critical Environmental Concern:**

*Does not answer question on compliance sufficiently.*

*The applicant does not address the impact of the project on Buffer Zone and surrounding ACEC, which are protected by the Massachusetts Wetlands Protection Act and ACEC Regulations. Under ACEC Regulations the Wetlands Regulations are held to the highest standards, Do No Harm.*

*Does not address impact of shade from tall buildings on Pine Neck Creek and Tenean Beach. Reducing amount of sunshine and temperature could make area unsuitable for wildlife and the public at Tenean Beach.*

*Does not address impact of car, truck and boat discharges on ACEC waters.*

*Does not address impact of Dog Park adding bacterial waste to ACEC across from a public bench.*

*Does not address impact of noise, construction and after, on ACEC wildlife.*

**Rare Species:**

*Rare Species are in the immediate ACEC vicinity. Listed on Rare and Endangered Species List attached to project proposal.*

*Does not address blockage of migratory and shore birds travelling from Squantum to Pine Neck Creek and back.*

*Does not address impact of dredging of mud, (which is contaminated with pcbs), harming feeding grounds, shellfish area, mudflats, marshes and beaches.*

**Historical/ Archaeological Resources:**

*Does not address possible harm of historic homes and buildings from shaking from truck traffic and construction. Filled land is highly susceptible to vibrations.*

**Water Resources:**

*Plan does not address*

*Pcbs in water and fish are not amenable to a Fish Pier.*

*Increase in turbidity and pcbs from dredging*

*Changes in river flow and wave action, beach erosion due to changes in fencing and piers.*

**Pg. 8**

**Massachusetts Contingency Plan: Petroleum wastes on site and release**

*There has been no notice to the neighborhood of the release of petroleum products on this site.  
There is a public beach directly across from property.*

**Solid and Hazardous Wastes: Hazardous wastes on site**

*There has been no notice to the neighborhood that there are hazardous wastes on site. Adults and children freely walk around most of this site.*

**Designated Wild and Scenic River: Not a designated Scenic River**

*Included in the Neponset River Reservation designation as an ACEC is "Scenic Vistas".*

**Pg. 10 Massachusetts Contingency Plans Cont.**

**Land Section**

**II Impacts and Permits**

**E. Is any part of project currently subject to conservation restrictions...**

*Applicant has answered yes, then asked to describe, no answer.*

**III. Consistency**

**A. Identify the project's municipal comprehensive land use plan**

*Applicant has responded with Imagine Boston 2030. (a non-legal vision of the city.)*

*Applicant fails to recognize Legal Boston Zoning Code, Port Norfolk Neighborhood Waterfront Service District, a zoning designed for this site.*

*Applicant fails to recognize 1988 BRA Plan report on Port Norfolk*

**B. Describe the Project's consistency with plan** Applicant has responded that the project is consistent with Imagine Boston 2030

*Imagine Boston does not mention Neponset or Port Norfolk as a place of growth.  
Dorchester Map in Imagine Boston, by residents, does not identify Port Norfolk as a place of growth.  
Imagine Boston calls on developments to be in scale and size to neighborhood and to fit the character of the neighborhood. This project overwhelms the neighborhood.*

*Applicants plan is highly inconsistent with the Boston Zoning code for site and BRA plan for Port Norfolk.*

*35ft Max height  
water dependent use only  
hotel, restaurant, bar, garage are all forbidden  
housing conditional, reverts to single family, 5,000 sq ft lots*

*This project's size and design is highly inconsistent with the natural ACEC parks and wetlands that surround the area.*

#### **Pg 11 Rare Species Section**

**Applicant has answered no rare species or habitats.**

*The applicant does not address the impact of the project on Buffer Zone and surrounding ACEC, which are protected by the Massachusetts Wetlands Protection Act and ACEC Regulations. Under ACEC Regulations the Wetlands Regulations are held to the highest standards, Do No Harm.*

*There are no known rare species on site. however, there are rare species in the surrounding, an ACEC. Listed by developer on attached page. Endangered species of birds are known to live in Squantum Point Park across the river from the site, and many birds travel from Squantum Point Park across Port Norfolk during migrations and to reach Pine Neck Creek a favorite breeding and feeding area for various herons, egrets, ducks and swans. There are many migratory and permanent shore birds that live in the immediate area along the edges of the site, in the marshes of Pine Neck Creek and Victory Road Park.*

#### **Pg. 12 -13 Wetlands, Waterways, and Tidelands Section**

##### **I-II Wetlands**

*The applicant does not address the impact of the project on Buffer Zone and surrounding ACEC, which are protected by the Massachusetts Wetlands Protection Act and ACEC Regulations. Under ACEC Regulations the Wetlands Regulations are held to the highest standards, Do No Harm.*

*The following activities will have an impact on adjacent shellfish beds, mudflats, beach, and marshes*

*Dredging of mud containing pcbs on shellfish beds, mudflats, beach, marshes  
Addition of onsite Dog park increasing bacteria level in water off Tenean Beach  
Bridge across Pine Neck Creek destroying marsh, possible flow of sand along shore disruption  
Removal of submerged fence and mud along pier could cause erosion of Tenean Beach sand by increased wave action, and or movement of mud into lower dredged out area on site. Needs to be studied.*

##### **III. Waterways and Tidelands Impacts and Permits**

###### **A Current License and Permitting**

*Applicant has not found a previous license to dredge. Is amount of dredging requested by plan maintenance or improvement? Was previous amount of dredging legal? Shouldn't they have to start application for dredging at the beginning of the process?*

###### **C. For Non-Water dependent use projects ...Height of buildings on Filled Tidelands – 55ft.**

*Applicant fails to mention that adjacent buildings will be 85ft and the Boston Zoning Code restrict the height in the entire site to 35ft. Height will impact migrating and local shore birds.*

*Applicant fails to mention impact of reducing skydome and increasing shade, decreasing sunlight and temperatures on Tenean Beach and PineNeck Creek water, on wildlife and public beach enjoyment or the impairment of ocean view from Dorchester and Travelers on Rt 93.*

**Pg 14**

**G. Does the project include Dredging – Yes**

*Applicant does not include impact on surrounding Shellfish Beds, mudflats, Beach, Marshes in ACEC.*

*With no previous dredging license how is maintenance vs improvement determined? Was amount of previous dredging legal? Area has significantly changed to a more natural state.*

**Pg 15 Water Supply**

*Fails to recognize...*

*Old water pipes in the Port Norfolk neighborhood may not be sufficient for increased use by project.*

*Increased volume of water (1,370-30,752 gallons per day) in pipes could damage existing, old pipes.*

**Pg 16 Wastewater Section**

*Fails to recognize...*

*Old sewer pipes in Port Norfolk neighborhood may not be sufficient for increased in sewage capacity by project.*

*Increased volume of sewage, (1,245-27,956 gallons per day), could damage pipes causing them to burst or sewage back up into neighborhood resident's homes. This is an ongoing problem. There have been multiple incidences of sewage backup into homes.*

**Pg 17 Transportation**

*Applicant does not have a traffic plan at this time.*

*Shuttles, valet service will still add traffic to Port Norfolk streets.*

*Possible ferry service may be hampered by depth and cable crossing and also attracts more traffic through Port Norfolk.*

*Applicant is not adding in traffic count for marina or visitors.*

*DCR Plan for Morrissey Boulevard changes traffic patterns, increasing difficulty entering and exiting Port Norfolk.*

*Will luxury condo owners share rides or take shuttle to T or will they want to use their own cars?*

*No definite number of bedrooms, no definite number of restaurant seating makes estimated car trips unreliable.*

**Pg 21 Energy** *Has it been determined how much energy the project will use and if neighborhood lines, (electricity, gas), are sufficient?*

**Pg. 23 Historical and Archaeological Resources Section** *Applicant does not report possible impact of shaking from trucks and construction. Vibrations may damage nearby historic buildings. Design is not consistent with the characteristics of the neighborhood buildings or homes. Design is not consistent with the natural area, ACEC, and DCR Parks that surrounds site.*





## MASSACHUSETTS WATER RESOURCES AUTHORITY

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

Frederick A. Laskey  
Executive Director

August 1, 2017

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

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 #15728 – Environmental Notification Form  
Neponset Wharf, Dorchester, MA

Dear Secretary Beaton:

The Massachusetts Water Resources Authority (MWRA) appreciates the opportunity to comment on the Environmental Notification Form (ENF) submitted by CPC Ericsson Street LLC (the "Proponent") for Neponset Wharf (the "Project"). The Project calls for the construction of a new, mixed-use development comprising approximately 307,000 square feet of floor area within four buildings, spread out across 3.6 acres of land along the Neponset River and Pine Neck Creek in the Port Norfolk neighborhood of Dorchester. The Project will include the following key components: the existing marina will be removed; existing landside storage and service facilities will be modernized and consolidated; three new, mixed-use residential buildings will be constructed; existing inaccessible paved land will be replaced; and a new pedestrian bridge is being considered across Pine Neck Creek to connect the Site to Tenean Beach for pedestrian access to the site and other open space areas along the Dorchester Shores trail system.

MWRA's comments focus on Wastewater Flow issues emphasizing the need for Infiltration/Inflow (I/I) Removal and potential discharge permitting from the Toxic Reduction & Control Department (TRAC).

### Wastewater

The ENF reports that the Project will increase wastewater flow by 26,711 gallons per day (gpd), from an existing wastewater flow of 1,245 gpd to 27,956 gpd. According to the Boston Water and Sewer Commission's (BWSC) storm drain and sewer maps, the Project site is served by BWSC separate storm drains and sanitary sewers. The project area is served by BWSC 12-inch sanitary sewers in Ericsson, Port Norfolk and Walnut streets that convey flows to BWSC's Dorchester Interceptor, that in turn conveys sanitary flows from large areas of Dorchester to MWRA's Columbus Park Headworks for transport to the Deer Island Treatment Plant. High infiltration (groundwater) and inflow (stormwater) entering the BWSC system, along with combined sanitary and stormwater flows carried by combined sewers to the Columbus Park Headworks from downtown Boston can, in large storms, exceed the capacities of the BWSC and MWRA systems and contribute to system flooding in Dorchester and CSO overflows to the Fort Point Channel and to MWRA's South Boston CSO Storage Tunnel (which protects the South Boston beaches) in large storms.

To ensure that the Project's new wastewater flow does not increase system surcharging or overflows in large storms, the Proponent should continue to work with BWSC to develop a plan for ensuring a 4:1 offset of the Project's wastewater flow as required by Massachusetts Department of Environmental Protection regulation. That is, removing four gallons of stormwater and/or infiltration and inflow (I/I) from a hydraulically related sewer system(s) for every gallon of new wastewater flow. Increasing wastewater flow to the BWSC Dorchester sewer system without the required offset can contribute to system flooding in Dorchester and compromise the Fort Point Channel water quality benefits of MWRA's \$910 million region-wide CSO control plan and the intended performance of the South Boston CSO Storage Tunnel.

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 the Municipalities. The ENF indicates the proponent will apply for a US EPA NPDES Notice of Intent for Dewatering General Permit and an US EPA NPDES Notice of Intent for Construction General Permit.

Once the hotel is completed, and if the Owner of the hotel intends to operate a laundry on the premises, an MWRA Sewer Use Discharge Permit will be required for the discharge of laundry effluent into the sanitary sewer system. For assistance in obtaining this permit, the Proponent or hotel representative should contact Eric Renda, Industrial Coordinator in the TRAC Department at (617) 305-5662. The Discharge Permit must be issued prior to discharging laundry effluent into the MWRA sanitary sewer system.

The Owner of the Project must also comply with 360 C.M.R. 10.016, if it intends to install gas/oil separators in the proposed structured parking garage. In addition to complying with 360 C.M.R. 10.000, the Proponent 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 separators 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 arranging an inspection, the Proponent should contact Steve Howard, MWRA, Source Coordinator, (617) 305-5675.

Sincerely,



Marianne Connolly  
Senior Program Manager  
Environmental Review and Compliance

cc: David Kubiak, E&C  
Solomon Wondimu, E&C  
Kattia Thomas, TRAC  
Adam Horst, BWSC  
C:15728NeponsetWharfDorchesterENF.docx

Matthew A.  
Beaton

August 9, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strysky, EEA No15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

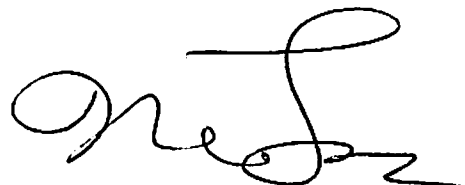
E-mail MEPA: Alex Strysky: [alexander.strytsky@state.ma.us](mailto:alexander.strytsky@state.ma.us)

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf project for the following reasons:

The impact these buildings/structures will have on this neighborhood will not benefit the current residents of Port Norfolk. The traffic is already a nightmare on the weekends! From the beach perspective this will hurt the current structure of this tiny quaint beach, ruining city views + causing more pollution. We do NOT need this

Nanci Frye  
146 Walnut St  
Dorchester MA 02122



Matthew A.  
Beaton

August 9, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strysky, EEA No15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

E-mail MEPA: Alex Strysky: [alexander.strycky@state.ma.us](mailto:alexander.strycky@state.ma.us)

RECEIVED

AUG 16 2017

MEPA

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf project for the following reasons:

Too Many People and Cars..  
He moved here in 1960 bought and  
home in 1969. and still have the  
same Tenants. He do not want 1500 cars  
per day. It is hard now to get to  
where we want to go by car and  
walking can be a problem with the  
cars

Spencer Nelson

**Ideas for Comment Letter  
address and email**

**When you sign your letter, you should add your**

**Size, Scope and Use** - Project will overwhelm the Port Norfolk Neighborhood and Dorchester Waterfront. Changes character from quite seaside neighborhood to overhyped destination. Doubles existing population, straining infrastructure and utilities. Will harm Neponset River Area of Critical Environmental Concern, ACEC.

**Design** – Incompatible with historic Port Norfolk Neighborhood homes and buildings and natural ACEC area.

**Traffic and Parking**- 1,500 cars a day through small neighborhood streets unacceptable, only way in and out is through Morrissey Boulevard, already difficult to access. Only providing 185 parking spots.

**Height** – Two 86ft high buildings and other massive buildings, will block view of sky dome and ocean from Tenean Beach, Rt 93, Dorchester Neighborhoods, Venezia Harborwalk and block ocean breeze onto Tenean Beach. Will block birds moving back and forth between Squantum point Park and Pine Neck Creek and Migratory Birds. Will add shade to Pine Neck Creek and Tenean Beach, changing temperature of water, impacting wildlife and humans.

**Sewage** – 1,245 to 27,956 Gallons/day increase to an old, already problematic sewer system will cause more backup into homes.

**Dredging and Marina** - They have not found a previous dredging permit. What will be maintenance - what will be improvement? Resuming large amount of dredging in now ACEC area will impact adjoining shellfish beds, mudflats, marshes, Tenean Beach and the wildlife that feeds and nests there by covering them with mud and PCBs. Deep dredging across from Tenean Beach could cause erosion of beach. More boats, more pollution. Presently only about 15-20 boats on site.

**Fence Removal across from Tenean Beach** -- Increased wave action could cause erosion of Tenean Beach.

**Bridge** – Will destroy marshes at Pine Neck Creek and would serve as ancillary parking for a private development. Will take up spaces of beach goers. Destroys popular Dorchester artist's spot.

**Open space, Public view** - Much of open space unusable, under buildings, next to buildings. Best view, next to Venezia, reserved for private use. Public view is of Xway and LNG tank. 40% of Port Norfolk already open space.

**Construction** – Noise and vibrations due to construction and trucks will impact neighborhood and ACEC wildlife.



**Ideas for Comment Letter  
address and email**

**When you sign your letter, you should add your**

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August 15, 2017

**Officers & Board**

*Robert McGregor,  
President, Sharon*

*David Biggers,  
VP, Canton*

*James Green,  
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*Stephen Brayton,  
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*Elisa Birdseye,  
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*Taber Keally,  
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*Paul Lauenstein,  
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*Martha  
McDonough,  
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*Brendan  
McLaughlin,  
Milton*

*Maura O'Gara,  
Quincy*

*Richard O'Mara,  
Dorchester*

*Les Tyralla,  
Quincy*

*Laura Vaites,  
Walpole*

*William Wiseman,  
Walpole*

Mathew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900 (9th Floor)  
Attn: MEPA Office  
Boston, MA 02114

Brian Golden, Director  
Boston Planning and Redevelopment Agency  
One City Hall Square  
Boston, MA 02201

Via email to [Alexander.Stryisky@ma.us.gov](mailto:Alexander.Stryisky@ma.us.gov) and [Tim.Czerwinski@boston.gov](mailto:Tim.Czerwinski@boston.gov)

**RE: MEPA File No. 15728—ENF for Neponset Wharf, 24 Ericsson Street,  
Boston, MA 02122 and  
Article 80 PNF 2017-6-30—24 Ericsson Street, Boston, MA 02122**

Dear Secretary Beaton and Mr. Golden:

The Neponset River Watershed Association (NepRWA) submits the following comments on the environmental notification form under review for the proposed Neponset Wharf mixed use complex on Ericsson Street in Dorchester and on the Article 80 PNF 2017-6-30. NepRWA is a nonprofit conservation organization working to clean up and protect the Neponset River, its tributaries and surrounding watershed lands.

We are generally supportive of redevelopment projects, such as Neponset Wharf and particularly those that will benefit the community and improve existing degraded environmental conditions without creating any adverse impacts to the local environment. However, due to the scale of the proposed project (construction of 150 residential units, boutique hotel, restaurant and retail, and improved marina), we ask that the Proponent be required to submit a Draft Environmental Impact Report (DEIR)/Draft Project Impact Report (DPIR) that will take into account the negative and positive impacts to the local environment and remaining wildlife habitat, wetlands and water resources, and public access to these resources.

**Neponset River Estuary is a Massachusetts Area of Critical Environmental Concern (ACEC) and redevelopment projects touching on the area must take extra care to support the goals of the ACEC resource management plan (RMP).**

Neponset Wharf is located in the ACEC. The Massachusetts Areas of Critical Environmental Concern program is designed to promote the long-term preservation, management, and use of natural and cultural resources that have been determined to be of regional, state, or national significance. The Neponset River Estuary comprises approximately 1,300 acres and includes one of the two major remaining salt marshes in Boston Harbor, along with fisheries and wildlife habitat, active and passive recreation amenities, historic and anthropological sites, and beautiful natural and urban vistas. Urban development in the area has degraded these resources, elevating the need to restore and protect the area.

**The Neponset River Estuary ACEC RMP aims not just to preserve but also to improve the water quality of the estuary, and any redevelopment project in the area must incorporate measures to further that goal.**

Among the goals of the Neponset Estuary ACEC RMP is to protect and improve water quality conditions in order to meet, or where possible exceed,<sup>1</sup> state water quality standards. Additional goals include restoring fisheries and wildlife habitat (including shellfish beds), supporting biological diversity, and encouraging appropriate land and water uses that benefit the public and are compatible with sound resource protection and management.<sup>2</sup> Notwithstanding these laudable goals, the Neponset Estuary does not yet meet required water quality standards for its fishable/swimmable classification. The RMP identifies "inadequately designed and constructed stormwater measures" and inappropriate development as causes of the poor water quality and threats to the resources of the ACEC and to public health and safety.<sup>3</sup> Thus, any development or redevelopment within the estuary must be conducted carefully and must implement best management practices to improve water quality.

**The proponent's ENF/PNF lacks sufficient detail to determine whether the project will adequately protect and improve the estuary.**

The Proponent has proposed a project that includes four new residential buildings, two of which would be 85 feet tall. Included within those buildings would be 150 residential units, a boutique hotel, a restaurant and 185 parking spaces. The project also includes renovation of the existing marina, including dredging, and the establishment of a harbor walk and landscaped open space. Additionally, the proposal contemplates a pedestrian bridge over Pine Neck Creek to Tenean Beach.

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<sup>1</sup> MA EXEC. OFFICE OF ENVIRON. AFFAIRS, NEPONSET RIVER ESTUARY AREA OF CRITICAL ENVIRONMENTAL CONCERN RESOURCE MANAGEMENT PLAN, 11 (1996).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 25-26 (1996).



*The scope of the project presented in the ENF/PNF may not accurately describe the Proponent's plans to redevelop in the area, and, therefore, may not take into account the most effective mitigation measures and public access features.*

At the outset, NepRWA and the Port Norfolk residents would like to know how the property under consideration relates to the ownership and potential future development of adjoining properties. The Boston Globe reported earlier this year that the Proponent has secured the rights to purchase other property adjoining (or at least in the same vicinity) as the instant property in order to develop them in the future as "a sequel of sorts to the current project."<sup>4</sup> 301 CMR 11.01(2)(c) requires a Proponent to consider the entirety of a project, and prohibits a Proponent from segmenting a project to curtail MEPA review. Since there appear to be property rights and plans to redevelop more than the parcel under consideration in the current ENF/PNF, a legitimate concern is that the project may have been segmented, which significantly affects consideration of the environmental and community impacts of the project as a whole, as well as potential alternatives and mitigation that should be considered. The approved scope of the instant proposal may well be replicated on other parcels, amplifying the effect on the existing neighborhood. Thus, the Proponent should detail their future plans for adjoining properties to ensure a complete review.

*A major source of water pollution in the estuary is stormwater runoff, and the Project must implement the most effective BMPs for this particular site.*

The Massachusetts Stormwater Handbook establishes that where the Massachusetts Department of Environmental Protection (DEP) has issued a Total Maximum Daily Load (TMDL) for a pollutant other than Total Suspended Solids (TSS), the Proponent must propose stormwater BMPs consistent with the TMDL.<sup>5</sup> The Commonwealth has issued TMDLs for the Neponset River requiring the reduction of fecal coliform and e. coli<sup>6</sup> (a major source of which is stormwater runoff in the estuary).<sup>7</sup> In addition, the project's proximity to a public swimming beach makes efforts to reduce bacteria in stormwater runoff even more imperative. The Proponent must detail in the DEIR/DPIR the specific BMPs that will be included in the project, how they are consistent with the TMDL and how they will improve existing stormwater runoff conditions.<sup>8</sup> Moreover, given the ACEC RMP aims to improve water quality in the estuary, the DEIR/DPIR should include a detailed evaluation of potential stormwater BMPs at the site that would fully meet the Massachusetts stormwater standards by treating the first inch of runoff from the site, consistent with the TMDL and good practice regarding nutrient removal.

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<sup>4</sup> Jon Chesto, *Developer hopes to tap into Dorchester's Port Norfolk*, BOSTON GLOBE (February 24, 2017).

<sup>5</sup> MA DEP'T ENVIRON. PROTECTION, MASSACHUSETTS STORMWATER HANDBOOK, Vol. 1, ch. 2, 12-13 (2008) [hereinafter STORMWATER HANDBOOK].

<sup>6</sup> MA DEP'T ENVIRON. PROTECTION, TOTAL MAXIMUM DAILY LOADS OF BACTERIA FOR NEPONSET RIVER BASIN (2002); MA DEP'T ENVIRON. PROTECTION, ADDENDUM: TOTAL MAXIMUM DAILY LOADS OF BACTERIA FOR NEPONSET RIVER BASIN (2012).

<sup>7</sup> MA DEP'T ENVIRON. PROTECTION, TOTAL MAXIMUM DAILY LOADS OF BACTERIA FOR NEPONSET RIVER BASIN, 30 (2002)

<sup>8</sup> STORMWATER HANDBOOK, Vol. 1, Ch. 1, 10 note 15 (2008) (citing *id.* at Vol. 1 ch. 2, 12-13).

We recommend that at least the first inch of runoff from all impervious surfaces (including pavement, walkways and rooftops) on the site should be treated using one of the following practices:

- Surface or subsurface infiltration practices including porous pavement (subject to verification that soils on the site are not contaminated);
- Low impact development techniques including bio-retention and tree filter boxes;
- Surface or subsurface filtration practices such as sand filters; or
- Measures that retain and/or evaporate water from the site to reduce the frequency and volume of polluted stormwater runoff leaving the site, including, but not limited to, green roofs and on-site rain water capture and irrigation/grey water reuse.

Additionally, the DEIR/DPIR should detail efforts to minimize stormwater pollutants on site. Specifically, the Proponent should detail:

- The configuration of commercial dumpsters kept on site for residential buildings, hotel, restaurant and other structures which ideally should be kept indoors or under roof cover;
- How waste from the proposed dog park will be regularly cleared to prevent runoff contamination; and
- Measures that will be undertaken to educate residents and maintenance/operations staff about the problem of stormwater pollution and appropriate O&M procedures.

*The Proponent should clarify plans to manage pollution associated with marina use.*

The DEIR/DPIR should include detailed examination of pollution control measures that will be implemented in the marina. Specifically, the Proponent should:

- Commit to provide a holding tank pump out facility which is accessible to both slip owners and the public;
- Detail measures to prevent pollution from boat maintenance (preferably by keeping these activities under cover); and
- Describe other measures that will be used to minimize the impact of marina activities, such as a program that will be used to educate slip owners and operation and maintenance staff about pollution prevention practices.

*The Proponent should describe the plan to achieve maximum water conservation through both indoor and outdoor water uses.*

The Proponent has indicated the project will use low-flow plumbing fixtures for water closets and faucets, including EPA WaterSense labeled fixtures for all toilets, urinals, faucets, and showerheads. We would urge the Proponent go beyond compliance with the relatively weak WaterSense standards and specify toilets that comply with the MaP Premium standard, urinals that use 0.25 GPF or less, lavatory faucets that use 1.0 GPM and showerheads that use 1.5 GPM. The Proponent should also ensure that all laundry equipment used in the project has a water factor of 4.0 or less. A variety of readily available products meet these criteria at prices comparable to conventional fixtures.

The Proponent has indicated that the landscaping and open space areas will not require irrigation, but rather will rely on native and adaptive plant species. The DEIR/DPIR should explore this in more detail.

**The Proponent must ensure meaningful access to the shoreline.**

The ENF/DNF describes enhancements to public access, including a Harborwalk, kayak rentals/boat storage and new open space. The DEIR/DPIR should further detail plans to ensure meaningful access by the public—including affordability of access to recreational opportunities. The Proponent should explore offering free kayak/canoe storage, and other no-cost public amenities to ensure the proposed access truly is meaningful. Furthermore, will members of the public be able to launch their own canoes and kayaks and/or utilize fishing pier and the dog park? The DEIR/DPIR should clarify which areas of the proposed open space would be open to the public and discuss what provision is being made for parking to ensure that the public has the ability to access the waterfront in practice. The Proponent should also clarify installation of signage, clearly delineating publicly accessible areas and permitted activities.

The DEIR/DPIR should also explore alternative approaches to the design of the open space and public access facilities. One long standing need in the Neponset River and adjoining communities to the north and south is for a publicly accessible boat ramp for trailer access. Additional scenarios to be considered for the open space would be alternative layouts that would accommodate a more naturalized shoreline over a larger portion of the site (see discussion of living shoreline below) that would enhance both habitat value and aesthetics of the existing armored shoreline, and structuring pervious spaces at the outer edges, closest to the water. Additionally, continuous access (along a boardwalk or other path) along the shoreline should clearly be laid out.

Finally the DEIR/DPIR should further describe the proposed use of the commercial space which is shown at the end of the wharf, and how this space relates to requirements regarding facilities of public accommodation.

**The proponent should explore and detail potential pedestrian access from the project site to Tenean Beach.**

The ENF/PNF identifies the potential for a pedestrian bridge over Pine Neck Creek to Tenean Beach, creating access between the beach and finished project. At a conceptual level, any measure to increase pedestrian and/or bicycle routes is appealing, however, the ENF/PNF lacks sufficient detail to meaningfully evaluate this proposal. The DEIR/DPIR should include a detailed analysis of such a bridge, including where the abutments would be located at the beach, and the impact on wildlife habitat, water quality, etc. Additionally, as discussed further below, the neighborhood has legitimate concerns about the adequacy of the proposed parking given limited access to transit options and therefore the Proponent should examine anticipated effects on public parking and beach access should the beach parking lot become an accessory lot to the finished project site and its amenities.

**The proponent should explore and detail issues around improvement dredging.**

Plans provided in the ENF/PNF appear to indicate that the proposed piers and marina will extend slightly farther west and north than the existing marina and the area highlighted as representing previous dredging. The DEIR/DPIR should further describe issues around maintenance vs. improvement dredging as well as sediment contamination in the context of proposed dredging.

**The Proponent should better detail the project's climate change resiliency and explore alternatives to open space and shoreline engineering.**

The Proponent has gone to great lengths to describe the project as implementing strategies to make it resilient to rising sea levels and extreme weather events, but the ENF/PNF lacks sufficient detail to evaluate the adequacy of those strategies. For example, while the Proponent describes elevating occupiable spaces, it does not identify the current elevation of the site, and how potentially large grade changes will affect the site's relationship with the water. Additional considerations should include, examination of whether the site will become an island during large storms and whether emergency egress will be maintained, as well as the ability of sewer and drain infrastructure. The ENF/PNF should therefore include existing and proposed grading plans, showing proposed facilities, Wetlands Act and Chapter 91 jurisdiction and tidal and flood elevations. Flood elevations should be shown for the neighborhood as a whole. Finally, the DEIR/DPIR should describe in more detail the strategies the Proponent plans to employ to ensure the project complies with the city's Climate Change Resiliency and Preparedness Policy, beyond measures designed to accommodate rising sea levels.

The Proponent should also examine alternatives to shoreline design. At present, the shoreline of the site comprises a seawall, dumped-stone revetment, and sheet-pile bulkhead. The project proposal anticipates a park-like open space area close to the western and northern shoreline while maintaining the seawall. The Proponents acknowledge a goal of fitting with the "decades-long planning and open space development" efforts of both the city and state; efforts which include rehabilitating "waterfront edges and bringing back the natural environment that existed before industrial development blocked public access."<sup>9</sup> The Proponent should explore alternatives to the current proposal that include engineering techniques to create a living shoreline, which may better serve climate resiliency and estuary health. Such techniques are currently being considered and implemented in other local development projects.<sup>10</sup>

**The Proponent must further detail the project's impact on abutting neighborhood.**

While the Proponent assures the state and city through the ENF/PNF that the project will result in a "substantial net benefit to the community" and that they have worked closely with the community to ensure this, it is unclear that they have actually done so in a meaningful way. The DEIR/DPIR must closely examine and detail the impact of the project on the safety and quality of life of the abutting neighborhood, including the project's impact on traffic, access to the waterfront, increased noise, and residents' enjoyment of the water and skyline.

During the MEPA site visit, it was evident that many in the community do not believe the Proponent has actually listened to their concerns about the scale and scope of the project, its effect on future development of adjoining parcels, and its impact on the character of the neighborhood. In particular, there exist legitimate concerns that given the lack of convenient transit access and presumed affluence of most of the residential occupants, the project anticipates

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<sup>9</sup> CITYPOINT CAPITAL, NEPONSET WHARF ENVIRONMENTAL NOTIFICATION FORM/PROJECT NOTIFICATION FORM, 1-4 (June 2017)

<sup>10</sup> E.g., see Seth Daniel, *Wynn Begins Working on Living Shoreline, but What Is a Living Shoreline?*, EVERETT INDEPENDENT (July 14, 2017); FORT POINT ASSOCIATES, INC., *Clippership Wharf*, available at <http://www.fpa-inc.com/projects/Waterfront/clippership-wharf.html>; BOSTON CIVIC DESIGN COMMISSION, *HODGE BOILER WORKS PROJECT*, July 11, 2017 Meeting Minutes, available at <http://www.bostonplans.org/getattachment/f15081cc-c54d-4f65-91d3-64ccd14502b5>.

inadequate parking, which will overflow to the neighborhood (or Tenean Beach, should a pedestrian walkway be constructed over Pine Neck Creek). Community members have expressed concerns about increased water usage, and sewage generation given existing sewer capacity problems in the area in the form of past sanitary sewer overflows into homes. Traffic flow to and from the site via narrow neighborhood streets is another concern, as are those regarding the visual and neighborhood character impact of developing such tall buildings in proximity to a cohesive neighborhood of low rise buildings, using a pallet of materials that bears no seeming relationship to buildings in the existing neighborhood. All of these neighborhood concerns seem particularly relevant in light of the potential segmentation of this project from redevelopment of the adjoining property as mentioned above.

The Proponent should consider additional efforts to work with the community to explore alternatives to both the project and mitigation efforts, including underground parking (which could also lessen building height concerns), access to public transportation (to reduce traffic), improvements to existing infrastructure, a reduction in the size of proposed structures, efforts to use materials that better fit with the character of the neighborhood, and amenities community members actually need or desire. The DEIR/DPIR must further detail the steps the Proponent has taken and will take to ensure the project fits with the growth of the community.

Thank you very much for your consideration of these comments. Should you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Snyder", written in a cursive style.

Kerry Snyder  
Advocacy Director

Matthew Beaton  
Secretary of Energy and Environmental Affairs  
MEPA Office  
100 Cambridge Street Suite 900  
Boston MA 02124

RE:No:15728, Neponset Wharf Project.

Dear Secretary Beaton:

I'd like to offer my comments on this project, based on my 20 years as a Dorchester environmental advocate, waterfront enhancer and protector. I serve on the Neponset River Greenway Council and the Metropolitan Beaches Commission. I'm also a scientist who knows about natural processes and the harm that can come to them. I do not live in this neighborhood; rather nearby in Savin Hill.

Quite simply, the landward part of this project is too large for the 3.3 acres as proposed. Currently, there are 185 individual dwelling units on the Port Norfolk peninsula. This proposal calls for almost doubling the unit count in this neighborhood with 175 tenanted units, including the hotel rooms. There are additional negative uses, and much needed shoreline improvements on other parts of the 3.6 acres of filled tidelands.

By comparison, the nearby Estuary condo complex, constructed in the '80's and contiguous to DCR's new Finnegan Park, is built upon 3.3 acres of filled tidelands and hosts only 22 condo units.

The Port suffers from a serious lack of public transportation access, thereby creating a car-centric development whose access will overwhelm the 2 narrow entrance streets with those seeking to drive to the end of the peninsula. Those street, while two-way, cannot function as a true 2-way due to on-street parking, which necessitates opposing vehicles, pull to the side to allow passage. It already is a "game of chicken."

Furthermore, this site is within the Neponset ACEC. This designation was assigned well before the current owner purchased his option on the site, and stringent compliance measures need to be taken to ensure the viability of this estuarial resource; not allow its degradation.

During the construction of Finnegan Park, DCR's consultants determined that the PCB's and other hazardous chemicals washed downstream the Neponset from various sources, were likely to be released into the estuary were they to remove the decrepit piling field on the river flats adjacent to the park. My assumption is that any dredging performed as part of the nearby marina rehab would produce the same negative results in the ACEC. As you know, case law has confirmed that wherever the chemicals lay now, they belong to the property owner, and it is up to them to seek redress from whoever deposited them there. But in no way should these be released into this sensitive fish nursery.

Additionally, is a waterborne fueling facility with the possibility (in fact, probability) of fuel releases into the water something we want to risk in this estuary given the acreage that DCR has accumulated to help protect the river from runoff pollution?

The proposal to construct a boardwalk across the mouth of Pine Neck Creek serves no one except the developers with extra parking for their overdeveloped site at Tenean, and a way for its tenants to access a swimmable beach. This is short sighted and should be scrapped in favor of a plan that provides a

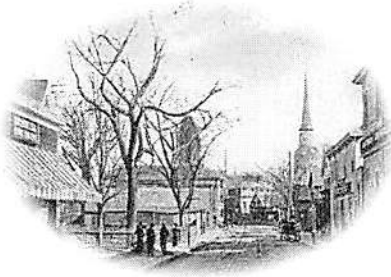
walkway either on the land or a cantilevered boardwalk to their property boundary to the south; where for now it would terminate.

As with virtually everywhere else the current Harborwalk and Neponset River Greenway is sited, the goal on the Port should be to "harborwalk" its full circumference. This project takes a short-cut across the marsh. The two property owners between this site and the Harborwalk on Conley St. have for some reason been exempted to provide CH91 public access. Given that one of these owners, SuliMac has a temporary easement across DCR property in the vicinity of Conley St, all of the property owners should be working toward the goal of full public access to the waterfront resource.

Please consider the negative environmental impacts that will occur in the estuary area of the ACEC should this out of scale project move forward.

Thank you,

Paul Nutting  
385 Savin Hill Ave  
Dorchester MA 02125  
617-282-9191  
pfnindot@gmail.com



## **Port Norfolk Civic Association**

**176 Walnut Street  
Dorchester, MA 02122  
Phone (617) 905-2609**

**Email: PortNorfolkCivic@gmail.com**

**John Lyons**  
President

**Jennifer McCarthy**  
Treasurer

**Mary McCarthy**  
Secretary

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

RE: Neponset Wharf Project  
EEA No. 15728

This letter is submitted in response to the Environmental Notification Form (ENF) submitted by City Point Capital relative to a proposed mixed-use development at the site of an existing marina in the Port Norfolk neighborhood in the Dorchester District of the City of Boston. The site is physically located at the tip of a narrow peninsula, in the mouth of the Neponset River, and is within an Area of Critical Environmental Concern. In addition, the surrounding streets are primarily residential in character, with substantial parkland, beaches and tidelands. The proposed project is detrimental to the environmental, architectural and historic character of Port Norfolk, including the residential and water-dependent uses which have simultaneously evolved since the early to mid-nineteenth Century.

The ENF is presented in a manner which presents the project as being substantially motivated to restore access to the water and reflect the surrounding environment. In fact the scale and the design, including placement of structures, is calculated to maximize access and views for the benefit of a private marina and residential condominiums, which will be priced well beyond the means of most Boston residents. Specifically, the proposed boat house is located in a site



which has historically remained open, even when the site has been used for ship building, and later a marina with boat storage and repair. The boat house is attached to an eight story residential structure, and has a flat roof, which can easily be used for a private gathering space, excluding the public, and likely to generate noise which will affect the adjacent residential neighborhood and the surrounding ACEC.

The ENF states that the inclusion of a hotel and 4000 square foot restaurant will "complement the water-dependent facilities by adding vitality and activity to this prominent location where the Neponset River meets Boston Harbor". The theme of facilitating intense activity is completely contrary to the purpose of an ACEC designation "where unique clusters of natural and human resource values exist and which are worthy of a high level of concern and protection". The proposed project will have the effect of adversely affecting the character and quality of life in the isolated residential peninsula, and the nature and size of the proposed uses will adversely affect the surrounding ACEC. The projected traffic will far exceed capacity, which is a problem identified in the neighborhood for over 30 years, with no realistic solution. The existing sewer system is primarily comprised of lines installed prior to 1900, and multiple homes have had problems with backups and lateral line collapse. The projection in the ENF states that sewer flow in the neighborhood will increase generation by more than 20 times the current flow. The means of increasing capacity, the cost, and the burden during proposed construction are not addressed.

The neighborhood presently has its share of licensed establishments, including Venezia Restaurant, Venezia Function Facility, the Boston Winery, and the Boston Harbor Distillery. Venezia voluntarily closes earlier than allowed by their licenses, reflecting the nature of their events and the clientele. The Distillery was supported by the neighborhood, despite the forbidden use, at the request of the Bruno Family, owners of the site. The proviso was that the lease included restrictions on the lease to avoid conducting a business which would generate transient traffic, and the license closing hour is 11:00 pm, which is the earliest permitted under Massachusetts law. The use for such facilities is forbidden under current zoning. In order to avoid possible future conflict over more intensive uses, the neighborhood cannot agree to allow new licensed establishments to be included in the project.

The proposal for dredging of the marina site must be evaluated in light of the fact that it has not been maintained for a number of years. The adjacent Pine Neck Creek is remembered as a popular location for swimming. It is presently silted to a level which leaves little water even at high tide. The effect of the proposed removal of the wave fence and dredging on water circulation and silt and sand movement on Pine Neck Creek and Tenean Beach are not addressed.

The true intentions about the scale and possible phasing of the project must be addressed, in light of media reports that a subsequent phase may be anticipated.

Port Norfolk has been the subject of significant study with respect to all zoning and environmental aspects of planning. The BRA Plan completed in 1988 included participation of all City and State agencies having jurisdiction. The IPOD and the interim zoning adopted thereafter reflected the results of the study. The current Article 65 of the Boston Zoning Code includes substantially all of the same findings, and recognizes the unique character and challenges of Port Norfolk.

Over the past 30 years community members from Savin Hill to Hyde Park have advocated and worked together, and tens of millions in dollars have been invested by the Commonwealth, to acquire and improve the Neponset Shores reservation. Now that it nears completion, we have a proposal to essentially construct an upscale destination in the mouth of the Neponset River Estuary.

Rather than set aside all of the work done in the past, the Plan and the Zoning should be reviewed, carefully considered, and respected. The Development plan should be radically modified to fit within the environmental, architectural and human context of Port Norfolk. This is a once in 100 years opportunity to get this right.

John J. Lyons  
President  
Port Norfolk Civic Association



www.sullymac.com

AS

Sullivan & McLaughlin Companies, Inc.

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Boston, MA 02122-3608

TEL 617.474.0500  
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August 9, 2017

Matthew A. Beaton  
Secretary of Energy and Environmental Affairs  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
EEA No15728, Neponset Wharf Project  
100 Cambridge Street, Suite 900  
Boston MA 02114

RECEIVED

AUG 10 2017

MEPA

Mr. Beaton,

I have a great concern about transportation and traffic issues within the Port. As a major taxpayer and employer in Port Norfolk these things will be a huge detriment to my ability to operate my business in Port Norfolk. Please see below. In addition I would be a huge opponent to any discussion of making Lawley Street a one way street.

**Pg 17 Transportation**

*Applicant does not have a traffic plan at this time.*

*Shuttles, valet service will still add traffic to Port Norfolk streets.*

*Possible ferry service may be hampered by depth and cable crossing and also attracts more traffic through Port Norfolk.*

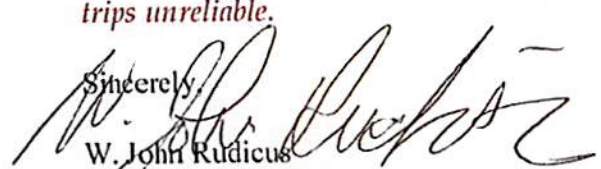
*Applicant is not adding in traffic count for marina or visitors.*

*DCR Plan for Morrissey Boulevard changes traffic patterns, increasing difficulty entering and exiting Port Norfolk.*

*Will luxury condo owners share rides or take shuttle to T or will they want to use their own cars?*

*No definite number of bedrooms, no definite number of restaurant seating makes estimated car trips unreliable.*

Sincerely,

  
W. John Rudicus  
Sullivan & McLaughlin  
74 Lawley Street  
Boston, MA 02122

Matthew A.  
Beaton

August 9, 2017

Secretary of Energy and Environmental Affairs

Executive Office of Energy and Environmental Affairs (EEA)

Attn: MEPA Office

Alex Strysky, EEA No15728, Neponset Wharf Project

100 Cambridge Street, Suite 900

Boston MA 02114

E-mail MEPA: Alex Strysky: [alexander.strycky@state.ma.us](mailto:alexander.strycky@state.ma.us)

Dear Secretary Beaton,

This letter is in response to the Environmental Filing, (EEA No. 15728), for the Neponset Wharf Project by City Point Capital. I am strongly opposed to the Neponset Wharf project for the following reasons:

an already problematic sewer system will cause more backup into homes. -

The traffic is bad enough the project will create more traffic only way in & out is through Morrissey Blvd which is already difficult to access. Not enough parking.

Also, the project will overwhelm the Port Norfolk Neighborhood & Dorchester Waterfront.

*Juli Wick*  
#5  
1144nd Square  
Brockton, MA 02301

Mathew A. Beaton, Secretary of Energy and Environmental Affairs  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston MA 02114

August 14, 2017

**Re: EEA No 15728, Neponset Wharf Project**  
**Attention: Alexander.Strysky@ state.ma.us**

Dear Sir;

This comment letter is in response to the above filing #15728 for the Neponset wharf project. I am opposed to the project as currently proposed, it is inappropriate and contains irreversible impacts in the ACEC and the neighborhood. The ENF is deficient regarding the treatment of ACEC and in particular, the Resource Management Plan for the Neponset River Estuary published in March of 1996.

The resource management plan (RMP) established the: "goals as a guide to future decisions and action in the estuary". This applies to waterways, wetlands, and habitat surrounding the project. The ENF only gives a cursory review to these aspects. There are many instances where background studies already published and vetted that the proponent didn't incorporate. As a result there is a basic misunderstanding of the rules of the road.

Even though twenty years has passed the Port Norfolk neighborhood is experiencing the first "Downtown waterfront" type development creating a new urban district that needs to assess density even with the public space proposed; we need to be preserving publically accessible waterfront.

Based on the Boston Waterfront Decision, a set of waterfront planning principles and urban design guidelines were born and these particularly, the view corridors and visual access should be adhered to. Buildings should not block the view of the water and skyline as currently proposed. Setbacks from water and piers, the ability for implementation of ascending setbacks to minimize shadows needs to be incorporated.

Height limits are compromised by FEMA flood regulations. However uses for the floors with the flood zone limits could still yield revenues by educating residents and others about the history of the area or gallery space for local artists as well as interpretive signage along the harbor walk.

There needs to be some compromise between commercial interests and regulatory review. Street level activity is lacking. I am somewhat skeptical about the survival of the trees depicted in the ENF. Testing of the sediments in the open space parcel needs to be studied. Finally the suggested dog park is not compatible with the ACEC designation and should be dropped.

The architectural character for the buildings is not compatible with the surrounding residential uses. Perhaps it is the desire of the proponents to create a contemporary look to a historical waterfront services district. It doesn't really come off well. There needs to be some more compatible segue into the project that meet urban design guidelines.

<sup>1</sup> "I find that the Neponset River Estuary ACEC designation is warranted to protect the resources from imminent threats, and highly significant adverse and irreversible impacts" says the Secretary of the Environment, at the time, Trudy Cox.

Building B needs to eliminate the wall effect on the upper floors to open up the view corridor. In addition the restaurant should have outdoor dining as a measure to ameliorate the impact of accommodations of private tenancy.

The Wetlands Protection Act and Chapter 91 regulations set stricter standards for coastal ACECs. "No adverse impacts" to any coastal wetlands from any activities within the ACEC. Only limited projects are allowed to alter bordering wetlands vegetation. The waterfront regulations prohibit improvement dredging except for the sole purpose of fisheries and wildlife. Chapter 91 restricts the opportunities for new privately owned structures. This proposal does not adequately respect the RMP already in place. Intensive use of vehicles and operations tips air quality.

The Chapter 91 licenses have not been held to the same standards in on the Dorchester waterfront as in say "Seaport district". I am asking that the standards of review be on equal footing, notable examples include the dilapidated overlook which was conditioned by Chapter 91. There has never been any maintenance, it is unsafe and uninviting. It is incumbent upon all state agencies reviewing the project to achieve the "restoration and enhancement of the resources of the ACEC.

Understandably time has passed and the waterfront regulations have been revised and become more interconnected but that does not compromise ACEC standards as in the ENF. These standards need to be turned around so that the ACEC is the first bar, not the last as it seemed to be in the ENF. The ACEC designation requires a higher standard of analysis of the resource preservation which is not mentioned in the ENF. The proponents have essentially cherry picked the words that describe the ACEC goals; neglecting the language of "preserve, restore, and manage" in regard to the project. I am concerned that regulatory review may rescind the ACEC designation.

I would like to bring the reader to the principals of the RMP, Water Quality; condition of Pine Neck Creek whose water quality is the lowest in Boston Harbor due fecal coliform counts dissolved oxygen levels and nutrient enrichment. This location does not meet class B standards. The development needs to cooperate in helping at to restore and reduce the presence of these known problems that are a threat to public health as it lessens the use of Tenean beach.

#### Resource based boundary lines

The RMP is a boundary based document. The ENF is selective in helping people understand the 100 foot buffer zones which could easily become 1300 foot boundaries from the water's edge so that line /boundary ought to be drawn out and adhered to. Filled and flowed tidelands need to be mapped in the next iteration particularly on Pine Neck Creek. Also the language in the ACEC section of the ENF needs to be compatible with the mapping. There isn't any description why "mean low water" and "historic high water lines" are significant.

It is much more difficult to do anything meaningful about water quality on the Neponset river side of the peninsula project; the contaminated sediments have ruined some of the most productive clam beds, Buckley's bar, without some long term cleanup plan for the Pcb's residing in the sediments. Unless and until there is a concentrated effort to remove the sediments behind the two dams in Upper River trying to clean the lower estuary is not sustainable. Attention to Pine Neck Creek become the most doable and restores a proper public purpose to the ACEC.

2 *"I find that the Neponset River Estuary ACEC designation is warranted to protect the resources from imminent threats, and highly significant adverse and irreversible impacts" says the Secretary of the Environment, at the time, Trudy Cox.*

Wetland restoration and banking program needs to perform a full analysis for the edges along Pine Neck Creek and those areas that would be considered coastal bank. It will determine opportunities to diversify plant species to attract fin fish for feeding and potential increase fish spawning in the creek. Also an assessment of the sediment and soils for potential contaminants in filled areas and to identify point and non-point sources of pollution as part of the DEIR. There will be continuous and cumulative impacts associated with non -point source pollution and water quality on the natural resources. Beach erosion is a perennial problem with the dredging and marina uses we need to balance the project's impact on the natural resources not further degrade the value of estuarine functions.

It seems to me that the open space parcel is key to the development. We know the 50% ratio is important but for the developers to tout it as special is misleading. The walking paths and circulation through the parcel should be clearer about linking various parts of the harbor walk at the edges of their property. How this development links areas where the harbor walk would go a long way in achieving a proper public purpose.

I do not think for a moment that the open space parcel presented in the ENF is anything other than guise for the next phase of project. Over time, permitting can change and probably will change the configuration of buildings on the parcels. Even though the proponents say this is a one phase project the placement of the buildings on the rest of the parcels dictate that open space parcel, is easily removed and turned into another building. That may happen anyway, but I am not about to make it easier for the proponents to meet their goals at the expense of restoring the habitat value in Pine Neck Creek.

#### Transportation and Traffic

The development as proposed doubles the number of residential units in the neighborhood all going to the 3.6 acres. The residential streets can't handle the 1500 anticipated vehicles particularly for first responders. The one way access to and from the development is a central problem. More attention needs to be placed on more access on the public streets that enter and leave the development so that the enormous increase of traffic is more easily absorbed by the development itself. For instance an additional lane on Walnut and Lawley streets. This will help alleviate some of the burden on abutters. In addition any transportation demand strategies need to include vigorous pursuit of ferry service and should include a movement for an additional redline station at Port Norfolk. With better connections to the MBTA, bicycling from the project to transportation services could be really feasible.

The ENF does not give satisfactory description of the local transportation network particularly the Redfield Street and Woodworth St. access points. No mention of the community health center or fire station was included in the ENF even though they are located across Morrissey Blvd. These are important institutions to the neighborhood and represent long standing connections to Neponset Circle.

With the planned improvements on Morrissey Boulevard this development needs to be prepared to coordinate with that project. And incorporate those intersections in the traffic study.

Parking spaces need to be provided for zip cars and limited parking for trailer parking for the water dependent uses like kayaking and other small water craft needs to be accounted for. The siting of new water dependent use the kayak storage although welcomed would be unusable at low tide. General parking for the project is unsustainable given the local street

3 *"I find that the Neponset River Estuary ACEC designation is warranted to protect the resources from imminent threats, and highly significant adverse and irreversible impacts" says the Secretary of the Environment, at the time, Trudy Cox.*

infrastructure. A shuttle service seems an advancement to the project. These elements of transportation demand service should not be considered as amenities; they are essential.

Economic development should be limited expansion. Not previously authorized or historically used zoning is not recommended within the estuary.

#### Biking

The Neponset River Greenway council has been working to extend the bike path. Our attention has been concentrated on the missing links in Mattapan which has been recently achieved. Our focus is shifting to connecting along the water to Victory Road Park and the Gas tank parcel. This project needs to offer bicycles and pedestrian connections beside the potential of a bridge across pine neck creek which seems to provide accessory parking for the project and may impact natural resources in Pine Neck Creek. Here is another example of the lack of contextual setting for the project. The proponents should review the Dorchester Coast Greenway Master Plan and advance those goals.

#### Dredging

Without the dredging permit it is not possible to discern the difference between maintenance dredging and improvement dredging. The ACEC designation was not in place when the last dredging occurred. This might be remedied by requesting a search of the historic chapter 91 license and historic mapping this should be included in additional information under the scope.

The utility or impact to salt marsh restoration of the fence in the marina must be assessed. It's another visible sign of privatizing the waterfront treatment across from Tenean beach and is of primary importance. In this vein there are no photos of this view in the ENF another deficiency in the filings. It should be included in the DEIR.

In closing the project documents are deficit; the project is ill conceived, poorly planned, and not adequately looking at the context of the project setting. Without any cooperation from the developers for elements of a plan that are outside of their goals including disingenuous remarks at public meetings; I cannot support this project.

By way of reference, I served on the advisory group that compiled the ACEC resource management plan and I am a member of the Neponset Greenway Council. Unfortunately many of the RMP management recommendations of a coordinating council have not been put into place as; the Neponset Greenway Council has remained active without institutional support. Our membership is made up representatives from community civic association and other groups with interests like biking. Our aim is to comment on projects that affect the entire river. Please accept my comments as a basic tool for reference and a blue print for improvements to the Neponset estuary. I look forward to working with everyone connected with this project.

Sincerely,

*Ellen Spring*

Ellen Spring, Member Neponset Greenway Council



August 14, 2017

Susan Roche  
158 Walnut Street  
Dorchester, Massachusetts 02122

Hon. Mathew A. Beaton , Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114  
c/o Alex Strysky MEPA Project Manager .

Re: Port Norfolk Proposed Development Neponset Wharf  
Ericson St. Dorchester Waterfront 02122  
Public Comments MEPA review.

Dear Secretary Beaton,

Thank you for the opportunity to submit comments regarding the Neponset Wharf project in the Port Norfolk neighborhood of Dorchester.

First, I would like to say that I personally welcome development to the area in question. It has long been neglected, and the opportunity to develop and enhance the property would be beneficial to the neighborhood. However, this project is very concerning for many reasons that I would like to state.

1. Construction: How will the developers handle construction equipment? During each meeting, I have asked that question, without receiving an answer. Port Norfolk is comprised of three very narrow streets, which can be challenging to enter and egress on a good day let alone a day with snow or heavy traffic from the Venezia Restaurant, adjacent to the property in question. We really can't face bulldozers and dump trucks every time we try to go to work in morning. A question that has been asked several times is in regard to first responders. What will happen when fire, police or ambulances are called during the construction process?
2. Overall design of the project: The overall design of the property is completely out of context with the neighborhood. The buildings have nothing to do with the overall architecture of the neighborhood and appears to have been designed by someone who has never seen Port Norfolk and quite frankly, does not care about the aesthetics of the neighborhood. We do not need a dog park, and we do not need a playground. This should not be a destination with the traffic that comes with that. We have those at Tenen Beach; honestly those so called amenities were meant as appeasements for the

neighborhood. While I am not an architect, I do understand the importance of a cohesive neighborhood in relation to architecture. If the project in question were redesigned in to more appropriately fit into the neighborhood it would be welcomed.

3. Traffic: I understand this issue has been raised several times. But I would like to reiterate that concern. Currently , we have an overabundance of traffic in the neighborhood, especially on the weekends. I would like to express my deep concern about the excessive speed in which non-residents travel down these already jammed, narrow streets. We have young children exiting Finnegan Park and drivers speeding down Walnut Street appear to have little regard for the safety of children or other residents of Port Norfolk. With that in mind, having an addition of a 25-room hotel, 150 new townhomes is extremely troubling and overwhelming . Marinas and . Hotels are 24/7 businesses, our neighborhood cannot possibly accommodate that kind of traffic. You can see the effects of hotel traffic in downtown Boston, what kind of effect will that have on a small neighborhood with only three narrow streets?

I want, again, to express my appreciation for this opportunity to state concerns for this Project. Again, while I am not opposed to development; the presented size and scope of the Neponset Wharf project and impact is not conducive to the Port Norfolk neighborhood. I would welcome a redesign that included more appropriate architecture, absent a hotel, restarant and destination type facilities such as dog parks.

I feel this development is not realistically respectful of the site and the neighborhood and is overwhelming to our small streets and creates another barrier between the water and the residents. Never in its 150 year history has seen a project as overwhelming, out of scale as this ! These concerns have been raised several times with the developers, and each time, none of the very specific questions asked have been answered.

Thank you for your time and attention to this matter.

Sincerely,

Susan Roche  
158 Walnut St.  
Dorchester, MA 02122

Impacted property owner and resident

CC: Councilor Frank Baker

Tim Czerwinski BPDA

## **Strysky, Alexander (EEA)**

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**From:** emy thomas <emythomas@comcast.net>  
**Sent:** Monday, August 14, 2017 2:54 PM  
**To:** Strysky, Alexander (EEA)  
**Cc:** jljdcpa@aol.com  
**Subject:** Neponset Wharf Project

Mr. Strysky,

The following are comments I would like to make regarding the Neponset Wharf Project. I live in one of The Estuary Condo units on the upper level.

As you have heard many times over, the density, the resulting traffic and height of buildings are a major concern for the whole area.

-The intersection at Walnut and Water Streets is a major concern. Cars, vans and trucks park right to the corner obstructing view for cars exiting Walnut St. at that intersection and bicyclists. The bicyclists don't stop in either direction and speed by. It is a bicycle accident waiting to happen. Need more signs such as "STOP" and "NO PARKING HERE TO CORNER" (this sign would also be helpful at Walnut St. and Neponset Circle where exiting is not easy under the best circumstances). Also I am concerned about the DCR plans for Morrissey Blvd. which would further limit our entering and leaving the Port.

-A pedestrian bridge to Tenean sounds nice, but I understand there would be environmental issues and parking at the beach would take spots away from the beachgoers, at least during the day. Plus the parking area frequently is flooded.

-I'd love to see a T stop at Tenean/Neponset and/or a ferry to Boston from the marina, but then again that might bring more traffic into the site and parking issues. The Old Colony railway used to have a Neponset stop and a Harrison Square stop (near where Wholesalers is now).

-Entering and exiting Walnut St., one most often needs to pull over or wait for an oncoming car to pull over in order to get down the street. I don't even enter the street if a car is coming and a car is parked right to the corner. The same happens on Woodworth St.

-I understand water/sewage infrastructure is maxed out, Tenean is the most contaminated beach due to infrastructure and Victory Park Dog Park. So no Dog Park here, please.

-Restaurant and hotel not needed. Hotel with shuttle and enough restaurants local. What about a swimming pool instead of restaurant for the residents and community?

-A pier to walk out on would be nice (a public viewing area with benches and signage), but what kind of fishing is there? Perhaps a couple of vending machines and restroom could be included in building where boats are proposed to be stored for the mariners. Don't need kayak storage, tide too low half the time for launching and there are other places to do that.

I would like to see historical signage along the Harborwalk/greenspaces around the perimeter of project. Maybe the signage wouldn't be ruined the way some were at the John Paul Park.

Thank you,

Emy Thomas

171 Walnut St., #15, Dorchester



August 10, 2017

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

RE: Environmental Notification Form – Neponset Wharf, Boston (EEA No. 15728)

Dear Secretary Beaton and Director Buckley:

WalkBoston appreciates the opportunity to comment on the Environmental Notification Form (ENF) for the proposed Neponset Wharf development in the Port Norfolk neighborhood of Dorchester, Boston. This project has the potential to advance walkable community goals by promoting active outdoor uses and enhancing pedestrian access to the waterfront. At the same time the project site remains highly inaccessible without a motor vehicle, which raises broader concerns about pedestrian safety and connectivity. Significant Transportation Demand Management (TDM) and mitigation measures would be necessary to address these issues.

The project proponent's goals of creating two acres of new landscaped outdoor space on the site, including 28,000 square feet of continuous publicly accessible Harborwalk, will significantly enhance the local public realm, while also promoting active living and outdoor recreation. We are intrigued by the proponent's consideration of a bicycle and pedestrian bridge to connect the project site with Tenean Beach. While such a bridge would certainly improve public access to the Harborwalk, we have also heard resident concerns about the bridge's potential impacts on the local ecology and its potential to put excess demand on the availability of parking for Tenean Beach if users of the new development use the public parking lot park at the Beach.

Relatedly, the proponent has stated their intention to "provide pedestrian and bicycle transportation infrastructure that is consistent with Boston Transportation Department's Complete Streets guidelines." Creating streets, sidewalks and paths that accommodate road users of all abilities and travel modes is critical to developing more livable and walkable communities, so WalkBoston is pleased to see a commitment to these issues reflected in the ENF. However actually implementing these concepts in a heavily car-dependent neighborhood and project site means that significant challenges must be addressed.

High proportion and number of motor vehicle trips: Given poor transit access and limited street connectivity to the Port Norfolk neighborhood and the proposed Neponset Wharf site, the proponent estimates that only five percent of trips generated by the project will be bicycle and walking trips. The remaining 95 percent of project-generated trips will be in motor vehicles, for a total of 1,440 new vehicular trips on an average weekday. To accommodate this traffic, the proponent has proposed 185 parking spaces on the project site. We are concerned that the number of trips and the number of parking spaces do not seem to be aligned, as these figures

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would suggest nearly eight trips per day per parking space. This suggests a need to more fully explore appropriate transportation options for the development of this site.

In addition, the increased volume of motor vehicles this project would generate in Port Norfolk will increase risks to people walking and biking on the neighborhood's narrow streets and sidewalks. The project proponent has stated their intention to develop a TDM plan for the project in the forthcoming Draft Environmental Impact Report (DEIR). This plan should include a full accounting of how proposed TDM measures would reduce the overall number of motor vehicle trips and increase the overall percentage of trips using walking, biking and transit modes.

Neighborhood access and pedestrian safety: Redfield Street, Tenean Street/Conley Street, and Woodworth Street/Walnut Street are the primary routes for motor vehicles to enter and exit the Port Norfolk neighborhood. The proposed project will significantly increase the number of motor vehicles traveling these streets, so the proponent should explore ways to implement traffic calming and pedestrian safety measures along these streets as mitigation. Given that much of this increased traffic will come from Neponset Circle/Morrissey Boulevard, the intersections of Redfield, Walnut, Conley and Tenean Streets at these locations should also be assessed for safety improvements in coordination with the Department of Conservation and Recreation (DCR).

Site access and pedestrian safety: The project site abuts Ericsson Street, with a one-way entry to the site to be aligned with Port Norfolk Street and a one-way exit from the site to be aligned with Lawley Street. The proposed project will significantly increase the number of motor vehicles traveling these streets as well, so the proponent should also explore ways to implement traffic calming and pedestrian safety measures along these streets as further mitigation.

The proponent should also clarify how pedestrians will safely enter and exit the project site at Port Norfolk and Lawley Streets. The current site access/egress points at these locations lack sidewalks and are relatively narrow for motor vehicles even in the absence of sidewalks. These access/egress points also abut existing buildings, so while the proponent "envision[s] multiple accessible sidewalks along the entry points into the site," it is unclear where the space for safe pedestrian accommodations will actually come from. Increasing the number of motor vehicles traveling through this area will pose additional safety risks to pedestrians, so the proponent should explore plans for mitigation here as well.

Thank you for considering these issues and please feel free to contact us with any questions.

Sincerely,



Wendy Landman  
Executive Director

Cc: Alexander Strysky, MEPA Office  
Tim Czerwinski, Boston Planning and Development Agency